

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1529
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 1 DP 1072972, 1 / 0 Warringah Road BEACON HILL NSW 2100
Proposed Development:	Alterations and Additions to a service station and associated signage upgrade
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	Yes
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Ampol Petroleum Ltd
Applicant:	Caltex Australia Petroleum Pty Ltd

Application lodged:	14/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	24/09/2018 to 10/10/2018
Advertised:	Not Advertised
Submissions Received:	1
Recommendation:	Approval

Estimated Cost of Works:	\$ 410,000.00
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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

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 1072972 , 1 / 0 Warringah Road BEACON HILL NSW 2100
Detailed Site Description:	The subject site consists of 1 allotment legally known as Lot 1 DP 1072972 , 1 / 0 Warringah Road BEACON HILL NSW 2100. It is located on the north side of Warringah Road and the south side of Cornish Avenue. The site is irregular in shape with surveyed area of 1088m². The site is located within the R2 Low Density Residential zone and accommodates a service station. Adjoining and surrounding development is characterised by low density living.

Map:



SITE HISTORY

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

Development Consent No.59/124 provided for the construction of a service station, neighbourhood shops and car parking area. This consent also related to the adjoining neighbourhood shopping centre, which have been subdivided from the subject property since. The adjoining shopping centre subsequently became the subject of consent for the re-development for a McDonald's Restaurant.

Development Consent 79/92 dated 2 May 1979 provided for alterations to the existing service station. A further consent was issued in November 1986 for the erection of 2 pole signs within the existing service station. (Consent No. 86/483)

Development Application No.DA1997/63 for the Refurbishment and upgrade of existing Service Station to include a Convenience Store (Consent No.97/173) was approved by Council on 27 June 1997.

Consent No. 1999/1449 was for signage and exterior upgrade of the existing service station.

Development Application No.Mod2016/0060 was for amending two conditions of consent regarding trading and/or operating hours and removing the requirement for a boom gate.

PROPOSED DEVELOPMENT IN DETAIL

The proposal includes:

- Increasing the height of the existing canopy to 5.92m,
- Increasing the height of the fuel price pylon to 8.5m,
- The application proposes 4 new pieces of signage;
 - Internally illuminated "The Foodary" letterset on the western elevation,
 - Internally illuminated "Boost" wall sign on the western elevation,
 - Flexface wall sign on the southern elevation,
 - Internally illuminated light box "The Foodary" sign on the southern elevation.
- Replacing 3 like for like equivalents on the subject site;
 - Retrofitting the "Caltex" sign on the fuel canopy,
 - Retrofitting the fuel price pylon signage,
 - Retrofitting the promo sign situated on the Warringah frontage.
- Facade treatment including;
 - Artificial brick fascia paneling,
 - Decowood aluminum columns,
 - Black and white awning,
 - White mosaic wall tiling and new paint finishes.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <u>Clauses 54 and 109</u> of the EP&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. Additional information was requested. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application. <u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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	(i) 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) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development as the use of the premises by "Dell" remains unchanged.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest. It is in the public interest that the images do not create a distraction to

Section 79C 'Matters for Consideration'	Comments
	motorists on an arterial road. The signage is suitably located and designed to be appropriate to the building exposure to the street.

EXISTING USE RIGHTS

Development Consent No.59/124 provided for the construction of a service station, neighbourhood shops and car parking area. This consent also related to the adjoining neighbourhood shopping centre, which have been subdivided from the subject property since. The adjoining shopping centre subsequently became the subject of consent for the re-development for a McDonald's Restaurant.

Since the original consent, the use of the site for the purposes of a service station is known to have continued, without the cessation of a continuous period of 12 months. In addition, this proposal only involves increasing the height of the existing canopy and the installation of signage. Therefore the use will remain relatively similar to the existing and will not be unnecessarily intensified.

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:
Mr Frank Bruno Vasile	6 A Cornish Avenue BEACON HILL NSW 2100

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

- Construction hours

The matters raised within the submissions are addressed as follows:

- Construction hours

The submission raised concerns that the construction hours of the proposal would create unreasonable noise impacts and reduce the amenity of surrounding properties. These issues were raised following demolition works that were carried out on the subject site in May last year, that were outside the standard construction hours.

Comment:

An additional condition has been included within this report to ensure that all works are completed within standard construction hours, to ensure that the proposal does not create unreasonable noise impacts and reduce the amenity of surrounding properties.

MEDIATION

No requests for mediation have been made in relation to this application.

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. There are no objections to approval of the development. Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.
Environmental Health (Industrial)	General Comments This matter has been referred to Environmental Health to comment on any potential noise and health impacts. The works within the proposal outline installing new signs and increasing the height of the existing canopy with no major excavation. There is also mention that the internal fit out of "The Foodary" is being completed under a Complying Development Certificate (CDC). A condition is recommended to be placed to ensure that the internal fit out of "The Foodary" complies with relevant Australian Standards and to register "The Foodary" with Council. Recommendation APPROVAL - subject to conditions Planning Comments The proposal was referred Environmental Health, a number of conditions were recommended. However, due to the scope of works associated with this proposal, being the installation of new signs and increasing the height of the existing canopy, it is considered unreasonable to enforce these conditions. Therefore is recommended that these conditions are not followed.
NECC (Development Engineering)	Development Engineer has no objection to the application.
Traffic Engineer	The proposal involves alterations to the existing Caltex service station consisting of increasing the height and extending the canopy over the fuel bowsters as well as signage and façade upgrades. The signage and façade changes are a reflection of Caltex's innovative food and service convenience hub, 'The Foodary'. The Foodary has recently been introduced into prominent locations across Australia. Its purpose is to offer fresh, healthy food on the go. The proposed works

Internal Referral Body	Comments
	demonstrate a modernization of the traditional Caltex retail platform. It is noted that the internal fit out of The Foodary is being completed under a Complying Development Certificate (CDC). This application represents no alteration to yield and hence no traffic or parking impacts. The Construction Management Plan will be prepared by the applicant and issued to the PCA prior to release of any construction Certificate. Based on the above, Council Traffic Staff raise no objection subject to conditions.

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.
NSW Dept of Transport (Roads and Maritime Services) (Dev. On Classified Roads)	The proposal was referred to RMS, no objections were raised and approval was recommended subject to conditions. These conditions have been included within this report.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 64 - Advertising and Signage

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

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

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

provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal involves additional signage and upgrading the subject site's existing advertising, for the purpose of being more suitable for the proposed shop fit out. Therefore the proposal is compatible with the current and future character of both the building and the surrounding area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Adjacent to the subject site is McDonald's fast food restaurant. The localised theme for outdoor advertising has been set by subject site and the adjoining property. Therefore the proposal will be consistent with the existing advertising theme, as it is upgrading existing advertising and creating additional relevant signage.	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 application proposes 4 new pieces of signage and is also upgrading the subject site's existing advertising, therefore will not unreasonably affect the visual quality of the localised area.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The signage does not unreasonably affect any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The application proposes 4 new pieces of signage and is also upgrading the subject site's existing advertising, therefore the proposal will have a minimal affect on the skyline and the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal will not unreasonably obscure surrounding advertising.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and setting of the signage is appropriate for the subject site and balanced with the other signage along the same side facing Warringah Road.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The application proposes 4 new pieces of signage and is also upgrading the subject site's existing advertising, therefore the visual quality of the surrounding streetscape will not be unreasonably impacted by this proposal.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The application proposes 4 new pieces of signage and is also upgrading the subject site's existing advertising, therefore should not create	YES

	unreasonable clutter.	
Does the proposal screen unsightliness?	The signage will not be used as a screen.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Proposed signage fixed to the existing wall along the Warringah Road façade and does not protrude above the existing building height. The proposed I.D sign does extend above built structures and buildings on the subject site and within its locality. However, the proposed I.D is compliant with the max building height and is consistent with the existing I.D sign.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the use and provides advertising opportunities for businesses, along the street frontage without being unduly contrasting or disruptive.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage will respect the important features of the existing site and building.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage demonstrates innovation as it is responding appropriately to the new shop fit out.	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?	Selected signage will be illuminated within business hours.	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 proposed signage that will illuminated will not result in unacceptable glare.	YES
Can the intensity of the illumination be adjusted, if necessary?	No, however due to the relatively low amount of illumination, it is expected that this proposal will not create unacceptable glare.	YES
Is the illumination subject to a curfew?	Selected signage will be illuminated within business hours.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or	The proposal will not adversely affect public safety and will unreasonably distract to motorists, subject to conditions. The RMS has raised no	YES

bicyclists?	objections and there conditions have been included within this report.	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not reduce the safety of pedestrians.	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, subject to conditions, 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.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

The application was referred to the RMS who did not raise any objection to the proposal.

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

Standard	Requirement	Proposed	Complies
Height of Buildings:	8.5m	Canopy - 5.92m Pylon Sign - 8.5m	Yes Yes (6.0m as conditioned)

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B1 Wall height	7.2m	4.11m (Existing) 4.11m (Proposed)	N/A	No change
B3 Side Boundary Envelope	4m	No encroachment	N/A	No change
	4m	No encroachment	N/A	No change
B5 Side Boundary Setbacks	0.9m - East	Nil (Existing) Nil (Proposed)	N/A	No change
	0.9m - West	16.82m (Existing Canopy) 0.9m (Existing Sign) 16.82m (Proposed Canopy) 0.9m (Proposed Sign)	N/A	No change
B7 Front Boundary Setbacks	6.5m	0.89m (Existing Canopy) 0.26m (Existing Sign) 0.89m (Proposed Canopy) 0.26m (Proposed Sign)	N/A	No change
B7 Secondary Front Boundary Setbacks	3.5m	1.68m (Existing Canopy) 0.95m (Existing Service yard) 1.68m (Proposed Canopy) 0.95m (Proposed	N/A	No change

Sign	Requirement	Width	Height	M ²	Complies
Service Station (signs associated with) Increasing the height of the fuel price pylon to 8.5m, The application proposes 4 new pieces of signage; - Internally illuminated "The Foodary" letterset on the western elevation, - Internally illuminated "Boost" wall sign on the western elevation, - Flexface wall sign on the southern elevation, - Internally illuminated light box "The Foodary" sign on the southern elevation. Replacing 3 like for like equivalents on the subject site; - Retrofitting the "Caltex" sign on the fuel canopy, - Retrofitting the fuel price pylon signage, - Retrofitting the promo sign situated on the Warringah frontage.	Emblem and price signs must not be greater than 6 metres in height as measured from ground level; The total area of all signage on the property must not exceed 1sqm per 3 metres of the primary road frontage; All signs must be wholly contained within the allotment; Awning / canopy fascia signs must contain trade name details and corporate identification only; Subsidiary signs must be of a number, size and style that are compatible with the size of the operation as determined by Council; and Illuminated and floodlit signs may only operate during approved trading hours.	2.2m	8.5m	18.7sqm	Yes (6.0m as conditioned)

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.*
- *To achieve well designed and coordinated signage that uses high quality materials.*
- *To ensure that signs do not result in an adverse visual impact on the streetscape or the surrounding locality.*
- *To ensure the provision of signs does not adversely impact on the amenity of residential properties.*

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

Comment:

The proposed signage is related to the wider marketing change for the company Caltex, service stations across Sydney and the Northern Beaches are seen to have incorporated the new "Boost" and "The Foodary" signage throughout their businesses. The proposed signage is well designed as it is incorporating new signage relating to the proposed commercial shop fit out. Additionally, a condition has been included within this report to reduce the maximum height of the I.D sign to 6.0m, ensuring compliance with Council's control.

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 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 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 Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

Northern Beaches Council Contributions Plan 2018		
Contribution based on a total development cost of \$ 410,000		
Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,895
Section 7.12 Planning and Administration	0.05%	\$ 205
Total	1%	\$ 4,100

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;
- 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 DA2018/1529 for Alterations and Additions to a service station and associated signage upgrade on land at Lot 1 DP 1072972, 1 / 0 Warringah Road, BEACON HILL, 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
DA28973 - A216 Rev A	13/08/2018	Project Consultants WA PTY LTD
DA28973 - A217 Rev A	13/08/2018	Project Consultants WA PTY LTD
DA28973 - A304 Rev A	13/08/2018	Project Consultants WA PTY LTD
DA28973 - S100 Rev A	13/08/2018	Project Consultants WA PTY LTD

DA28973 - S110 Rev B	28/08/2018	Project Consultants WA PTY LTD
DA28973 - S111 Rev A	13/08/2018	Project Consultants WA PTY LTD

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

c) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Waste Management Plan	September 2018	KDC

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. **Amendments to the approved plans**

The following amendments are to be made to the approved plans:

- The proposed I.D sign located in the front setback to Warringah Road is to be reduced in height to a maximum of 6.0 metres (m) above existing ground level.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts upon surrounding land. (DACPLB02)

3. **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
RMS	Response RMS Referral	8/10/2018

(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 Department, Authority or Body's. (DACPLB02)

4. **Prescribed Conditions**

- All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- 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)

FEES / CHARGES / CONTRIBUTIONS

5. Policy Controls

Northern Beaches Council Contributions Plan 2018

The proposal is subject to the application of Council's Section 7.12 Development Contributions Plan.

The following monetary contributions are applicable:

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Contributions	Levy Rate	Payable
Total Section 7.12 Levy	0.95%	\$ 3,895.00
Section 7.12 Planning and Administration	0.05%	\$ 205.00
Total	1%	\$ 4,100.00

The amount will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

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 Northern Beaches Council Contributions Plan 2018.

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).

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. (DACPLC02)

8. **Sydney Water "Tap In"**

The approved plans must be submitted to the Sydney Water Tap in service, prior to works commencing, to determine whether the development will affect any Sydney Water assets and/or easements. The appropriately stamped plans must then be submitted to the Certifying Authority demonstrating the works are in compliance with Sydney Water requirements.

Please refer to the website www.sydneywater.com.au for:

- "Tap in" details - see <http://www.sydneywater.com.au/tapin>
- Guidelines for Building Over/Adjacent to Sydney Water Assets.

Or telephone 13 000 TAP IN (1300 082 746).

Reason: To ensure compliance with the statutory requirements of Sydney Water.

9. **Construction Traffic Management Plan (CTMP)**

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the certifying authority prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic Engineer prior to submission of the CTMP.

The CTMP must address following:-

- The proposed phases of construction works on the site, and the expected duration of each construction phase;
- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- Make provision for all construction materials to be stored on site, at all times;
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within

the site. Wherever possible mobile cranes should be located wholly within the site;

- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available.
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior.
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic.
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure.
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site.
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial treatments such as patching at no cost to Council.
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent;
- Proposed protection for Council and adjoining properties;
- The location and operation of any on site crane; and

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

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site. (DACTRCPC1)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

10. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

11. Construction hours

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.

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

12. Continuation of Construction Traffic Management Plan (CTMP)

The minimisation of impacts caused by construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity, adjacent to the site during works must be done generally in accordance with the Construction Traffic Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Confirming appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and protects amenity in the locality, without unreasonable inconvenience to the community. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent to the site. (DACTREDW1)

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

13. Stormwater Disposal

The stormwater drainage works shall be certified as compliant with all relevant Australian Standards and Codes by a suitably qualified person.

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

Note: The following Standards and Codes applied at the time of determination:

- (a) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003 - Plumbing and drainage - Stormwater drainage
- (b) Australian/New Zealand Standard **AS/NZS 3500.3** - 2003/Amdt 1 - 2006 - Plumbing and drainage - Stormwater drainage
- (c) National Plumbing and Drainage Code.

Reason: To ensure appropriate provision for the disposal of stormwater arising from the development. (DACENF05)

14. Notification of Food Premises

Food premises (The Foodary) being notified to Council as a food premise before operation.

Reason: To comply with Food Act 2003 requirements

15. **Waste Management Confirmation**

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

16. **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. (DACPLF07)

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

17. **Illumination Intensity and design**

The illuminated signage must not flash.

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. (DACPLG12)

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

Signed



Kye Miles, Planner

The application is determined on 19/11/2018, under the delegated authority of:



Steven Findlay, Manager Development Assessments