

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0877
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Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot 1 DP 626462, 665 Pittwater Road DEE WHY NSW 2099
Proposed Development:	Use of Premises as a dog grooming business and signage
Zoning:	Warringah LEP2011 - Land zoned MU1 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Saacs Holdings Pty Ltd
Applicant:	Turnbull Planning International Pty Ltd

Application Lodged:	18/07/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	24/07/2023 to 07/08/2023
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 1,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The development proposed is described as the Use of Premises as a dog grooming business and signage.

The proposal does not seek consent for 'fit-out', just the use of the premises as a dog grooming business and associated signage. This use is defined as a business premises by the Warringah Local Environmental Plan 2011.

The premises will have two (2) staff present at any one time, and a maximum of three (3) dogs at any one time as part of dog grooming and bathing services.

The proposed hours of operation are:

Monday: Closed.

Tuesday - Saturday: 8:30am - 4:30pm.

Sunday: Closed.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.21 Flood planning

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 626462 , 665 Pittwater Road DEE WHY NSW 2099
Detailed Site Description:	The subject site consists of a unit within an existing two-storey commercial building located on the western side of Pittwater Road Dee Why, the southern side of Redman Road, and the eastern side of Mooramba Road, within the Dee Why Town Centre. The site is legally described as Lot 1 DP 626462. The subject property is a two-storey building with the ground floor used for retail purposes. The shop can be accessed from Redman Road, Francis Street and Mooramba Road. Pedestrian access is via an open plaza. The unit is regular in shape with a frontage to Redman Road of 5.11m and a depth of 14.724m. The unit has floor area of 75.24sqm.

The site is located within the MU1 Mixed Use zone and the unit is currently vacant.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by a mixture of commercial and residential development within the Dee Why Town Centre.

Map:



SITE HISTORY

A search of Council's records has revealed that there are no recent or relevant applications for this site.

The land has been used for commercial purposes for an extended period of time.

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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	Part 4, <u>Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. This clause is not relevant to this application. <u>Clause 29</u> of the EP&A Regulation 2021 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. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to referral responses from Council's Environmental Health (Industrial) team and Council's Waste Officer. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 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. <u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 69</u> of the EP&A Regulation 2021 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.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

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

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 24/07/2023 to 07/08/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Suzanne White	Address Unknown

The following issues were raised in the submission:

- Nosie impact on adjoining businesses**

The submission raised concerns that the noise generated by dogs and equipment in the business premises will impact adjoining businesses.

Comment:

The proposed use as a dog grooming business can be defined as a use of the premises as a 'business premises' under the WLEP 2011. A business premises is a type of commercial premises. The subject site is zoned MU1 Mixed Use. In this zone, commercial premises are permitted with consent, and therefore the use is permissible.

Council's Environmental Health (Industrial) team provides referral responses regarding commercial application with consideration of noise, odor or other nuisance impacts. This team requested further information related to noise impacts from the operation of the business. Additional information was provided and Environmental Health supports the proposal, subject to suitable conditions, including conditions in relation to noise management.

As such, the proposal is considered acceptable in regard to noise, considering the permissibility of the use in the zone, and support of Environmental Health (Industrial), subject to conditions.

- **Increased presence of dogs**

The submission raised concerns that the operation of a dog grooming business would result in an increase of dog owners and dogs visiting the area, which may cause nuisance in the surrounding area.

Comment:

As discussed above, the use proposed use is a permissible use of the land. The proposal is considered acceptable in regard to noise and amenity impacts, considering the permissibility of the use in the zone, and support of Environmental Health (Industrial), subject to conditions.

Dog owners are responsible for controlling their dogs within public spaces. The conduct of dog owners and dogs within public areas, separate from the operations of the business, is not a relevant planning consideration. The nuisance impacts of the proposed business operations have been considered acceptable, subject to conditions, given the zoning of the land, operations proposed and conditions applied.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. It is noted that the application does not involve a change of <u>Building Use</u> and the shop remains a Class 6 building for the purposes of the BCA. There are no objections to approval of the development.
Environmental Health (Industrial)	General Comments The applicant has provided 'Response to Issues' letter addressing the below concerns. Suitable conditions can be applied. - noise control measures for management of potential barking dogs, - protocol for managing barking dogs and/or dogs misbehaving, - location of dog waiting area and enclosures. Where are dogs to be held until groomers/owners are ready if there is an overlap with time? - waste management for dog hair, faeces, and used materials likely to create an odour. Environmental Health recommends approval subject to conditions

Internal Referral Body	Comments
	<u>Planner Comments:</u> The condition for all floor drains and sink drains are to contain suitable hair catching traps has been moved from a condition to be demonstrated prior to the issue of a construction certificate, to an ongoing condition.
NECC (Flooding)	The proposal involves the change of use of the premises to a pet grooming salon, with no structural fit out. There are no applicable flood related development controls from Section E11 of the Warringah DCP (2011).
Traffic Engineer	The development application is for internal fitout of an existing shop as a dog grooming business. There is one parking space allocated to the tenancy and there is a DCP requirement for 1.5 (2 spaces). The minor shortfall in parking is acceptable as there is time restricted parking available in the surrounding street frontages and in the public carpark located less than 100m from the premises. There are no traffic engineering concerns with approval of the development
Waste Officer	Waste Management Comment updated. The amended plans submitted 6/11/2023 show acceptable arrangements for waste management. The bins must remain stored within the property except when being collected/emptied by a waste collection contractor. Waste Management Comments - Additional Information Letter (submitted 12/10/2023) Unsupported It is entirely unacceptable that the business owner take waste from the business operations home and dispose via the domestic waste service provided by the local Council. All waste generated by the business operations must be stored onsite and removed by a waste collection contractor from the business premises. Waste Management Comments Unsupported No provision is shown on the plans for the storage of waste/bins. Please have the applicant provide plans showing the number, size and location of waste bins stored within the property. Bins will be required to be serviced from within the property. Bins will not be permitted to be presented on public land awaiting collection.

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of

External Referral Body	Comments
	Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs 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 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 (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections, subject to conditions which have been included in the recommendation of this report.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with existing signage on site and surrounding/nearby commercial premises.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No consistent theme for outdoor signage exists in the locality.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not dominate the streetscape and does not detract from the amenity or visual quality of the site. The subject site is not within an environmentally sensitive area, heritage area, conservation area, open space area, waterway area, or rural area. The site is near by surrounding residential development, however these residential developments are within or in proximity to the Dee Why Town Center, where such commercial signage is expected and existing. The signage is not expected to impact surrounding residential development.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the site and surrounds.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed in a clear and modern manner to identify the business, and therefore creates visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is simplified in that it is for business identification purposes only.	YES
Does the proposal screen unsightliness?	The subject site does not contain unreasonable unsightliness.	YES

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any buildings, structures or tree canopies on site.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and form of the proposed signage is consistent with and complementary to the use of the site.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is ancillary to the building on site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is for business identification only, so does not require innovation or imagination. However, the proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage does not require any lighting or safety devices or platforms.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The signage is on the shopfront glazing and would only be illuminated by light from the shop, limited by the hours of operation. The under-awning sign will be reasonably illuminated during operation. The illumination of the signage will not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence.	YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the signage can be adjusted if necessary by lighting changes.	YES
Is the illumination subject to a curfew?	A curfew on signage illumination is not considered necessary. Conditions will be imposed relating to hours of operation.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage would not reduce safety on any public road, or for pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines.	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 this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the residential land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

There are no built form Development Standards under the Warringah LEP 2011 to consider as part of this assessment as no physical works are proposed to site structures, other than the installation of signage. The proposal seeks consent for the use of an existing structure and associated signage.

Compliance Assessment

Clause	Compliance with Requirements
5.21 Flood planning	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.6 Height of buildings	Yes
7.7 Site A Oaks Avenue above podium elements	Yes
7.8 Site B Oaks Avenue above podium elements	Yes
7.9 Site A Proposed New Road above podium elements	Yes
7.10 Allowance for external ancillary plant and roof access	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes
7.13 Mobility, traffic management and parking	Yes

Detailed Assessment

5.21 Flood planning

Under this clause, development consent must not be granted to development on land the consent

authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The proposal has been referred to Council's Stormwater and Floodplain Engineers, who have supported the proposed development, without conditions. In this regard, Council can be satisfied the above has been taken into account.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The proposal has been referred to Council's Stormwater and Floodplain Engineers, who have supported the proposed development, without conditions. In this regard, Council can be satisfied the above has been taken into account.

Warringah Development Control Plan

Built Form Controls

There are no built form controls under the Warringah DCP to consider as part of this assessment as no physical works are proposed to site structures, other than the installation of signage. The proposal seeks consent for the use of an existing structure and associated signage.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C3 Parking Facilities	No	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D23 Signs	No	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes
Part G Special Area Controls	Yes	Yes

Detailed Assessment

C3 Parking Facilities

Merit consideration

The development is considered against the underlying Objectives of the Control as follows:

- To provide adequate off street carparking.

Comment:

The development provides the following on-site car parking:

Use	Appendix 1 Calculation	Required	Provided	Difference (+/-)
Business premises	1 space per 40 m2 GFA excluding customer service/access areas, plus for customer service/access areas 1 space per 16.4 m2 GFA.	1.5	1	0.5

The existing building fronts a pedestrian mall section of Redman Road. The proposal maintains one (1) parking space associated with the commercial unit, in a existing carpark on the allotment. There is no ability to provide any extra parking on site, and all tenancies within the building are largely reliant on public parking in the surrounding area, foot traffic and public transportation. Council's Traffic Engineer has raised no concerns with parking in this regard given the context of the site, noting that "the minor shortfall in parking is acceptable as there is time restricted parking available in the surrounding street frontages and in the public carpark located less than 100m from the premises".

- To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.

Comment:

There are no external works proposed as part of this application, apart from signage associated with the business.

- To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.

Comment:

There are no external works proposed as part of this application, apart from signage associated with the business.

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

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes two (2) pieces of signage consisting of the following:

Sign	Requirement	Complies
Under awning sign (attached to the underside of an awning)	Shall not exceed 2.5m in length or 0.3m in height; Shall be no less than 2.7 m above the ground and at right angles to the property boundary to which the awning is attached; Shall not project beyond the awning; and No more than one under-awning sign may be erected per business/shop.	The under-awning sign is existing, with signage replaced for the proposed business. The sign is 2.4m(w) by 0.3m (h) by 0.2m (d). Signage area is 0.8sqm. The sign does not project beyond the awning and only one is erected. These elements are compliant. As existing the under-awning sign is 2.2m above the ground, representing a 18.5% variation to the 2.7m height control.
Window sign (painted or letters stuck onto the inside or outside of a display window)	Must occupy less than 50% of the window area so as to not obstruct natural light; and Shall only be permitted on ground floor windows, below awning level or equivalent.	Yes. The window signage is less than 50% of the window area and located on the ground floor.

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 proposed signage will allow for the identification of the business use. The proposed signage design and location is consistent with other similar business identification signage in Dee Why. The only identified non-compliance relating to the height of the under-awning sign is a result of existing design, with the application only seeking to replace the signage within the existing under-awning sign. This will also allow for identification of the business. The clearance height of the under-awning sign is suitable and safe for pedestrians.

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

Comment:

The signage is a simple in design, is well proportioned, and of suitable materials.

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

Comment:

The proposed signage is not expected to cause unreasonable impact to the visual amenity of the streetscape or surrounding locality. The clearance height of the under-awning sign is suitable and safe for pedestrians.

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

Comment:

The proposed signage will not adversely impact on the amenity of nearby residential properties.

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

Comment:

The proposed signage will not result in any adverse impacts to open space areas, heritage items or conservation areas.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy (Industry and Employment) 2021* in relation to signage.

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

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

- Consistent with the objectives of the DCP
- 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 DA2023/0877 for Use of Premises as a dog grooming business and signage on land at Lot 1 DP 626462, 665 Pittwater Road, DEE WHY, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA-015	A	Site Plan	Archaholics	26 June 2023
DA-101	C	Ground Floor Plan - Proposed	Archaholics	1 November 2023
DA-110	A	Proposed Signage Elevation	Archaholics	26 June 2023

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan - Shop 2, 665 Pittwater Road, Dee Why	-	-	-
Business Management Plan - Shop 2, 665 Pittwater Road, Dee Why	-	SUPER DOG	-

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid - Referral Response	26/07/2023 (on EDMS)

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

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

3. **Approved Land Use**

Nothing in this consent shall authorise the use of site/onsite structures/units/tenancies as detailed on the approved plans for any land use of the site beyond the definition of a **business premises**, in accordance with the Dictionary of the Warringah Local Environmental Plan 2011, as follows:

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note— Business premises are a type of commercial premises.

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

4. **Noise Management**

The maximum number of dogs to be kept on the premise at any one-time during business hours is three (3).

Reason: To ensure the acoustic amenity of the area is not negatively impacted.

5. **No Approval for Internal Fit-Out**

No approval is granted under this Development Consent for the internal fit-out of the business.

Reason: To ensure compliance with the terms of this consent.

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

6. **Waste storage Arrangements**

Waste containers (bins) must be stored within the property in the designated location apart from the collection/emptying of the containers. Bins must not remain in the road reserve or in public view other than when being emptied.

Reason: To maintain the health, safety and amenity of the area.

7. **Hours of Operation**

The hours of operation are to be restricted to:

- Monday to Sunday (and Public Holidays) – 8:30am to 4:30pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

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

8. **Commercial Waste Collection**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.

9. **Waste Management**

All floor drains and sink drains are to contain suitable hair catching traps to ensure any dog hair can be removed from the trap and disposed of in a suitable bin provided onsite.

Reason: To ensure waste is appropriately managed to avoid odour issues.

10. **Noise Management (On-Going)**

The maximum number of dogs to be kept on the premise at any one-time during business hours is three (3).

Reason: To ensure the acoustic amenity of the area is not negatively impacted.

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

Signed



Jordan Howard, Planner

The application is determined on 09/11/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments