

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0402
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<b>Responsible Officer:</b>	David Auster
<b>Land to be developed (Address):</b>	Lot 1 DP 605804, 25 - 29 Park Street MONA VALE NSW 2103
<b>Proposed Development:</b>	Alterations and additions to an existing shopping complex
<b>Zoning:</b>	B4 Mixed Use
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Sanwick Pty Ltd
<b>Applicant:</b>	BN Group Pty Ltd

<b>Application lodged:</b>	17/04/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	20/05/2019 to 03/06/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 118,200.00
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### 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

Pittwater 21 Development Control Plan - B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites  
Pittwater 21 Development Control Plan - B6.3 Off-Street Vehicle Parking Requirements  
Pittwater 21 Development Control Plan - C2.11 Signage

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 1 DP 605804 , 25 - 29 Park Street MONA VALE NSW 2103
<b>Detailed Site Description:</b>	<p>The subject site is located at 25-29 Park Street, Mona Vale and referred to as Lot 1 of DP605804. The site fronts Waratah Street to the south-west, Akuna Lane to the south-east, Keenan Street to the north-west and Park Street to the north-east.</p> <p>The site is currently occupied by a Woolworths Supermarket and Dan Murphy's Liquor Store. An existing on-grade carpark fronts Waratah Street, and a basement car park occupies the majority of the site below ground level. Car park access and egress occurs via Waratah and Keenan Streets. Pedestrian access from Akuna Lane relates to the building entrance in the south-west corner. Loading facilities are accessed via Keenan Street. The total site area is approximately 12,340sqm, with an overall gross floor area of 6,042sqm.</p> <p>The building is constructed of a combination of materials including precast concrete, brick and tile, with a predominantly metal roof.</p> <p>Soft landscaping and numerous trees occupy the site setbacks on all sides, broken by driveway crossovers, pedestrian access ramp and loading area crossover.</p>

Map:



## SITE HISTORY

A search of Council's records has revealed the following relevant history:

N0029/04 for Alterations and additions to the existing building including the addition of a 1444m<sup>2</sup> liquor store, internal fitout, signage and alteration of the existing carpark to accommodate 368 spaces was approved by the former Pittwater Council on 12 October 2005.

The above consent was subsequently modified on 20 July 2009, 12 October 2006, 6 December 2006, 12 December 2006, and 24 October 2007. In the consolidated list of conditions, the hours of operation of the Liquor store are limited to 9:00am to 10:00pm Monday to Saturday and 10:00am to 8:00pm on Sunday and Public holidays, and the loading dock to 7:00am to 9.30pm, Monday to Saturday and from 8.00am to 9.30pm Sunday.

## PROPOSED DEVELOPMENT IN DETAIL

The proposed works include demolition of an existing awning, creation of new door openings within the existing façade, removal of existing line marking (13 car spaces), demolition of existing kerbs and kerb ramp within the existing customer on-grade car park and the removal of one Dan Murphy's and one Woolworths sign.

The proposed new pick-up facility will include:

- 4 x new dedicated parking spaces for Woolworths customer pick-up
- Realignment of remaining 9 customer parking spaces
- Modified kerbs and line marking
- New metal deck awning with painted FC fascia extending out over new pick-up spaces
- New signage and graphics including Dan Murphy's in place of Woolworths sign to be removed, and new Woolworths signs at site entries
- 1 x relocated egress doorway and 1 x new doorway between Woolworths back-of-house area and proposed customer pick-up area

## 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	Pittwater Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>

Section 4.15 Matters for Consideration'	Comments
	Clause 143A 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.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) <b>Environmental Impact</b> The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater Development Control Plan section in this report.</p> <p>(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the 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 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Withheld	MANLY NSW 2095

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



- Hours of construction work
- Hours of operation
- Illumination of signage
- Works already undertaken

The matters raised within the submissions are addressed as follows:

- **Hours of work**

Concerns were raised with work being carried out by Woolworths under a Complying Development Certificate that had been ongoing at night times, and that this should not be the case with the Development Application.

Comment:

A condition of consent is recommended that will restrict the hours of construction as follows:

*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.*

Subject to this condition, the submission is considered to be satisfied to a reasonable degree.

- **Hours of operation**

Concerns were raised with the hours of operation, and potential noise and disturbance to residential neighbours.

Comment:

The applicant has requested operational hours for the pick-up facility be from 8.00am to 9.30pm, 7 days per week. These hours are consistent with the approved opening hours of the Woolworths and liquor store loading dock (approved in section 96 modification of N0029/04, dated 20 July 2009). It is further noted that the liquor store approved operating hours are until 10pm. The pick up is unlikely to create any great noise or other environmental impacts, and given it caters to customer's cars rather than delivery trucks, would create less noise impacts than the loading dock, and no greater noise than would reasonably be expected in the car park area. The proposed closing time of 9.30pm is not particularly late in the generally commercial area, and is not considered to create any unreasonable impacts. The proposed hours of operation are considered reasonable and are recommended for approval.

- **Illumination of signage**

Concerns were raised with the existing amount of light pollution from the car park area, and that any illumination of the proposed signage would add to impacts.

Comment:

Only one sign is proposed to be illuminated - sign SW1, the Dan Murphy's wall sign that will replace the existing Woolworths sign above the south eastern entrance to the building. This sign sits above a well lit entrance adjacent to a well lit car park area. Given these considerations, the illuminated sign is unlikely to cause significant additional light pollution in the area. Conditions are recommended requiring that the illumination intensity be adjustable, and be set to a level to

minimise any external impacts. The illumination will also be required to cease outside of approved operating hours of the liquor store. Subject to these conditions, the proposal is considered to be acceptable in this regard.

- **Works already undertaken**

Concerns were raised that some of the works proposed under the current application have already been undertaken prior to approval.

Comment:

The applicants have submitted a Complying Development Certificate for internal works to create the pick up area. These plans also indicate the new doors shown on the Development Application plans, that have already been constructed. Some of the green graphics have already been added to the facade of the building also.

With regard to the demolition of walls, and construction of doors, these works appear to be generally in accordance with the approved CDC. However, the matter will be referred to Council's Compliance Department for review. As far as the location and use of those doors is concerned, the assessment of this application has found that they are generally compliant with all relevant planning controls, and no objections are raised to their location or use as intended. A condition is recommended stating that no approval is given for the construction of those doors under this current application. Should Council's Compliance Department decide the CDC did not give approval to the doors, a building certificate may be necessary. This can be lodged and dealt with separately to this current application.

The green graphics located on the front facade beneath the awning are not considered to be a structure, and as such may be approved under the current application. As assessed under clause C2.11 Signage of this report, the proposed signage and graphics are considered generally acceptable.

This issue is not considered to warrant amendment or refusal of the current application.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	No objections subject to conditions.
Environmental Compliance (Building Control)	There are no outstanding notices/orders on this property.
NECC (Development Engineering)	The proposed alternation is within the confines of the building, which would not have any impact to stormwater management for the building. No Development Engineering objection with no conditions.
Traffic Engineer	<p>The proposed works includes the replacement of 4 existing customer parking spaces with 4 dedicated customer pick-up spaces, with no changes to vehicular access to the car park.</p> <p>Reviewing the Statement of Environmental Effects, no concern is raised on the proposal on traffic grounds.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

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

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

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

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

### SEPP 55 - Remediation of Land

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

### SEPP 64 - Advertising and Signage

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

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

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

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 proposal is not inconsistent with the desired character in the locality statement.	YES



Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is an existing 'green' theme with existing signage and graphics on site, and the proposed signage will be consistent with this.	YES
<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 will not detract from the amenity or visual quality of any special areas. There are some heritage items in the vicinity, but these are located to the north and west, and are on the opposite side of the building from the signage proposed under this application.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No views will be unreasonably impacted upon.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal does not breach the height plane of the existing building, and will not dominate the skyline or reduce the quality of any vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	No other advertisements/signs will be obscured by the proposed signage.	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 of a scale, proportion and form appropriate to the existing building and the streetscape.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute in a positive way to visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is generally in relation to a new pick up area, and will not create any unreasonable clutter.	YES
Does the proposal screen unsightliness?	No unsightliness requires screening.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	YES
<b>5. Site and building</b> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage replaces existing signage of the same size in the case of the new Dan Murphy's sign. This sign and the other proposed signage will generally be in proportion to the existing site and building.	YES
Does the proposal respect important features of the site or building, or both?	No important features have been identified which the signage would have any impact on.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is generally attractive and is sufficiently imaginative.	YES
<b>6. Associated devices and logos with advertisements and advertising structures</b> Have any safety devices, platforms,	Yes.	YES

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?	The proposed new Dan Murphy's sign is to be illuminated. This sign sits above the well lit south eastern entrance, and adjacent to a well lit car park. Given these factors, the signage is unlikely to cause any unreasonable light pollution.	YES
Can the intensity of the illumination be adjusted, if necessary?	A condition of consent will require the illumination intensity to be adjustable, so that if any impacts are found to be unreasonable, the intensity can be reduced.	YES
Is the illumination subject to a curfew?	A condition of consent will limit the hours of illumination to the hours of operation of the liquor store (10pm).	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage will not have any significant impacts on safety.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No sightlines will be obscured.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

## SEPP (Infrastructure) 2007

### Ausgrid

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

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

### Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## Pittwater Local Environmental Plan 2014

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:	13m	4.45m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.2 Earthworks	Yes
7.10 Essential services	Yes

## Pittwater 21 Development Control Plan

### Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
Front building line	3.5 at ground level up to 8.49m in height, then 6.0 to that part of the building 8.5m and greater above ground level (existing). Given there are roads on all sides, all boundaries are considered to be front boundaries for the purposes of this assessment.	Proposed works: NW: 31m SW: 54m SE: 12m	N/A	Yes

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
A5.1 Exhibition, Advertisement and Notification of Applications	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.10 Stormwater Discharge into Public Drainage System	Yes	Yes
B6.3 Off-Street Vehicle Parking Requirements	Yes	Yes
B8.2 Construction and Demolition - Erosion and Sediment Management	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	Yes	Yes
B8.4 Construction and Demolition - Site Fencing and Security	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.3 Awnings	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.7 Building Facades	Yes	Yes
C2.8 Energy and Water Conservation	Yes	Yes
C2.9 Waste and Recycling Facilities	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	No	Yes
C2.12 Protection of Residential Amenity	Yes	Yes
C2.21 Food Premises Design Standards	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes
D9.6 Front building line	Yes	Yes

#### Detailed Assessment

#### **B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites**

The site is adjacent to Heritage Item No. 2270058 "Victory Tree"—Holly Oak (*Quercus ilex*), located at 1785 Pittwater Road (Lot 8, Section 3, DP 759007). This site is across Akuna Lane to the east of the site, and is located at the opposite end of the Woolworths building to the site of the proposed works. The proposed works will not be visible to or from the heritage item, and will have no significant impacts on the heritage item.

#### **B6.3 Off-Street Vehicle Parking Requirements**

The proposal will maintain the same total number of car parking spaces on site, albeit 4 of the spaces will be dedicated to the pick up service. However, these spaces will remain for customer use, and the proposal is not considered to alter the approved number of spaces on site.

## C2.11 Signage

The proposed awning fascia sign (sign type SW2) does not project above, below or beyond the fascia or return end of the awning to which it is attached.

An existing flush mounted Dan Murphy's wall sign is to be removed from the building façade immediately above the location of the proposed new awning. This sign will not be replaced in this location.

An existing Woolworths wall sign is to be removed over the main pedestrian entrance to the building, facing the carpark. This sign is to be replaced with a Dan Murphy's sign of the same size (sign type SW1). This sign will be internally illuminated.

A new colour scheme and signage is proposed to the existing building façade below the new awning (sign type SW3) and to the fascia of the new awning (sign type SW2).

The dedicated customer pick up parking spaces will be branded for identification purposes (sign type SG1).

New directional free standing signs are also proposed at various points within the existing carpark (sign types SA and SB), including at the Waratah Street entrance to the site.

The application states that It is considered that the proposed signage is of high quality design and finish and integrated with the existing building façade due to the following:

- Signage, corresponding paint colours and environmental graphics identify the proposed pick-up facility, establishing a built-form graphic device that clearly communicates its purpose and presents in an aesthetically appealing way
- The signage and graphics are consistent with the branding and identity of the retailers that they represent
- The signage and graphics correspond with the physical location of the retail interface that they represent within the building

These statements are generally concurred with.

### Description of non-compliance and/or inconsistency

The application proposes 6 pieces of signage consisting of the following:

Sign	Requirement	Width	Height	M <sup>2</sup>	Complies
Awning fascia sign (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	14.225m	1.25m	17.8sqm	Yes
Freestanding signs (not being a sign elsewhere listed in this table, and includes a bulletin board, tenancy board, and the like)	Shall not exceed 2 metres in height above the existing natural ground level;	SA: 600mm	SA: 2.2m	SA: 1.32sqm	SA: No
	Shall not have an area greater than 4sqm; Shall not project beyond the boundary of the	SB: 600mm	SB: 1.5m	SB: 0.9sqm	SB: Yes



	premises; and Shall not be illuminated.				
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	<p>Shall not extend within 200mm of the top and sides of the wall.</p> <p>Shall not cover any window or architectural projections;</p> <p>Must be of a size and shape that relates to the architectural design of the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and</p> <p>Shall not project more than 300mm from the wall.</p>	SW1: 3.645m	SW1: 3.65m	SW1: 13.3sqm	No

The proposed freestanding sign 'SA' at the entrance to the site off Waratah Street is 200mm higher than the 2m requirement. The proposed Dan Murphy's wall sign is 13.3sqm in area, which is greater than the 4sqm requirement. However, it replaces the existing Woolworths sign in the same location and of the same size.

#### Merit consideration

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

- To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment: The signage is generally well designed and suitably located, replacing existing signage, and providing way finding signage near the entrances to car parks.

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

Comment: The proposed signage has a consistent theme, and is generally of a high quality.

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

Comment: The proposed signage is generally consistent in size and scale with existing signage on site. The proposed sign at the entrance on Waratah Street is not of a size or scale to create any significant adverse impacts on the streetscape, and will help with way finding. The minor 200mm breach of the height limit for free standing signs is considered acceptable in the context of the site. The proposed Dan Murphy's wall sign will replace the existing Woolworths sign of the same size and location, and is not considered to create any significantly greater visual impacts in this regard. It will be illuminated (discussed below), but this illumination is not considered to create any unreasonable impacts either.

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

*properties.*

Comment: The proposed Dan Murphy's wall sign is illuminated. This is not prohibited by the control, which states that if the signage is illuminated, it must be at least 2.6m above ground level. The sign achieves this requirement. The sign will sit above the south eastern entrance to the liquor store and supermarket, overlooking a well lit car park. A condition is recommended to have the illumination cease outside approved operating hours of the liquor store, and to allow for adjustment of the illumination if it is found to be so bright as to cause nuisance. However, given the location adjacent to a generally well lit car park in the predominately commercial area, it is considered unlikely that the illumination of this sign will lead to any significant light pollution in the area.

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

Comment: The proposed signage and works in general are at the opposite end of the building to nearby heritage items. The works will not be readily visible to or from the heritage sites. There will be no significant or adverse impacts in this regard.

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

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

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

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

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

## **POLICY CONTROLS**

### **Northern Beaches Section 7.12 Contributions Plan 2019**

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2019.

A monetary contribution of \$ 591 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 118,200.

## **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;
- Pittwater Local Environment Plan;
- Pittwater 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 DA2019/0402 for Alterations and additions to an existing shopping complex on land at Lot 1 DP 605804, 25 - 29 Park Street, MONA VALE, 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
A01.02 Issue DA-P5	03-04-2019	BN
A06.01 Issue DA-P5	03-04-2019	BN
A06.50 Issue DA-P4	03-04-2019	BN
A09.01 Issue DA-P5	03-04-2019	BN
A11.01 Issue DA-P4	03-04-2019	BN
A60.00 Issue DA-P5	03-04-2019	BN
A60.01 Issue DA-P4	03-04-2019	BN

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:

<b>Waste Management Plan</b>		
<b>Drawing No/Title.</b>	<b>Dated</b>	<b>Prepared By</b>
Northern Beaches Waste Management Plan	04.04.2019	Paul Pitronaci, BN Group

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. **No Approval for Doors**

No approval is granted under this Development Consent for the New Entry Door and New Fire Egress Door, as these have already been constructed, and appear to have been approved via separate Complying Development Certificate.

Reason: Development application cannot give retrospective approval for works already undertaken.

## 3. **Prescribed Conditions**

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

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

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

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

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

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

Reason: Legislative Requirement

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

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (c) Where demolition works have been completed and new construction works have not



commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

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

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.
  - (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

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

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety

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

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

## FEES / CHARGES / CONTRIBUTIONS

### 5. **Policy Controls**

Northern Beaches 7.12 Contributions Plan 2019

A monetary contribution of \$591.00 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan 2019. The monetary contribution is based on a development cost of \$118,200.00.

The monetary contribution is to be paid prior to the issue of the first Construction Certificate or Subdivision Certificate whichever occurs first, or prior to the issue of the Subdivision Certificate where no Construction Certificate is required. If the monetary contribution (total or in part) remains unpaid after the financial quarter that the development consent is issued, the amount unpaid (whether it be the full cash contribution or part thereof) will be adjusted on a quarterly basis in accordance with the applicable Consumer Price Index. If this situation applies, the cash contribution payable for this development will be the total unpaid monetary contribution as adjusted.

The proponent shall provide to the Certifying Authority written evidence (receipt/s) from Council that the total monetary contribution has been paid.

The Northern Beaches Section 7.12 Contributions Plan 2019 may be inspected at 725 Pittwater Rd, Dee Why and at Council's Customer Service Centres or alternatively, on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

This fee must be paid prior to the issue of the Construction Certificate. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

### 6. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

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

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

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

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

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

### 7. **Compliance with Standards**

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

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

Reason: To ensure the development is constructed in accordance with appropriate standards.

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

### 8. **Fire Safety Matters**

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.

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

9. **Hours of Operation**

The hours of operation of the pick-up service are to be restricted to:

- 8.00am to 9.30pm, 7 days per week

Upon expiration of the permitted hours, all service shall immediately cease, and no patrons shall be permitted entry.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

10. **Hours of Illumination**

Illumination of the Dan Murphy's signage (SW1) approved by this consent at the subject premises shall cease outside of the approved operating hours of the liquor store.

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

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

11. **Illumination Intensity and design**

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

The illumination intensity is to be adjustable.

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

12. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

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

**Signed**



**David Auster, Principal Planner**

The application is determined on 13/09/2019, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**