

<b>3.1</b>	<b>Nos. 11 and 15-17 Howard Avenue, Dee Why – Implementation of Control Parking Scheme Including Installation of Pay and Display Machines and Signage</b>
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### DEVELOPMENT ASSESSMENT REPORT

<b>Assessment Officer:</b>	Teresa Gizzi
<b>Address / Property Description:</b>	Lot 1, DP 209503, Lots 1 and 2, DP 212382 Nos. 11, 15 -17 Howard Avenue DEE WHY
<b>Description of the Development:</b>	Implementation of a Controlled Parking Scheme including installation of pay and display machines and signage.

<b>Development Application No:</b>	DA2011/0601
<b>Application Lodged:</b>	06/05/2011
<b>Plans Reference:</b>	Site Plan prepared by C.M.S. Surveyors; Ticket Machine Frame Elevation prepared by Bosssign Concepts; Ticket Machine Elevation; Floor Plan, Pages 1-3 Ticket Machine Signage, Page 4 Entry Terms and Conditions Signage, Pages 5 -9 Reminder Signage, Page 1 Exit/Thankyou Signage prepared by McNaught Signs and Graffix; and Sign Elevations.
<b>Amended Plans:</b>	No
<b>Applicant:</b>	Victor Nudler
<b>Owner:</b>	Multiplex Dee Why Pty Limited

<b>Locality:</b>	E21 Dee Why Town Centre
<b>Category:</b>	2 – ‘other buildings, works or uses’
<b>Draft WLEP 2009 Permissible or Prohibited Land use:</b>	B4 Mixed Use (permissible with consent)
<b>Variations to Controls (Cl.20/Cl.18(3)):</b>	No
<b>Referred to ADP:</b>	Yes (Managers discretion)
<b>Referred to WDAP:</b>	No
<b>Land and Environment Court Action:</b>	No

#### SUMMARY

<b>Submissions:</b>	Nil received
<b>Submission Issues:</b>	Not applicable
<b>Assessment Issues:</b>	Car Parking, Traffic Impact, Legality of Use
<b>Recommendation:</b>	Approval, subject to conditions.
<b>Attachments:</b>	Plans

## LOCALITY PLAN (not to scale)



**Subject Site:** Lot 1, DP 209503, Lots 1 and 2, DP 212382  
Nos. 11, 15 -17 Howard Avenue DEE WHY

**Public Exhibition:** The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan. As a result, the application was notified to 20 adjoining land owners and occupiers for a period of 14 calendar days commencing on 24 May 2011 and being finalised on 8 June 2011.

## SITE DESCRIPTION

The site subject of this application is located on the southern side of Howard Avenue in Dee Why and is currently operating as a car park serving the surrounding retail developments including two arcades and Lincraft.

The subject carpark serves the retail and commercial development situated on the following lots:

- Lot 1, DP 212382, 15 Howard Avenue,
- Lot 2, DP 212382, 17 Howard Avenue,
- Lot 3, DP 212382, 28 Oaks Avenue, and
- Lot 1, DP 209503, 11 Howard Avenue.

The carpark itself is located wholly upon Nos. 11, 15 and 17 Howard Avenue.

The car park currently accommodates parking for 103 vehicles and parking is restricted to a maximum of 2 hours by existing signage, although the restriction is largely not enforced. Vehicular access is controlled through an 'ENTRY' driveway on No.17 Howard Avenue (eastern driveway) and an 'EXIT' driveway on No.15 Howard Avenue (western driveway).

Adjoining the car park to east, south and west, are a number of retail uses, medical centres and offices. Retail uses and office spaces are also located opposite the site on the northern side of Howard Avenue.

## **SITE HISTORY AND BACKGROUND**

DA2007/1249 was granted development consent on the 26 February 2009 over the subject site and adjoining sites in Pittwater Road and Oaks Avenue for a Stage 1 concept mixed use development comprising residential, retail and commercial uses. This consent is still valid and to date the owner has not proceeded to obtain a Stage 2 consent.

## **PROPOSED DEVELOPMENT**

Development consent is sought to implement a pay and display system to the existing carpark. The system would allow customers free parking for two hours, after which time they would be required to pay an hourly fee. Customers are required to collect a ticket and display it in the vehicle regardless of their intended period of stay. The restrictions are proposed to be in operation between the following hours:

- 8am and 7pm, Monday – Wednesday and Friday
- 8am and 9pm, Thursday
- 8.30am and 6pm, Saturday and Sunday

No changes to the layout of the carpark are proposed. The existing entrance and exit will be maintained and the parking spaces will not be affected. All 103 spaces are to be maintained on site.

The proposed development requires the installation of 3 ticket machines on site and the following signage:

- 5 x Freestanding Information signs being:
  - 1 x 'Entry Terms and Conditions' signage measuring 800mm(w) x 1.0m(h);
  - 2 x 'Reminder' signs measuring 450mm (w) x 650mm (h);
  - 1 x 'Reminder' sign measuring 450mm (w) x 600mm (h); and
  - 1 x 'Exit' sign measuring 600mm (w) x 600mm (h)
- 1 x Awning Sign measuring 1.2m (w) x 500mm (h)
- 1 x Flush Wall mounted sign measuring 1.2m (w) x 500mm (h)
- 3 x Information Signs identifying the location, instructions and terms of use of the ticket machines each measuring 800mm (w) x 1.0m (h) and attached to the top of each of the ticket machines.

No illumination of any of the signage is proposed.

The signs are to be located at various locations across the site and all freestanding signs are to be attached to existing structures on the property, such as lighting poles.



## **Applicants Reasons for Requiring Controlled Access**

An 'Assessment of Traffic and Parking Implications' report prepared by Transport and Traffic Planning Associates dated April 2011 has been submitted with the application. A parking survey undertaken on Thursday 31<sup>st</sup> March 2011 between 10am and 4pm found that 20 vehicles stayed in the carparking in excess of 3 hours and a further 26 vehicles stayed in the carpark for more than 6 hours. Long stay parkers therefore occupy approximately 45% of spaces in the carpark throughout the day.

Therefore, the intent of the application is to increase parking turnover to make parking more readily available for genuine customers of the retail uses which are served by the carpark.

## **AMENDMENTS TO THE SUBJECT APPLICATION**

Nil

## **STATUTORY CONTROLS**

- a) Environmental Planning and Assessment Act 1979 (EPA Act 1979)
- b) Environmental Planning and Assessment Regulations 2000
- c) Local Government Act 1993
- d) Road Transport (Safety and Traffic Management) Act 1999
- e) State Environmental Planning Policy No. 64 – Advertising and Signage
- f) State Environmental Planning Policy (Infrastructure) 2007
- g) Warringah Local Environmental Plan 2000
- h) Warringah Development Control Plan
- i) Draft Warringah Local Environmental Plan 2009

## **PUBLIC EXHIBITION**

The subject application has been publicly exhibited in accordance with the EPA Regulation 2000, Warringah Local Environment Plan 2000 and Warringah Development Control Plan 2008. As a result, the application was notified to 20 adjoining land owners and occupiers for a period of 14 calendar days commencing on 24 May 2011 and being finalised on 8 June 2011.

As a result of the public exhibition process, no submissions have been received.

## **MEDIATION**

Not applied for in this application.

## **LAND AND ENVIRONMENT COURT ACTION**

No action has been commenced in the Court.

## **REFERRALS**

### **External Referrals**

AusGrid (formerly Energy Australia)

No objections subject to conditions.





## Internal Referrals

### Development Engineers

Council's Development Engineers have raised no objections to the application.

### Corporate Lawyer

Council's Corporate Lawyer has reviewed the legality of the proposal and following discussions with the RTA, is of the opinion a controlled parking scheme operating in the form of a pay and display system can be legally operated by private company in this location subject to Development Consent.

### Traffic Engineers

Council's Traffic Engineers have raised objections to the application on the following basis:

#### ***'Staff Parking***

*Please be aware that the parking provided for the existing retail use includes a staff parking component. All parking generated by this site must be contained within this site, removing the staff parking component represents a breach of the conditions of consent that allow a retail development to operate in this area.*

*Approval for the Dee Why Grand pay parking arrangement required that 30% of all parking provided be allocated for Staff parking. This is a precedent established by The Land and Environment Court for the creation of a pay parking arrangement at a retail centre within Warringah LGA.*

*When this ratio is applied to the carpark at 15 Howard Avenue 31 spaces of the 103 provided will be required for staff parking. The parking survey provided as part of this application showed 26 vehicles stayed longer than 6 hours.*

*The applicants own study demonstrates there is no advantage to the installation of a ticket parking scheme at this location.*

*Parking generated by this site, without being accommodated on this site, will have to be absorbed by the existing public infrastructure to the detriment of all existing users.*

*Page 5 of the Statement of environmental effects provided by the applicant indicates that all staff parking will be removed as a result of this development.*

#### ***Carpark operation***

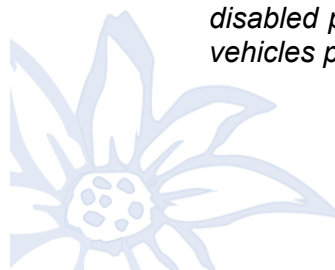
*The applicants own parking study shows the level of long term parking is consistent with the level of staff parking associated with the retail centre.*

*Observations by Council officers indicate that this carpark has a high turnover rate and parking is readily available to retail patrons.*

*There is no evidence provided by the applicant that demonstrates that this proposal will improve the efficiency of the carpark.*

#### ***Disabled Parking***

*Australian National Carparks do not use an enforcement method that is capable of enforcing disabled parking restrictions. It is not possible for this organisation to issue infringements to vehicles parked in disabled spaces without authorisation.*



*Australian National Carparks are not obliged to provide additional time to vehicles displaying a disabled parking permit. Vehicles displaying a valid disabled parking permit may be infringed for exceeding time limits without recourse.*

**Time restrictions**

*All other carparks in Dee Why provide 3 hours free parking. This is Councils policy for carparks in Dee Why. Both Dee Why Grand and Warringah Mall were forced to adopt this free period in the conditions of consent. There is a clear policy in this matter which has been established by precedent.*

*This carpark must adopt a three hours free parking restriction. Any development which does not comply with Councils policy should be immediately refused on these grounds alone.*

**Justification for installation of Pay Parking**

*Should this application be presented by a Parking Authority it would be immediately rejected as not meeting the objectives of a pay parking scheme as stipulated in the RTA guidelines.*

*The only discernible effect of this proposal is to allow a private company to charge a fee for a service which is currently provided free.*

**Motorcycle Parking**

*All pay and display parking schemes essentially preclude the use of the area by motorcycles. As there is no location for a motorcycle to display a valid ticket they cannot comply with the conditions of entry.*

**Effect on council Policy**

*Any future public debate on the suitability of pay parking on public roads and carparks will be severely compromised by the presence of an existing pay parking scheme operating nearby*

*This development application establishes a price for parking for roads and road related areas of Dee Why town centre. Parking fees must be determined by resolution of Council. In this instance Council is effectively delegating this responsibility to a private and for profit company.*

**Environmental concerns.**

*The tickets printed by pay and display parking devices in other areas have created concerns regarding litter and large numbers of tickets deposited in drainage systems. The tickets issued are generally plastic coated and non biodegradable. Litter created by the installation of pay and display devices will be collected by Council at a cost to the rate payers of the area.*

**Conditions of Entry**

*The conditions of entry provided by the applicant states -*

*"5. ANCP has the right to enter tow/move the vehicle as reasonably necessary for safety and operational reasons"*

*ANCP are not permitted to perform any of these activities and any attempt to do so will likely result in criminal charges.'*

Accordingly, Council's Traffic Engineers do not support the proposed development.

See discussion under Clause 74 of Warringah Local Environmental Plan 2000 later in this report.



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

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
<b>Section 79C (1) (a)(i) – Provisions of any environmental planning instrument</b>	See discussion on “Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument</b>	See discussion on “Draft Environmental Planning Instruments” in this report.
<b>Section 79C (1) (a)(iii) – Provisions of any development control plan</b>	Warringah Development Control Plan is applicable to this application and the relevant provisions are considered in this report.
<b>Section 79C (1) (a)(iia) – Provisions of any planning agreement</b>	None applicable.
<b>Section 79C (1) (a)(iv) – Provisions of the regulations</b>	The EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. This matter has been addressed via a condition of consent.
<b>Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the General Principles of Development Control in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the traffic management nature of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the traffic management nature proposal for an existing retail development.</p>
<b>Section 79C (1) (c) – the suitability of the site for the development</b>	<p>The subject site contains a number of established retail and office uses for which the subject carpark provides parking.</p> <p>The proposed pay and display parking scheme is considered to be an effective tool which can provide for ongoing traffic and parking management within the subject site and will facilitate a more regular and consistent turnover of customer vehicles in the carpark, thus ensuring the equitable provision of carparking for retail and commercial tenants and customers alike.</p> <p>It is a suitable and appropriate system of controlling carparking, provided it makes provision for adequate staff carparking within the carpark. In this regard, it is recommended that a minimum number of spaces be designated as ‘staff spaces’ and for those spaces not to be subject to parking fees. A suitable condition is imposed on the draft consent. Also, it is recommended that the initial free parking period be extended from 2 hours to 3 hours to ensure reasonable time is given to customers to perform their shopping and other activities.</p>

Section 79C 'Matters for Consideration'	Comments
	Subject to conditions as recommended, the subject site is considered suitable for the proposed development.
<b>Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</b>	No submissions were received following the public exhibition of the application.
<b>Section 79C (1) (e) – the public interest</b>	<p>Pursuant to case law of <i>Ex Gratia P/L v Dungog Council (NSWLEC 148)</i>, the question that needs to be answered is <i>“Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development?”</i></p> <p>Council's Traffic Management Section has raised concerns regarding the potential for the proposed scheme to result in motorists (customers and staff) parking in the street rather than within the development, to avoid having to pay parking fees. Their concerns are noted and have been taken into consideration in the assessment of the merits of the application. Notwithstanding those issues raised, it is apparent that there is a genuine need for a system to be put in place to better manage the use of the carpark, which is in a highly vulnerable location for potential misuse by illegitimate parking.</p> <p>In this regard, it is considered that there would be public benefit in the provision of a parking management system within the subject carpark. Such a system will facilitate orderly and equitable use of the parking facilities, ensure a reliable and efficient turnover of spaces together with ensuring that there is sufficient provision of carparking for legitimate users of the adjoining retail and commercial uses, whereby illegitimate users such as long-term commuter parking and local resident parking can be minimised or prevented.</p> <p>It is noted that similar schemes operate at the Dee Why Grand Shopping Centre, Warringah Mall Shopping Centre and in many areas of Sydney, including several in Pittwater and Manly Council areas.</p> <p>Having considered the concerns raised by Councils Traffic Management Section, and the applicants submissions, on balance it is considered that the balancing of these matters results in a finding that the advantages outweigh the disadvantages and the proposed development will have an overall public benefit.</p> <p>However, as a precautionary measure, it is in the public interest for the proposal to be approved and a 12 month trial period given the concerns raised by the Traffic Management Section to allow the performance of the system to be monitored and reviewed as to its efficacy and so the system can be refined if necessary, prior to any approval being granted for a permanent scheme.</p>



## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS:

Draft Warringah Local Environmental Plan 2009 (Draft WLEP 2009)

Definition: 'Carpark'

Land Use Zone: B4 Mixed Use

Permissible or Prohibited: Permissible

Additional Permitted used for particular land – Refer to Schedule 1: N/A

Additional Local Provisions: The site is located within Site B of the Dee Why Town Centre Key Sites Map and is therefore subject to the additional Dee Why Town Centre provisions under the Draft WLEP 2009. However, as the proposal is to implement a pay and display parking scheme to the existing car park onsite and no changes are proposed to the existing parking layout, none of the specific provisions are relevant to the proposed development.

There are no development standards under Draft WLEP 2009 relevant to the assessment of this application. Furthermore, the proposed development is consistent with the objectives of the B4 – Mixed Use zone under Draft WLEP 2009.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

### State Environmental Planning Policies (SEPPs)

#### SEPP No. 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
<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 subject site is located within the E21 Dee Why Town Centre Locality under WLEP 2000. This locality is characterised by a mixture of commercial and retail uses. The commercial/retail elements of the locality provide advertising signage for their premises, including wall, window and under awning signs.  The proposed signage is therefore consistent with the character of the locality.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Advertising and signage within the locality is varied and of no particular theme. The proposed signage is consistent with other examples of outdoor advertising in the locality.	Yes

Matters for Consideration	Comment	Complies
<b>2. Special areas</b> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal is not within close proximity to any sites or areas of specific importance.	Yes
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	The proposed signage would not obscure or compromise any important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	All of the proposed signage is located below the roofline of surrounding buildings and would not dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	Due to the locations of the proposed signage, the proposed signage will not interfere with the viewing rights of other advertisers.	Yes
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is proportionate to the bulk and scale of surrounding buildings and is appropriate within its context.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal would neither improve or detract from the appearance of the existing streetscape. The proposed signs are generally modest in size, and would appear dominant when viewed from the open carpark.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Although a number of signs are proposed, due to their modest size and their locations across the site, they would not unreasonably contribute to visual clutter.	Yes
Does the proposal screen unsightliness?	As the signage is proposed to be located in an open carpark, there is no unsightliness to be screened.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is located below the roofline of the surrounding buildings.	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 proposed signage is appropriate in size and scale when considered in the context of the site.	Yes
Does the proposal respect important features of the site or building, or both?	As the site is an open carpark, there are no important features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is of a standard design, compatible with the site and the surrounding streetscape.	Yes
6. Associated devices and logos with advertisements and advertising structures	No safety devices, platforms, devices or logos have been designed as part of the signage or structure.	Yes

Matters for Consideration	Comment	Complies
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?		
<b>7. Illumination</b> Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.	N/A
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is consistent with other signage in the area and would not compromise the safety of any public road, pedestrian or cyclist.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No sightlines from public areas would be obscured by the proposed signage.	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 provision of the SEPP and its underlying objectives.

### State Environmental Planning Policy - BASIX

**A BASIX certificate is not required to be submitted with the subject application.**

### State Environmental Planning Policy - Infrastructure

Clause 45 of SEPP Infrastructure requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line

The proposal is not within or immediately adjacent to any of the above electricity infrastructure and does not include a proposal for a swimming pool; as such the development application is not required to be referred to the electricity supply authority. In this regard, the subject application is considered to satisfy the provisions of Clause 45 SEPP Infrastructure.

### Regional Environment Plans (REPs)

N/A



## **Local Environment Plans (LEPs)**

### **Warringah Local Environment Plan 2000 (WLEP 2000)**

#### **Desired Future Character (DFC) - E21 Dee Why Town Centre**

The subject site is located in the E21 Dee Why Town Centre Locality under Warringah Local Environmental Plan 2000.

The Desired Future Character Statement for this locality is intended to deliver the Dee Why Town Centre redevelopment and comprises 'Site A' and 'Site B' as a mixed-use development incorporating tower elements, a Town Square and pedestrian link. Consequently the DFC is largely not relevant to the assessment of the current Development Application. Nevertheless, the DFC is reproduced as follows:

##### ***'Introduction***

*The Dee Why Town Centre locality will be an attractive living centre that sustains the social, economic and environmental needs of its community and visitors, characterised by high quality housing that is balanced with an appropriate mix of shopping, business, cultural and recreational facilities consistent with its role as a major centre (as referred to in the North East Subregion—Draft Subregional Strategy published by the Department of Planning in July 2007).*

*The locality is recognised as a distinctive civic and commercial hub in the Northern Beaches as well as being a destination for the wider community for the purposes of civic activities, recreation, business, employment and shopping.*

*The locality will continue to grow as one of the region's most significant and vibrant service centres serving the social, economic and recreational needs of the local community and the region.*

##### ***Building form***

*The Dee Why Town Centre locality will be characterised by a unified and consistent building form and provide for a diversity of uses (retail, commercial, community, recreational, residential and car parking).*

*Buildings will be of the highest design quality, and use attractive, durable materials and finishes. The development will achieve architectural and urban design excellence and be environmentally sustainable through measures such as passive solar design, water harvesting or reuse (or both) and use of renewable materials.*

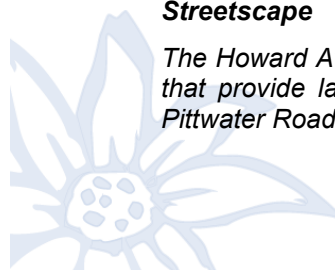
*The street edges will be lined with a bustling mix of retail shops, cafes and restaurants. To achieve this positive reinforcement of the street edge and a good human to built form scale, a 3 storey podium to street wall will define the street edge of the proposed new road adjoining Site A, while a 4 storey podium to street wall will define the Oaks Avenue frontage to Site A and surrounding street edge of Site B. Building setbacks and heights will be designed to ensure adequate levels of natural sunlight and to ensure a high level of amenity to occupiers of the buildings as well as the adjacent public domain and surrounding developments. Upper levels should not overhang ground level with the exception of balconies and other minor extrusions of building elements which are encouraged to pronounce articulation and modification of building facades.*

*Ground floor levels of development will be highly active and accessible to the street and create a lively and active ambience. Ground floor retail development is to be at grade with the footpaths and provide opportunities for a generous promenade and distinctive street tree planting to provide shade and shelter.*

*The pattern of development will reflect the underlying urban form in Dee Why with predominantly east-west orientated buildings and high levels of visual and physical permeability. The streets will be legible and lead to well designed and publicly accessible open spaces. Taller buildings will be distributed across the town centre from west to east to establish a coordinated, modulated and varied skyline to protect the scenic qualities of Dee Why, its views and vistas and to maintain adequate sunlight access within Dee Why.*

##### ***Streetscape***

*The Howard Avenue street frontage of Site B will be tree lined with distinctive coastal indigenous species that provide landscape elements while not obscuring the views into and out of the town square from Pittwater Road or Howard Avenue.*





### **Tower buildings**

*Two iconic, slimline towers will be provided in the western part of the locality (Site B), with one smaller tower provided in the eastern part of the locality (Site A). The towers will largely provide for a transition in building height from west (Pittwater Road) to east (proposed new road) and respond to the surrounding natural escarpment. The Building Heights Map prescribes the maximum building heights for the locality.*

*The towers will be spatially separated to provide well designed, generous, usable public spaces and provide good sunlight penetration to the southern side of Oaks Avenue and the Town Square. This will ensure the Town Centre is provided with a high level of amenity for the public throughout the entire year.*

*Mid-rise elements on Site B facing Oaks Avenue are to reflect the simple clarity displayed by the tower and podium elements and floor area limits stipulated are not to be considered as entitlements, but if achieved, are subject to conformity with other controls and the achievement of satisfactory urban design quality.*

### **Retail and commercial uses**

*Dee Why must provide additional employment opportunities and commercial space for businesses, consistent with its role as a major centre (as referred to in the metropolitan strategy known as City of cities—A plan for Sydney's future published by the Department of Planning in December 2005). The Dee Why Town Centre locality will facilitate its commercial focus and functions by providing at least 2 levels (excluding the ground floor) of development for non-residential purposes contributing to the locality's service functions, as well as providing for enhanced employment opportunities.*

*Shops and cafes with active frontages will give a sense of liveliness, vitality and safety within the locality. Double storey height colonnades adjoining the proposed Town Square will provide strategic links to improve the efficiency of the locality and an enhanced retail environment for businesses and patrons alike. On the edges of streets and public spaces, buildings will be provided with continuous colonnades or pedestrian awnings.*

*Design and management solutions will be provided that will provide for an appropriate mix and diversity of retail uses that will encourage and facilitate the diversity of the shopping experience.*

*Signage associated with new developments will be high quality, innovative, co-ordinated and minimised to avoid visual clutter and will complement the overall urban design, streetscape and architectural quality and amenity of the centre for its patrons whilst also achieving a balanced and reasonable level of exposure for businesses.*

### **Residential amenity**

*Exemplary and innovative treatments will be applied to the configuration and design of communal access and recreational areas within residential elements that will promote a socially effective urban village.*

### **Mobility, traffic management and parking**

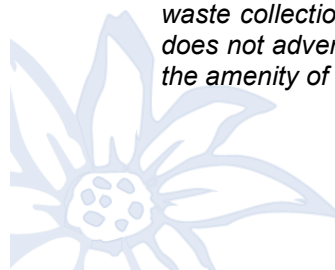
*Improved vehicle access and circulation in the Dee Why Town Centre locality will be achieved by good design and management of traffic flows within the existing and proposed new roads servicing the locality.*

*There will be a new north-south street, between Howard and Oaks Avenue, along the eastern side of the Council site adjacent to St. Kevin's Church (specifically involving Lot 2, DP 526306 and Lot 19, DP 8172).*

*Traffic will circulate in a one way anti-clockwise direction around the locality via Oaks Avenue, the proposed new road and Howard Avenue.*

*Improved vehicle access and circulation within the locality is a prerequisite to redevelopment. Development will reinforce the prioritisation of pedestrian movements and networks and make the locality a safer, enjoyable and attractive town centre for the public and existing and future residents.*

*Car parking, principally underground, will be provided to accommodate the demand of the additional residential, retail and commercial uses. On Site B, only one level of above ground car parking is allowed. This car parking will be located on Level 2. Appropriate architectural screening of the car park level will occur and is to be visually integrated and coordinated with the design of building facades of the remainder of the development to ensure that vehicles will be screened completely from surrounding vantage points and to protect the streetscape and urban design quality of the development. Where car parking adjoins a street frontage, the amenity of the adjoining and nearby uses are to be protected. Loading facilities and waste collection facilities will be accommodated using intelligent, innovative design and in a manner that does not adversely impact on the visual amenity of the public domain or conflict with pedestrian access or the amenity of adjoining and nearby residential properties.*



*Minimal disruption to retail and commercial activity at street level will occur by minimising the width of the footpath crossings and vehicle entrances, by ensuring that loading facilities are substantially enclosed by occupied floor space and by high standards of civic design applied to portions of loading dock and car park entrances that would be visible from the street.*

### **Town square and open space**

*A Town Square will be the heart of the community. It will contain attractive, useable open spaces interlinked by a secure network of pedestrian connections.*

*The proposed Town Square will address Howard Avenue in accordance with the Town Square, Pedestrian Connections, and Public Open Space Map. It will be a flexible, multi-use space that will be suitable for markets, entertainment and community events and as a meeting place for the general public. Colonnades will surround the perimeter of the Town Square providing all weather access to the ground floor retail outlets. These retail uses will provide opportunities for alfresco dining, casual seating and recreation. Residential accommodation situated above will provide casual surveillance of the Town Square and bring life and vitality to the Town Square throughout the day. An appropriate canopy of indigenous tree species will also be provided throughout the Town Square to enhance its amenity.*

### **North-south pedestrian connection**

*A north-south pedestrian connection will link the proposed Town Square with Oaks Avenue and will provide a strong physical and visual connection between Howard Avenue and Oaks Avenue ensuring a high level of permeability of the locality. A north-south pedestrian connection leading from the proposed Town Square to Oaks Avenue will introduce a generous pedestrian and retail precinct. The pedestrian connection will be defined by retail development, with double storey colonnades providing access on a 24 hour, 7 days a week basis, and be designed to ensure all weather access to ground level retail, food and beverage outlets. The pedestrian connection will have a clear width of not less than 14 metres to ensure high levels of sunlight access and provide view lines through the development in accordance with the Town Square, Pedestrian Connections and Public Open Space Map.*

### **Hydrology**

*Future development of the locality is to be designed to take account of, and be compatible with, the hydrological conditions associated with the Dee Why Lagoon South Catchment.*

### **Stormwater management**

*Future development is to be designed and located to take into account stormwater management issues and is to incorporate water sensitive urban design and ecologically sustainable development principles. Innovative design solutions are essential and must be consistent with contemporary best design practices. They are to minimise stormwater impacts (including stormwater quantity and quality impacts on the Dee Why Lagoon system).*

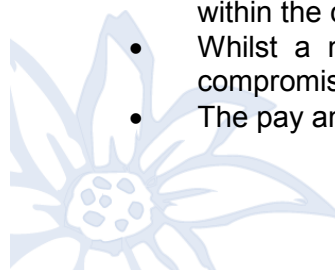
*Finished floor levels and basement car park entry levels are to incorporate adequate freeboards to protect against the entry of stormwater from Council's street drainage system.*

Clause 12(3)(b) states that before granting consent for development classified as Category Two (2), the Consent Authority must be satisfied that the development is consistent with the Desired Future Character described in the relevant Locality Statement.

Development consent is sought to implement a pay and display controlled parking system within the existing car park. As such, a large component of the DFC is not relevant to the proposal.

An analysis of the relevant aspects of the DFC is provided below:

- The proposed pay and display parking scheme relates to the use of the existing carparking facilities only and does not propose any alteration to the built form or visual character of the site.
- The operation of the carpark as a pay and display scheme is an ancillary use to the retail/commercial uses of the site and will provide improved functionality and management within the carpark by facilitating the turnover of spaces.
- Whilst a number of signs are proposed, the signage is modest in size and would not compromise the appearance of the site or appear incongruous in its context.
- The pay and display scheme would not compromise the future development of the site.



### Built Form Controls (Development Standards)

As consent is sought for the implementation of a pay and display system within the existing carpark, the built form controls applicable to the E21 – Dee Why Town Centre locality are not relevant to the proposal.

### **General Principles of Development Control**

The following General Principles of Development Control as contained in Part 4 of Warringah Local Environmental Plan 2000 are relevant to the assessment of this application and are addressed accordingly:

<b>General Principles</b>	<b>Applies</b>	<b>Comments</b>	<b>Complies</b>
<b>CL38 Glare &amp; reflections</b>	Yes	The signage is not proposed to be illuminated.	Yes
<b>CL42 Construction Sites</b>	Yes	Standard conditions of consent will ensure the construction of the proposed signage and implementation of the ticket machines are undertaken in accordance with Clause 42.	Yes
<b>CL50 Safety &amp; Security</b>	Yes	The proposed implementation of a pay and display scheme to the existing carpark and the required associated signage and ticket machines would not compromise the safety or security of customers to the public.	Yes
<b>CL53 Signs</b>	Yes	The proposed signage is considered consistent with Clause 53 for the following reasons: <ul style="list-style-type: none"> <li>• The proposed signage identifies the pay and display scheme, provides information and reminders about its operation and provides directions to the ticket machines.</li> <li>• The signage is proposed to be constructed within an open car park but would be consistent with the bulk and scale of the adjoining retail/commercial buildings.</li> <li>• The signage would not appear dominant or incongruous in the streetscape.</li> <li>• Although a number of signs are proposed, given their modest scale and the size of the site, they would not result in visual clutter.</li> <li>• The amenity of neighbouring properties and safety of the public would not be significantly affected by the proposal.</li> </ul>	Yes
<b>CL71 Parking facilities (visual impact)</b>	Yes	The parking facilities are existing on the southern side of Howard Avenue. The proposal will maintain the existing entrance and exit points and would not alter the layout of the carpark in anyway. With the exception of the proposed signage and installation of three (3) ticket machines, there would be no additional visual impact arising from the use.	Yes
<b>CL72 Traffic access &amp; safety</b>	Yes	No changes to the existing entrance and exit onto Howard Avenue are proposed. The pay and display system would maintain existing sightlines and would not result in vehicles queuing or any traffic or pedestrian conflict.	Yes
<b>CL73 On-site Loading and Unloading</b>	Yes	There are no designated loading areas within the carpark and this will remain unchanged.	Yes

General Principles	Applies	Comments	Complies
<b>CL74 Provision of Carparking</b>	Yes	<p>No changes are proposed to the overall number of spaces available or layout of the existing carpark. Therefore, an assessment against Schedule 17 is not required.</p> <p>However, Council's Traffic Engineers have raised a number of concerns to the proposal which are discussed as follows.</p> <p><b>Lack of provision of staff parking.</b></p> <p><b>Comment:</b> The Statement of Environmental Effects submitted with the application identifies that dash passes will be issued to staff (as deemed appropriate by the owners) to allow them to park free of charge within the carpark. However, no designated staff parking has been shown on the submitted plans.</p> <p>Following a Land and Environment Court decision, Warringah Mall were required to provide 30% of parking spaces as staff parking and Development Consent No. DA2010/0917 for Dee Why Grand required 20% of parking spaces to be provided on site for staff.</p> <p>Based on the most recent and local example which is directly comparable to the current application, being the 2010 determination for Dee Why Grand, it is that considered 20% of spaces on site, being 20 spaces, should be designated as staff parking and line marked accordingly. Parking in this area shall be limited to those with staff passes only. This is considered an adequate amount of staff parking for this development.</p> <p><b>Carpark Operation – The submitted traffic report demonstrates long stay parking is consistent with staff parking, therefore there is no evidence provided that this proposal will improve the efficiency of the carpark.</b></p> <p><b>Comment:</b> The traffic report submitted found 20 vehicles stayed in the carpark for over 3 hours and a further 26 vehicles remained in the carpark for over 6 hours. That is a total of 46 long stay parkers on any one day. This is considered likely to be in excess of staff parking requirements and significantly reduces turnover of spaces. Therefore, the implementation of a pay and display system is considered justified.</p> <p><b>Disabled Parking – The applicant is unable to enforce appropriate use of the disabled parking spaces on site and does not provide additional time to those with a disable permit.</b></p> <p><b>Comment:</b> The enforcement of the appropriate use of the disabled parking spaces on site and the time limits granted to such users are not material planning considerations. The disabled spaces are not proposed to be altered and are to be retained within the existing carpark for the use of disabled customers, therefore this issue does not warrant refusal of the application.</p> <p><b>All carparks within the Warringah Local Government Area which charge a fee provide 3 hours of free parking to customers.</b></p>	Yes, subject to conditions



General Principles	Applies	Comments	Complies
		<p><b><u>Comment:</u></b> It is noted that the referral comments received from Councils Traffic Management Section refer to a policy requiring 3 hours of free parking be provided. However, no adopted policy exists formally requiring such a provision.</p> <p>Nevertheless, as per other approvals within the Warringah Local Government Area for both Warringah Mall and Dee Why Grand, it is considered that 3 hours of free parking should be provided before a fee is charged to allow customers adequate time to shop, attend the commercial uses and/or restaurants adjoining the site. As such, a condition requiring the extension of the free parking period to 3 hours is recommended.</p> <p>Furthermore, it is noted that the signage plans submitted with the application indicated the maximum parking period within the carpark will be 4 hours. This is considered unreasonable and should be deleted. A maximum carparking period should not be enforced, rather additional fees should be implemented on an hourly basis with a maximum charge per day. This will be required as a condition of consent.</p> <p><b>Should this application be made by a parking authority to the RTA it would be rejected for failing to meet appropriate guidelines.</b></p> <p><b><u>Comment:</u></b> The proposal has not been made by a parking authority to the RTA and is not required to be made in such a way. As such, this concern does not justify refusal of the application.</p> <p><b>Exclusion of motorcycles as they are unable to display a ticket.</b></p> <p><b><u>Comment:</u></b> WLEP 2000 does not require the provision of motorcycle parking on site therefore refusal of the application on this basis cannot be unjustified.</p> <p><b>Effect on Council Policy</b></p> <p><b><u>Comment:</u></b> The effect of the proposal on the future policy debate regarding the appropriateness of a pay parking scheme is not a material planning consideration. Further, Council has received legal advice which indicates such a scheme may be operated and fees determined by private entities.</p> <p><b>Environmental concerns arising from tickets causing litter.</b></p> <p><b><u>Comment:</u></b> There are a number of rubbish bins present in the vicinity of the carpark which are considered adequate to mitigate such concerns. Refusal of the application cannot be justified on this basis.</p> <p><b>Conditions of entry</b></p> <p><b><u>Comment:</u></b> The right of the operators to remove vehicles from the carpark is not a material planning consideration.</p>	

General Principles	Applies	Comments	Complies
		<p><b><u>Conclusion</u></b></p> <p>The operation of a pay and display scheme within the existing carpark would not cause significant traffic impacts and would deter long stay parkers from using the carpark.</p> <p>On balance, it is considered, subject to conditions, that the proposal would not result in unreasonable displacement of vehicles onto the public road and would allow effective management of the carpark.</p> <p>As discussed above It is therefore recommended the following conditions be imposed on the consent:</p> <ul style="list-style-type: none"> <li>a) 20 parking spaces be designated on site for the purposes of staff parking and line marked accordingly.</li> <li>b) A 3 hour free parking period be provided with no limit on maximum stay. Following the 3 hour period an hourly rate shall be charged with a maximum charge per day.</li> <li>c) A deferred commencement condition requiring an Operational Management Plan be submitted addressing the above which also includes the number of staff passes which will be provided, an amended fee structure based on the above, and also amended signage wording.</li> <li>d) A 12 month Trial Period be implemented to assess the impacts and benefits of the proposed operation. During the trial period, parking surveys are to be undertaken by a qualified traffic consultant to determine the suitability of the allocation of 20 staff carparking spaces, the adequacy of the 3 hour free parking period and is to make recommendations as to the overall suitability and performance of the operation of the public parking scheme (including the design and location of infrastructure, parking rates, signage, location of the staff parking spaces).</li> </ul>	
<b>CL75 Design of Carparking Areas</b>	Yes	No changes to the design or layout of the existing carpark are proposed as part of this application.	Yes

As demonstrated above, the proposed development, subject to conditions satisfied the relevant General Principles of Development Control as provided by the WLEP 2000.

## SCHEDULES

### Schedule 4 - Prohibited Signs

<b>Prohibited Signs</b>	No prohibited signs are proposed as part of this application.
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### Schedule 8 - Site analysis

<b>Site Analysis</b>	An appropriate site analysis plan was submitted with the application.
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### Schedule 17 - Carparking Provision

<b>Carparking Provision</b>	See discussion under Clause 74 above.
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## **POLICY CONTROLS**

### **Warringah Section 94A Development Contribution Plan**

Section 94A Contributions are not applicable to this application.

## **OTHER MATTERS FOR CONSIDERATION**

There are no other matters for consideration that are relevant in the assessment of this application.

## **CONCLUSION**

Development consent is sought for the implementation and operation of a pay and display controlled parking system to the existing carpark at 11-17 Howard Avenue Dee Why.

The proposal has been considered against the relevant matters for consideration under Section 79C of the EP&A Act 1979. This assessment has taken into consideration the submitted plans, Statement of Environmental Effects and all other documentation supporting the application, and will not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties, subject to the conditions contained within the Recommendation.

Notwithstanding the fact that Council's Traffic Management Section have raised concerns in relation to the implementation of the proposed controlled parking scheme, the need for such a scheme has been outlined by the Applicant and there is sufficient evidence provided by the Applicant (including a report from their traffic consultants) that there is presently an ongoing problem with long stay, commuter and other illegitimate use of the subject carpark.

The Traffic Engineers concerns in relation to the adequacy of proposed staff parking, the practical difficulties in operating a staff parking system and the potential for there to be an increased likelihood that customers will avoid paying carpark fees and park on surrounding streets are noted, however, it is considered that a minimum 3 hour free parking period, a 12 month trial period for the scheme and the preparation/implementation of an Operational Management Plan will address these concerns and allow a period of monitoring of the performance and effectiveness of the operation.

It is noted that there were no submissions made in relation to the notification of this application.

Therefore, on planning grounds, the proposed use is considered appropriate for the development and the locality.

As a direct result of the application and the consideration of the matters detailed within this report, it is considered that Council as the consent authority grant deferred commencement consent subject to conditions as detailed within the "Recommendation" section of this report.

## **RECOMMENDATION - DEFERRED COMMENCEMENT APPROVAL**

THAT Council as the consent authority grant Deferred Commencement Consent to DA 2011/0601 for Implementation of a Controlled Parking Scheme including installation of pay and display machines and signage at Lot 1, DP 209503, Lots 1 and 2, DP 212382 Nos. 11, 15 -17 Howard Avenue Dee Why subject to the conditions printed below:



## DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement condition has been satisfied.

### 1. Operational Management Plan for Pay Parking Scheme

The applicant is to prepare and submit to Council an Operational Management Plan (OMP) for the Pay Parking Scheme, specifically addressing the following:

- a) The pay parking scheme is to provide for a 3 hour minimum free parking period,
- b) There shall be no set maximum time limit for parking in the carpark,
- c) Parking rates giving consideration to a) and b) above,
- d) Signage wording to reflect a), b) and c) above,
- e) A minimum of 20 spaces shall be provided for staff carparking and signposted and linemarked accordingly,
- f) Operation of staff parking including issuing of staff passes for free unlimited parking,
- g) A 12 month trial period,
- h) A review of the Pay Parking Scheme over the 12 month trial period is to be undertaken every 6 months by a qualified traffic consultant (with the initial report due 6 months from the commencement of the operation and the second report due at the end of the 12 months), to determine the adequacy of the staff parking numbers, the 3 hour free parking period and general operation of the scheme,
- i) The terms for the Traffic and Parking Surveys outlined in Condition No. 4 of this Notice of Determination,
- j) The OMP shall be complied with at all times,
- k) A record is to be kept of complaints and contacts by residents and lessees including dates, times, contact person, resident details and issues raised in relation to the operation of the parking scheme.
- l) The OMP is to make provision for annual review and updating based on the recommendations arising from the review,
- m) The OMP can only be amended after consultation with and approval by Council.

Evidence required to satisfy this condition must be submitted to Council within 5 years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000.

**Upon satisfaction of the deferred commencement condition/s, the following conditions apply:**

## GENERAL CONDITIONS

## CONDITIONS THAT IDENTIFY APPROVED PLANS

### 2. 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:





Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan	-	C.M.S. Surveyors
Ticket Machine Frame Elevation	-	Bosssign Concepts
Ticket Machine Elevation	-	-
Floor Plan	-	McNaught Signs and Graffix
Pages 1-3 Ticket Machine Signage	-	McNaught Signs and Graffix
Page 4 Entry Terms and Conditions Signage	-	McNaught Signs and Graffix
Pages 5 -9 Reminder Signage	-	McNaught Signs and Graffix
Page 10 Exit/Thankyou Signage	-	McNaught Signs and Graffix
Sign Elevations	-	-

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

### 3. Compliance with External Department, Authority or Service Requirements

The development must be carried out in compliance with the following:

External Department, Authority or Service	E-Services Reference	Dated
Ausgrid	Response Ausgrid Referral	23 May 2011

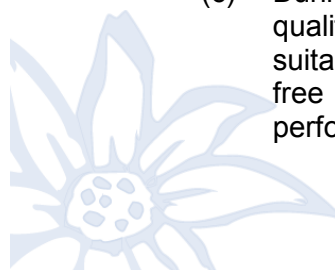
**(NOTE: For a copy of the above referenced document/s, please see Council's 'E-Services' system at [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) )**

**Reason:** To ensure the work is carried out in accordance with the determination and the statutory requirements of External Department, Authority or Bodies. (DACPLB02)

### 4. Approval for 12 Month Trial Period

This consent is granted for a limited period in accordance with the following:

- The pay parking scheme shall be limited in its operation to a period of no greater than twelve (12) months from the date of final occupation certificate.
- At the end of the 12 month trial period, if the applicant wishes to make the pay parking scheme permanent, the applicant must lodge a Section 96 Modification of Consent application with supporting documentation (including the traffic and parking report required in (f) below) on or before 2 months before the end of the 12 month trial period.
- During the 12 month trial period, Parking and Traffic Surveys are to be undertaken by a qualified Traffic Consultant on a 6 monthly basis (i.e. 2 surveys) to determine the suitability of the allocation of 20 staff carparking spaces, the adequacy of the 3 hour free parking period and is to make recommendations as to the overall suitability and performance of the operation of the public parking scheme (including the design and



location of infrastructure, parking rates, signage, location of the staff parking spaces). The surveys and recommendations of the traffic engineer are to be presented in a report to accompany the Section 96 Application to be lodged at the end of the 12 months from commencement of the Scheme.

- (d) The trial period for the pay parking scheme can remain in place until the Section 96 application has been finally determined subject to:
- (i) A Class 1 Appeal to the Land and Environment Court being commenced against any actual refusal of the S96 application by Council within 14 days from the date of that refusal,
  - (ii) If the Council has not determined the S96 application within 40 days of the lodgement of that application, a Class 1 Appeal being commenced against the Council's deemed refusal of the application within 60 days of the date of the lodgement of the S96 application.
  - (iii) In the event that the Section 96 is not lodged in accordance with the above, or the S96 is finally determined by refusal, then the applicant must discontinue the pay parking scheme and remove all parking scheme related infrastructure, including the boom gates, ticket validation/payment equipment and related signage.

**Reason:** To ensure an orderly and efficient use and management of parking facilities.

## 5. Prescribed Conditions

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

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

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



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

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

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

**Reason:** Legislative Requirement. (DACPLB09)

## 6. General Requirements

- (a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

7.00 am to 5.00 pm inclusive Monday to Friday

8.00 am to 1.00 pm inclusive on Saturday,

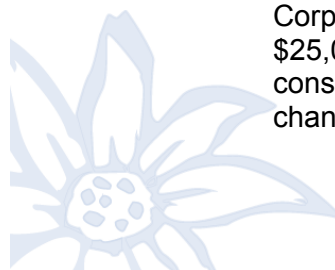
No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.



- (f) Smoke alarms are to be installed throughout all new and existing portions of any Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) All sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level when measured from any property boundary and will comply with the Environment Protection Authority's NSW Industrial Noise Policy. )
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) 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.

**Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

## CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

### 7. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

**Advice to Applicants:** At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking\*\*
- (b) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities\*\*
- (c) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities\*\*
- (d) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities\*\*
- (e) AS 1742 Set - 2010 Manual of uniform traffic control devices Set\*\*
- (f) AS 1428.1 - 2009\* Design for access and mobility - General requirements for access - New building work\*\*
- (g) AS 1428.2 - 1992\*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities\*\*

**\*Note:** The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [http://www.humanrights.gov.au/disability\\_rights/buildings/good.htm](http://www.humanrights.gov.au/disability_rights/buildings/good.htm)

**\*\*Note:** the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.



## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

### 8. Staff Parking

Twenty (20) parking spaces are to be designated for staff use only. Such spaces are to be linemarked and signposted to restrict their use by the general public.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

**Reason:** To ensure that adequate parking is made available onsite specifically for staff use and to ensure orderly management of parking facilities. (DACPLG01)

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

### 9. Operational Management Plan

The pay and display scheme is to operate and be maintained in accordance with the Operational Management Plan submitted and approved under Deferred Commencement Condition 1. Any amendments to the Operational Management Plan must be first approved by Council.

**Reason:** To ensure an orderly and efficient use and management of parking facilities.





Plans

# Floor Plan

Ticket Machine Signage

1 2 3

Entry Terms & Conditions Signage

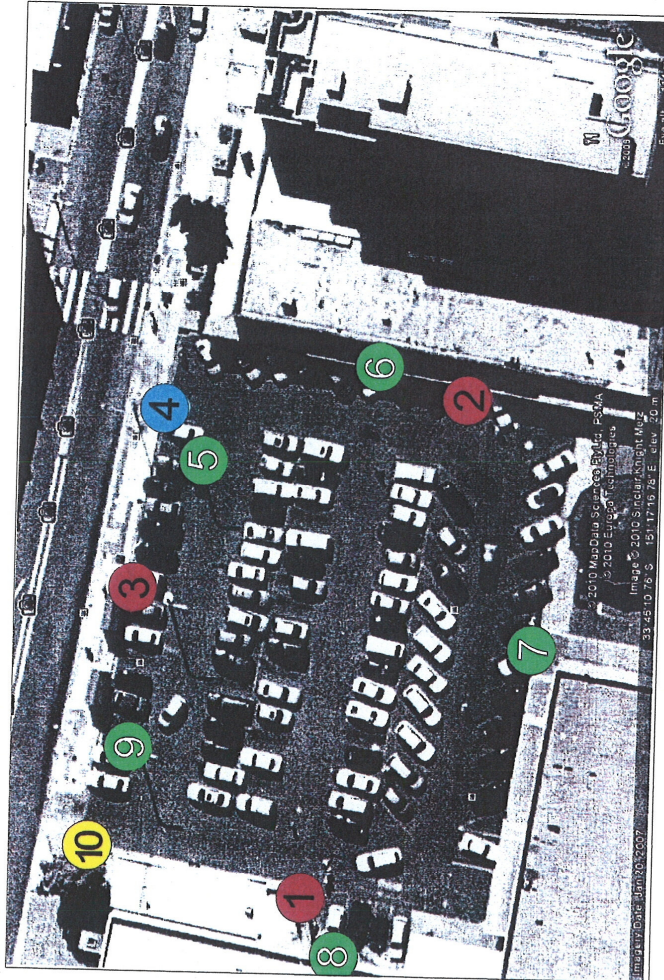
4

Reminder Signage

5 6 7 8 9

Exit / Thank You Signage

10



Job: Howard Avenue Dee Why

Date;

Scale: NTS

McNaught Signs & Graffiti, 2 Toorak Ave, Beverly Hills, NSW 2209 p/f 9584 9409 m 0421 084 817 e mcnaughtsigns01@optusnet.com.au

Lot 1#2 SP21382

Plans

Page 1  
Ticket Machine Signage



Job: Howard Avenue Dee Why Date: Scale: NTS

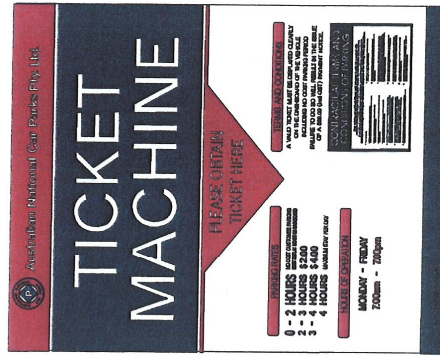
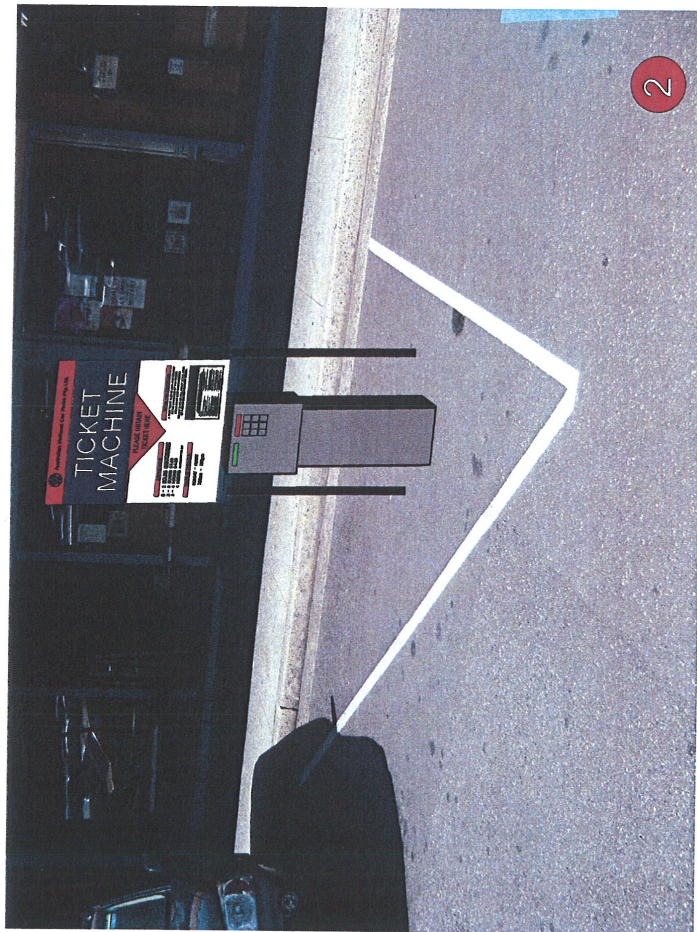
McNaught Signs & Graffiti, 2 Toorak Ave, Beverly Hills, NSW 2209 p/f 9584 9409 m 0421 084 817 e mcnaughtsigns01@optusnet.com.au

Lot 192 DP202382.



Plans

Page 2  
Ticket Machine Signage



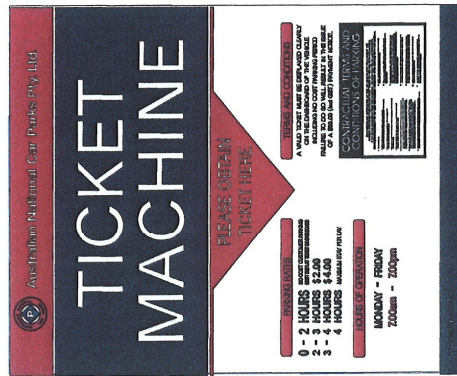
Job: Howard Avenue Dee Why Date: Scale: NTS

McNaught Signs & Grafix, 2 Toorak Ave, Beverly Hills, NSW 2209 p/f 9584 9409 m 0421 084 817 e mcnaughtsigns01@optusnet.com.au

Lot 182 DP 212382

Plans

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Ticket Machine Signage



Scale: NTS

Date;

Job: Howard Avenue Dee Why

McNaught Signs & Grafix, 2 Toorak Ave, Beverly Hills, NSW 2209 p/f 9584 9409 m 0421 084 817 e mcnaughtsigns01@optusnet.com.au

Lot 1 & 2 DP 212382



Plans

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Entry Terms & Conditions  
Signage



Job: Howard Avenue Dee Why Date; Scale: NTS

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Lot 192 DP212382





Plans

Page 5  
Reminder Signage

450

650



Scale: NTS

Date;

Job: Howard Avenue Dee Why

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Lot 172 SP242382

Plans

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Reminder Signage



450



650



Job: Howard Avenue Dee Why Date: Scale: NTS

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Plans

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Reminder Signage



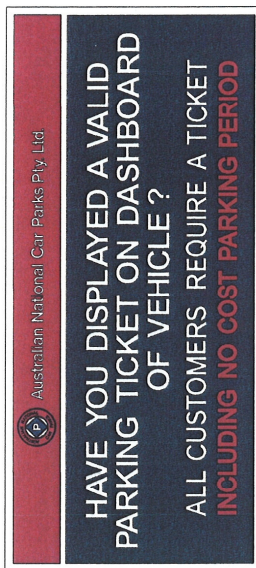
Job: Howard Avenue Dee Why Date: Scale: NTS

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Let 1st DP 202382.

Plans

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Reminder Signage



Job: Howard Avenue Dee Why Date: Scale: NTS

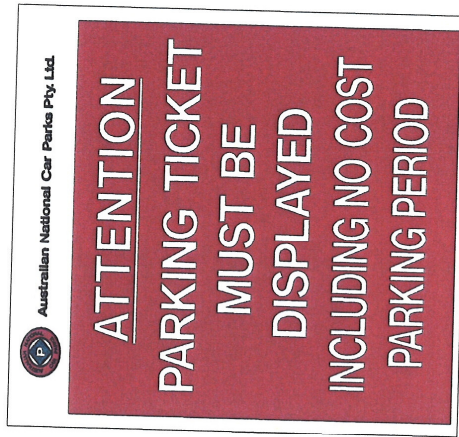
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Plans

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Reminder Signage



Job: Howard Avenue Dee Why      Date:      Scale: NTS

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Lot 142 DP202382



Plans

Page 10  
Exit / Thank You  
Signage



600 x 600



Scale: NTS

Date;

Job: Howard Avenue , Dee Why

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