

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2016/0197
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Responsible Officer:	Mitchell Drake
Land to be developed (Address):	Part Lot 2590 DP 752038 Part Lot 2666 DP 752038, 2666 / 752038 Melwood Avenue FORESTVILLE NSW 2087
Proposed Development:	Installation of Signage
Zoning:	LEP - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Warringah Council
Land and Environment Court Action:	No
Owner:	Dept Of Lands
Applicant:	Boston Blyth Fleming Pty Ltd

Application lodged:	04/03/2016
Application Type:	Local
State Reporting Category:	Other
Notified:	22/03/2016 to 11/04/2016
Advertised:	Not Advertised, in accordance with A.7 of WDCP
Submissions:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 20,000.00
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D12 Glare and Reflection

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Part Lot 2590 DP 752038 Part Lot 2666 DP 752038 , 2666 / 752038 Melwood Avenue FORESTVILLE NSW 2087
Detailed Site Description:	The subject site consists of two (2) allotments located on the western side of Melwood Avenue and north/eastern side of Lanford Avenue. The site is legally known as Lots 2590 and 2666 in DP 752038 Melwood Avenue, Forestville. The site is irregular in shape with a frontage of 475m along Melwood Avenue and 250m along Lanford Avenue. The allotments have an estimated area of approximately 11.015 hectares. The site is located with the RE1 Public Recreation zone and accommodates playing fields, ball sports courts, clubhouse / amenities buildings and carparking. Surrounding development consists of residential dwellings and a licensed club (Forestville RSL). The site is generally flat, with a pronounced slope falling down to the western boundary. Vegetation on the site consists of a substantial community of forest on the western boundary, however Council's records do not indicated the presence of any threatened species.

Map:



SITE HISTORY

A review of Council records indicates that there are no prior works or applications relevant to the subject proposal.

PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks approval to upgrade the existing 6sqm "Forest Rugby Club" sign with a new multi-purpose electronic scoreboard and security enclosure.

The multi-purpose electronic scoreboard has a full Colour LED Display Screen and is proposed to be 3200mm wide x 1920mm high x 150mm deep (6.14 sqm) with an overall height of 4.5m (to match existing). The scoreboard is to be located upon the existing poles associated with the existing "Forest Rugby Club" Sign. The signage also incorporates a security shutter over the LED surface area which will be closed during periods where the scoreboard is not required.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

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>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <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. No additional information was requested. <u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building

Section 79C 'Matters for Consideration'	Comments
	(including fire safety upgrade of development). This clause is not relevant to this application. <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. <u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.
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.
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.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

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 Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

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

REFERRALS

Internal Referral Body	Comments
Parks, reserves, beaches, foreshore	Parks, Reserves and Foreshores recommend the approval of this Development Application with conditions. The conditions stem from Council not wanting to undertake any liability for the maintenance or renewal of the scoreboard as this is a level of service not consistent with other electronic scoreboard installations. Council also needs to ensure that the proposed development is structurally sound and does not pose a risk to the public.
Buildings, Property, Spatial Information	No objections raised and no conditions recommended.

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 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 provision of an electronic scoreboard to be used in association with sporting fixtures is consistent with the character of the area.	YES

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no outdoor advertising theme within this area. The proposal is for a scoreboard in association with playing fields. There objective is not relevant in this regard	N/A
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?	There are no unreasonable impacts on any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas resulting from the provision of a scoreboard.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The scoreboard is located so as not to interfere with any views	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The scoreboard is 4.5m in height and does not impact or detract from the skyline.	YES
Does the proposal respect the viewing rights of other advertisers?	There are no advertisers in the vicinity of the scoreboard. This objective is not applicable.	N/A
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The 4.5m height and 6.14sqm surface area of the scoreboard is consistent with the existing sign being replaced and appropriate for both the setting and proposed use.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The scoreboard provides a function associated with sorting events. Visual interest is marginally increased.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The scoreboard reduces clutter by incorporating both the scoreboard function and the "Forest Rugby Club" logo and lettering on one Signage structure.	YES
Does the proposal screen unsightliness?	The upgrading of the Signage removes the existing aged and weathered sign eliminates unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The Signage is below the surrounding tree canopy.	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 scoreboard stands alone and has no relationship with other structures.	N/A
Does the proposal respect important features of the site or building, or both?	The scoreboard stands alone and has no relationship with other structures.	N/A
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The scoreboard stands alone and has no relationship with other structures.	N/A
6. Associated devices and logos	The security shutter is incorporated into the	YES

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?	Signage. The shutter provides protection for the illuminated elements of the proposed Signage during non-use periods.	
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 scoreboard is located away from streets and residential areas. Further, the illuminated areas of the scoreboard may only be utilised in association with sporting fixtures on-site. No unreasonable impacts will result from the use of the scoreboard.	YES
Can the intensity of the illumination be adjusted, if necessary?	This is not deemed necessary considering the function of the scoreboard.	YES
Is the illumination subject to a curfew?	The illuminated areas of the scoreboard may only be utilised in association with sporting fixtures on-site	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The scoreboard has no impact in this regard due to its location	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The scoreboard has no impact in this regard due to its location	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.

Warringah Local Environment Plan 2011

Is the development permissible?	Yes
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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 Principal Development Standards applicable to the proposal.

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes

Warringah Development Control Plan

Built Form Controls

There are no Built Form Controls applicable to the application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part D Design	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D23 Signs	Yes	Yes
Part E The Natural Environment	Yes	Yes
E5 Native Vegetation	Yes	Yes

Detailed Assessment

D12 Glare and Reflection

Merit consideration

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

- To ensure that development will not result in overspill or glare from artificial illumination or sun reflection.***

Comment:

The proposed scoreboard is at an appropriate distance from residential development so as to not impact upon the amenity of these residential areas. Further, a condition of consent is to be imposed requiring the illuminated elements of the sign to be switched off whilst not be used in conjunction with the sporting fields.

- To maintain and improve the amenity of public and private land.***

Comment:

The scoreboard, by virtue of the location, maintains the amenity of public and private land.

- ***To encourage innovative design solutions to improve the urban environment.***

Comment:

The use of the electronic scoreboard and its fitting with a shutter for non-use periods is innovative and contributes to the improvement of the urban environment.

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 section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Merit consideration

The numerical controls for a stand along pole sign are:

- Shall not be less than 2.6m above ground level;
- Shall not exceed 6m in height above the existing natural ground level;
- Must have a maximum area of no more than 4sqm on any single face;

The proposed signage is to be fitted to the existing poles and has an area of 3200mm wide x 1920mm high x 150mm deep (6.14 sqm) with an overall height of 4.5m. These dimensions are as existing and the proposal does not result in any increase in the signage area. As the proposal does not comply with the numerical standards, it is appropriate for the development to be 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 scoreboard utilises the existing location of the sign to be replaced thus not altering or impacting on surrounding amenity. The design of the scoreboard is considered appropriate for its proposed use in relation to sporting fixtures.

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

Comment:

The proposal upgrades the existing sign and uses high quality materials.

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

Comment:

The location of the scoreboard is well away from streets and roadways. The scoreboard does not have an adverse visual impact on the surrounding locality and is appropriate in size and location for its proposed function.

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

Comment:

The scoreboard is located an appropriate distance away from residential properties.

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

Comment:

This objective is not applicable to the proposal. There are no Heritage or Conservation issues resulting from the provision of the scoreboard.

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 section 5(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

Sportsgrounds Plan of Management - Local Government Act 1993

The subject application is located on land that is subject to the provisions of the Sportsgrounds Plan of Management (adopted by Council on December 2007), pursuant to the provisions of the Local Government Act 1993. This plan is a Generic Plan of Management for all Sportsgrounds located within the Warringah Local Government Area that are not otherwise covered by another Plan of Management (PoM).

The proposed scoreboard is work that is consistent with the objectives, actions and procedures stated within the Plan of Management. Further, the application has been referred to Council's Parks, Reserves and Foreshores Unit, who are the responsible unit within Council for the management of this land and no objection was raised to the proposed works, and no matter relevant to the PoM was raised in the referral response.

The core objectives of the PoM, are as follows:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

The proposed works will upgrade the existing recreational facilities, which is consistent with objective

- (a). Assessment of the potential impact of the works is such that there is unlikely to be any

adverse impact on adjoining residences, consistent with objective

(b). Therefore the proposed development is considered to be consistent with the Sportsgrounds PoM.

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 DA2016/0197 for Installation of Signage on land at Part Lot 2590 DP 752038 Part Lot 2666 DP 752038, 2666 / 752038 Melwood Avenue, FORESTVILLE, 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
DA 02 Proposed New Multipurpose Electronic Scoreboard With Security Shutter	15/02/2016	Paterson Design Studio
DA 03 Proposed New Multipurpose	15/02/2016	Paterson Design Studio

Electronic Scoreboard With Security Shutter		
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b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

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. (DACPLB01)

2. **Prescribed Conditions**

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

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
- (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

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

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

(b) 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) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) 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.

(l) 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.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not

limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 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 sewerred areas or managed on-site in unsewerred 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.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

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

FEES / CHARGES / CONTRIBUTIONS

4. Security Bond

A bond (determined from cost of works) of \$500 and an inspection fee in accordance with Councils 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.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Councils infrastructure.

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

5. Compliance with Standards

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

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

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

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

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites'**
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website

http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

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

6. **Structural Certification**

Certification that the installation of the scoreboard is structurally sound must be received by Council prior to the issue of a Occupation Certificate

Reason: Public safety (DACHPFPOC1)

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

7. **Ongoing operational, maintenance and replacement costs**

The applicant Forest Rugby Union Club will be responsible for all maintenance, operational (including but not limited to electricity costs) and capital costs associated with the scoreboard.

To facilitate to the accurate calculation of electricity supply costs the applicant must install a separate sub-meter for the electrical supply to the scoreboard.

Should the scoreboard fall into a state of disrepair or suffer from vandalism to a point where the scoreboard poses a hazard to public or Workplace Health and safety, Council can undertake appropriate action to remove the hazard and charge the applicant for the work carried out.

Reason: Ensuring public and workplace health and safety, consistent level of service provided (DACHPGOG1)

8. **Restriction of Illumination**

Illumination of the subject scoreboard is permitted:

- only in conjunction with sporting events on-site, and
- between 7am and 10pm on any day.

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

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

Signed

Mitchell Drake, Planner

The application is determined under the delegated authority of:

Steven Findlay, Development Assessment Manager

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

No notification map.

ATTACHMENT C

Reference Number	Document	Date
 2016/071488	Report - Statement of Environmental Effects	04/03/2016
 2016/071497	Plans - Architectural	04/03/2016
 2016/071483	Plan - Survey	04/03/2016
 2016/071487	Plans - Notification	04/03/2016
 DA2016/0197	Lot 2666/ Melwood Avenue FORESTVILLE NSW 2087 - Development Application - Alterations and Additions	04/03/2016
 2016/070607	DA Acknowledgement Letter - Boston Blyth Fleming Pty Ltd	04/03/2016
 2016/071461	Development Application Form	07/03/2016
 2016/071467	Applicant Details	07/03/2016
 2016/087504	File Cover	21/03/2016
 2016/087511	Referral to AUSGRID - SEPP - Infrastructure 2007	21/03/2016
 2016/088371	SEA Map Notification	22/03/2016
 2016/088406	Notification Letter - 36 posted 22/03/2016	22/03/2016
 2016/108194	Parks, Reserves and Foreshores Referral Response	06/04/2016
 2016/139190	Consultant email- Symons Goodyer	04/05/2016
 2016/139519	Consultant email - Environet	04/05/2016
 2016/139542	Consultant email - Nolan Planning	04/05/2016
 2016/140664	Quote Symons Goodyer	05/05/2016
 2016/144945	Quote - Nolan Planning Consultants	09/05/2016
 2016/148554	Consultant Fax - Boston Blyth Fleming Pty Ltd	12/05/2016
 2016/148556	Memo Appoint External Consultant - Boston Blyth Fleming Pty Ltd	12/05/2016
 2016/148557	External Consultants Acceptance of Quotation - Boston Blyth Fleming Pty Ltd	12/05/2016
 2016/148558	Consultancy Agreement Peer Review - Boston Blyth Fleming Pty Ltd	12/05/2016
 2016/155117	Draft Report	17/05/2016
 2016/155551	Letter to Symons Goodyer	17/05/2016
 2016/156891	Consultancy Agreement Peer Review Signed	18/05/2016