

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2024/0690
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Responsible Officer:	Adam Croft
Land to be developed (Address):	Lot 1 DP 1104786, 4 - 6 Niangala Close BELROSE NSW 2085
Proposed Development:	Alterations and additions to a commercial premises (Belrose Super Centre) and signage
Zoning:	Warringah LEP2011 - Land zoned E3 Productivity Support Warringah LEP2011 - Land zoned C2 Environmental Conservation WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes - Zone C2 Environmental Conservation Yes - Zone E3 Productivity Support
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	HMC Capital

Application Lodged:	25/06/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	08/07/2024 to 22/07/2024
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	4.3 Height of buildings: 97.3%
Recommendation:	Approval

Estimated Cost of Works:	\$ 60,000.00
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PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for alterations and additions to the existing bulky goods retail centre. Specifically, the proposal involves the following works:

- New shopfront glazing, awning and signage zones at the western elevation of level 2 (roof level)
- New signage zone at the eastern elevation of level 2 (roof level)

The proposal does not include any additional gross floor area, internal reconfiguration of gross floor area or changes to hours of operation or car parking.

The location and appearance of the proposed works are depicted in the below plan extracts.

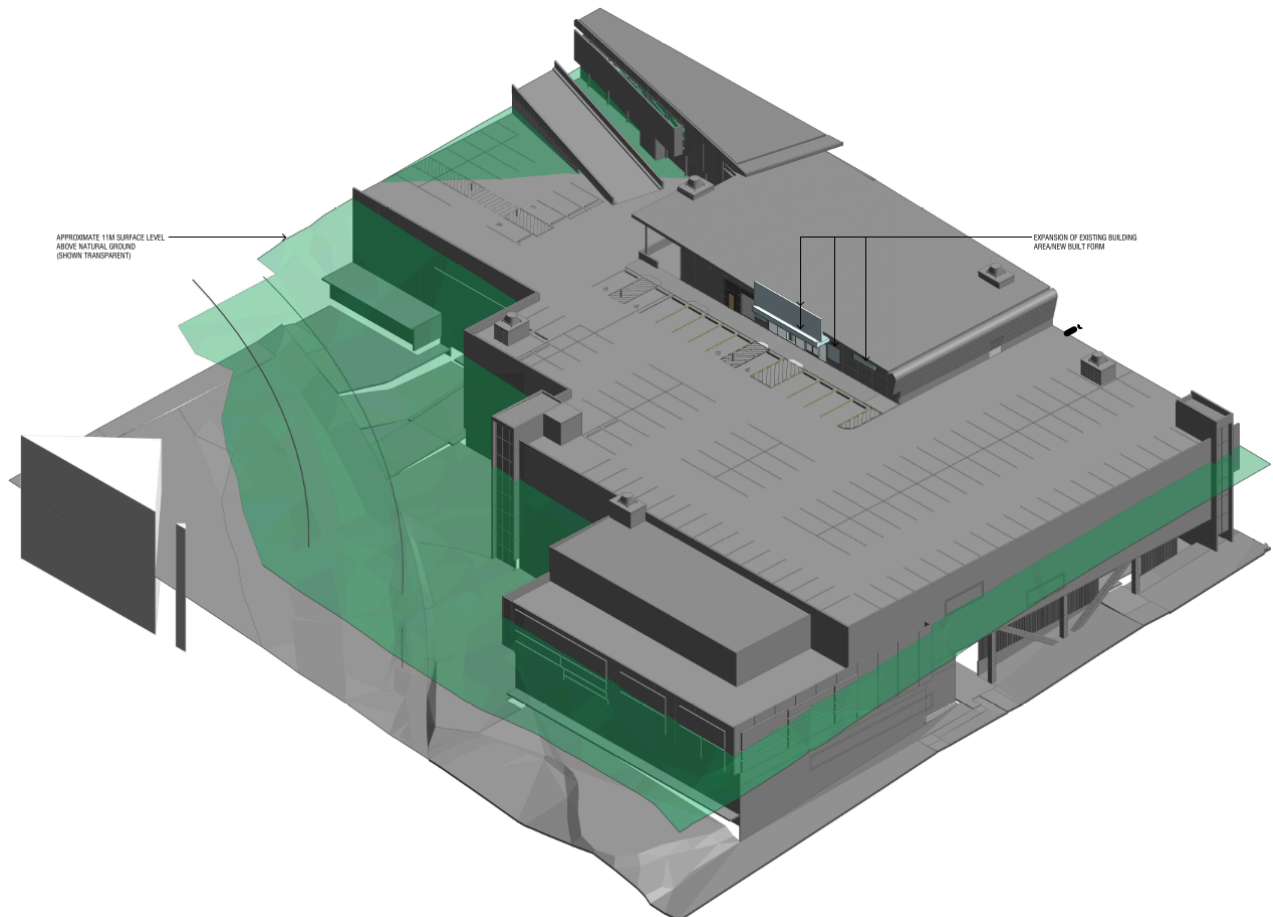


Figure 1. Location and appearance of the proposed works at the western elevation.

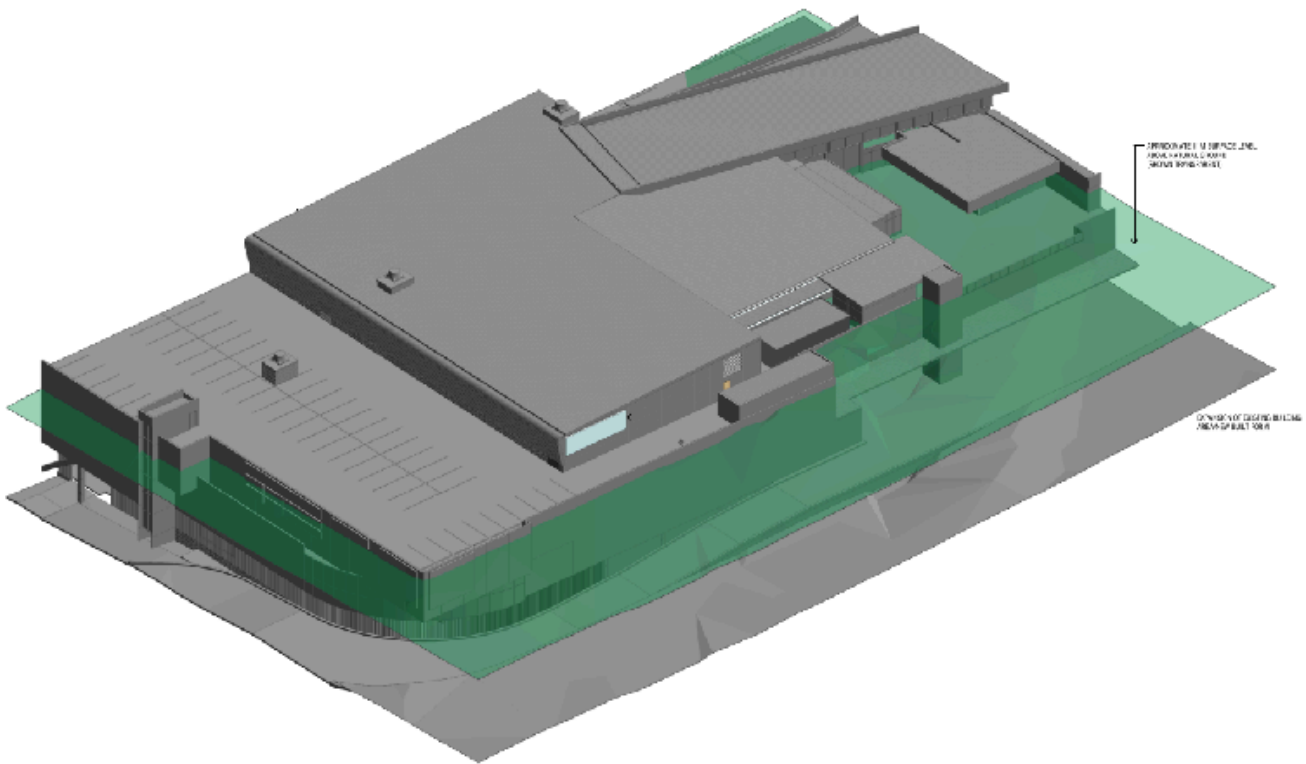


Figure 2. Location and appearance of the proposed works at the eastern elevation.

Determination of Development Application

For development where there is a pre-existing non-compliance of more than 10% for a class 2-9 building under clause 4.3 Height of buildings of the Warringah Local Environmental Plan 2011, and the development does not result in any increase in the overall/maximum non-compliance, the Northern Beaches Local Planning Panel delegates to the Chief Executive Officer (General Manager) of Northern Beaches Council the functions of the panel.

The proposed development meets the above requirements and therefore may be determined under the delegated authority of the Executive Manager, Development Assessment.

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 - 4.3 Height of buildings
 Warringah Local Environmental Plan 2011 - Zone C2 Environmental Conservation
 Warringah Development Control Plan - B4 Site Coverage
 Warringah Development Control Plan - B7 Front Boundary Setbacks
 Warringah Development Control Plan - B14 Main Roads Setback
 Warringah Development Control Plan - C2 Traffic, Access and Safety
 Warringah Development Control Plan - D12 Glare and Reflection
 Warringah Development Control Plan - D23 Signs
 Warringah Development Control Plan - Part E The Natural Environment

SITE DESCRIPTION

Property Description:	Lot 1 DP 1104786 , 4 - 6 Niangala Close BELROSE NSW 2085
Detailed Site Description:	The subject site consists of a single allotment bounded by Niangala Close to the west, Mona Vale Road to the north, Forest Way to the east and Garigal Road to the south. The site has a surveyed area of 4.023ha. The site is located within the E3 Productivity Support zone and accommodates a bulk good premises comprising 36,500m² of gross floor area. The site is also zoned C2 Environmental Conservation. This zoning applies to a portion of land around the perimeter of the site along the street frontages to Forest Way and Monda Vale Road. Surrounding development consists of a mix of light industrial and commercial premises. The topography of the site is characterised by a cross fall towards the south western corner. The site is bushfire prone and classified as Landslip Risk Class A and B on Council's Landslip Risk Map.

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:

DA2001/1615

The existing development was approved under Development Consent No. DA2001/1615 on 11 May 2004 for the construction of a bulky goods retail outlet, shops, restaurants, conservation of bushland and associated parking.

2001/1615 - Mod 1

On 27 February 2006, Council granted modified consent (2001/1615Mod 1) to provide an additional 124 car parking spaces on the rooftop, ramping, lighting and an increase to the parapet.

2001/1615 - Mod 2

On 26 September 2006, Council granted modified consent (2001/1615Mod 2) for the provision of a stairway linking the lower and upper level rooftop carparking areas.

MOD2009/0030 - Mod 3

On 18 February 2010, Council granted consent (MOD2009/0030) to modify condition No. 39 of consent 2001/1615 to increase the gross floor area of the shops component of the Development from 1,000m² to 2,500m².

MOD2010/0178 (Modification 4)

On 4 November 2010, Council granted consent (MOD2010/0178) to modify Condition No. 39 to become Condition No. 39A and to delete Condition Nos. 41A and 41B.

DA2014/1369

On 1 July 2015, DA2014/1369 for alterations and additions including addition of a store room at Level 1, 2290m² of retail floor space, corridor, plant room and goods lift at Level 2 was approved by Council subject to conditions.

DA2018/1254

On 26 July 2018, DA2018/1254 for alterations and additions to the existing Level 2 of the bulky goods retail centre was approved by Council subject to conditions.

DA2022/1869

On 18 July 2-23, DA2022/1869 for Alterations and additions to Belrose Super Centre including six (6) new tenancies for use as specialised retail premises and reconfiguration of the existing car park was withdrawn after being reported to the NBLPP with a recommendation for refusal.

DA2024/0173

On 23 April 2024, DA2024/0173 for Alterations and additions to a commercial premises (Belrose Super Centre) was approved by Council subject to conditions.

Mod2024/0253

On 22 May 2024, Mod2024/0253 was submitted to Council for Modification of Development Consent DA2001/1615 granted for Erection of a Multi-Tenancy Bulky Goods Centre With Ancillary Access Roads, signage & Landscaping "Bulky Goods Shops" Restaurants and Shops. Mod2024/0253 is under assessment by Council and is undetermined at the time of writing.

DA2024/0136

On 6 June 2024, DA2024/0136 for Installation of business identification signage to a commercial premises (Belrose Super Centre) was approved by Council subject to conditions.

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 (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)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent. <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.

Section 4.15 Matters for Consideration	Comments
	<u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent. <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 (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 classified as bush fire prone land. Section 4.14 of the Environmental Planning and Assessment Act 1979 requires Council to be satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection.

A Bush Fire Report was submitted with the application that included a certificate (prepared by Bushfire Planning & Design, dated 20 June 2024) stating that the development conforms to the relevant specifications and requirements within Planning for Bush Fire Protection. The recommendations of the Bush Fire Report have been included as conditions of consent.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 08/07/2024 to 22/07/2024 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 of the application Council received no submissions.

REFERRALS

No referrals were sent in relation to this application

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)

Housing and Productivity Contribution

The proposed development does not include any additional gross floor area and therefore does not attract and contributions under this order.

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. 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.

Transport for NSW (TfNSW).

Section 2.119 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

(a) The existing access to the site is via Niangala Close, which is not a classified road.

(b) The proposed development does not involve any additional gross floor area or changes to vehicular access that would have a significant impact on the ongoing operation of Forest Way or Mona Vale Road.

(c) The proposed development is not of a type that is sensitive to traffic noise or vehicle emissions.

Section 2.122 and Schedule 3 of this Policy requires that the following development(s) are referred to TfNSW as Traffic Generating Development:

Purpose of Development	Size or Capacity (Site with access to any road)	Size or Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection,

		measured along alignment of connecting road)
Shops	2,000m ²	500m ²

Note: Under Section 2.122(2) of Chapter 2, 'relevant size of capacity' is defined as meaning:

“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”

Comment:

The proposed development does not involve any additional gross floor area.

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?	Eastern elevation No - the existing signage is limited to the lower levels of the existing building and the introduction of signage at level 2 would be inconsistent with the existing and desired character. Western elevation Yes - the proposed signage is generally visible only from the level 2 car parking area and will not adversely impact the character of the area.	NO YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Eastern elevation No - as noted above the existing signage is located at the lower levels of the building, with the upper level presenting as a blank wall. Western elevation Yes - the proposed signage is	NO YES

	acceptable with regard to the existing appearance of the development.	
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?	Eastern elevation Yes - the introduction of signage at level 2 would alter the recessive appearance of this upper level and would detract from the visual quality of the surrounding public domain. Western elevation No - the visual outcome of the proposed signage is acceptable.	NO YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not compromise or obscure any views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is not of a scale or design that would cause unreasonable impacts upon the existing views of the skyline and vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not significantly impact 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?	Eastern elevation No - the introduction of signage at level 2 is not appropriate in the context of the development. Western elevation Yes - the proposed signage is suitably located and designed.	NO YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Eastern elevation No - the proposed signage is inconsistent with location/s of existing signage and would adversely impact the streetscape. Western elevation The proposed signage would not be visually prominent from surrounding streets.	NO YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Eastern elevation No - the proposal creates visual clutter by introducing signage in a new area of the building. Western elevation The existing elevation is not cluttered and does not require rationalisation.	NO YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Eastern elevation No - the proposed signage does not protrude above the building. Western elevation	YES

	Yes - the proposed signage protrudes above the building element to which it is attached. However, the signage would not be prominent from surrounding land by virtue of its central location within the site.	
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?	Eastern elevation No - the existing signage at the eastern elevation is limited to the lower levels of the building. The proposed level 2 signage is not compatible with or characteristic of the existing signage locations. Western elevation Yes - the proposed signage is compatible with the scale and proportions of the site and building.	NO YES
Does the proposal respect important features of the site or building, or both?	Eastern elevation No - as above. Western elevation Yes - as above.	NO YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Details of the signage content have not been provided as part of the application.	N/A
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?	N/A	N/A
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?	Eastern elevation No, the proposed signage is not expected to cause adverse impacts in relation to pedestrian, vehicular or aircraft safety or detract from the amenity of any residence. However, it is noted that at present the level 2 built form is not visible at night (see Figure 10) and that the introduction of illuminated signage in this location would alter this situation. Western elevation No, the proposed signage is not expected to cause adverse impacts in relation to pedestrian, vehicular or aircraft safety or detract from the amenity of any residence.	NO YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination would be subject to conditions of consent.	YES
Is the illumination subject to a curfew?	The illumination would be subject to	YES

	conditions of consent.	
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No - The proposed signage would not reduce the safety for any road, pedestrian or bicyclist.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No - The proposed signage would not obscure any sightlines for pedestrians.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality, subject to the deletion of the proposed sign at the eastern elevation as conditioned. 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 commercial purposes for a significant period of time. 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 commercial 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

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	11m	Signage over awning: 21.7m	97.3%	No

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Zone C2 Environmental Conservation

The proposed development does not include any works within the C2 zoned portion of the site.

4.6 Exceptions to development standards

The application seeks consent to vary a development standard as follows:

Development standard: Clause 4.3 Height of buildings

Requirement: 11m

Proposed: 21.7m

Percentage of variation: 97.3%

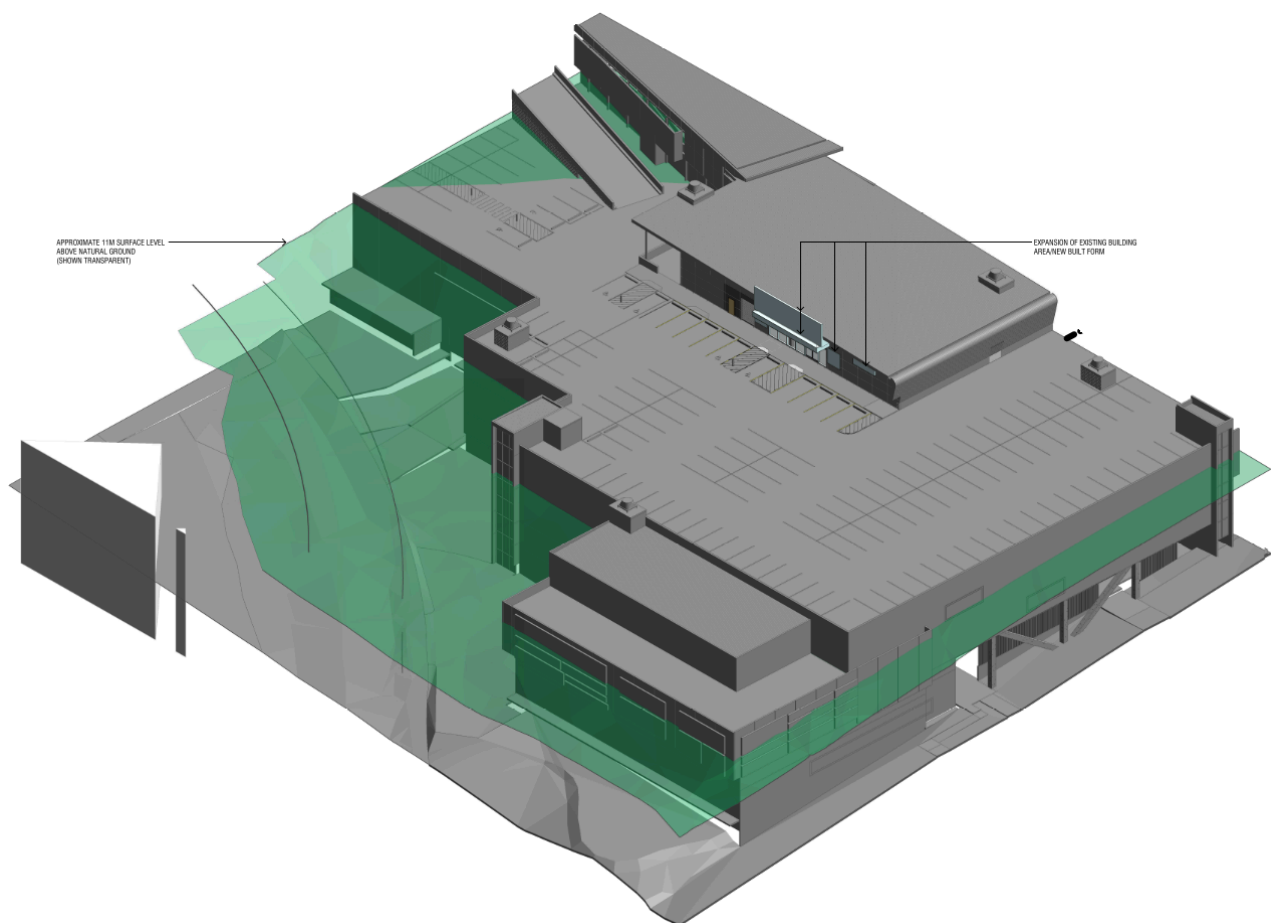


Figure 3. Illustration of the approximate proposed building height breach.

The above height plane diagram is not certified and the overlaid height plane is based on the approximate natural ground level, rather than the existing ground level used in Council's calculation. Regardless, the diagram gives an indication of the extent to which the existing building breaches the height standard and the scale of the proposed variation in the context of the overall development. Figure 4 below depicts Council's calculation of the proposed maximum building height breach.

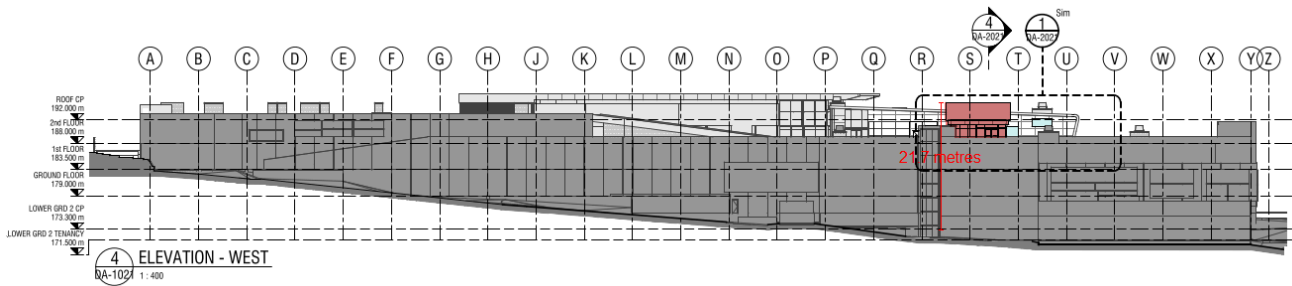


Figure 4. Building height breach as viewed at the western elevation (shaded red).

With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application is/is not accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Subclause (2) of this clause provides that:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.3 Height of buildings is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.3 Height of buildings is unreasonable or unnecessary in the circumstances of this application because the

proposed development achieves the objectives of the standard.

(1) The objectives of this clause are as follows—

(a) to ensure that buildings are compatible with the height and scale of surrounding and nearby development,

Comment:

The proposed works exceeding the height limit involve shopfront glazing, an awning and various signage zones. These proposed works are compatible with the height and scale of the existing building on the site and therefore with the established character of the business park.

(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access,

Comment:

The proposed works at the western elevation will be minimally visible from surrounding land and will not cause any adverse impacts in relation to views, privacy or solar access. The proposed signage zone at the eastern elevation is considered to result in adverse visual impacts and is not supported.

(c) to minimise any adverse impact of development on the scenic quality of Warringah's coastal and bush environments,

Comment:

As noted above, the proposed works at the western elevation will be minimally visible and therefore will not adversely impact the scenic quality of the surrounding environment. In contrast, the location of the proposed signage zone at the eastern elevation will significantly increase the visual prominence of the existing level 2 built form. In this regard, it is noted that the eastern elevation of the existing level 2 built form appears as a blank and recessive wall when viewed from Forest Way and surrounding land to the east. The introduction of a large illuminated signage zone onto this height non-compliant element is not supported.

(d) to manage the visual impact of development when viewed from public places such as parks and reserves, roads and community facilities.

Comment:

The visual impact of the works at the western elevation is appropriately managed by virtue of the location of the works centrally within the site. It is considered that the visual impact of the proposed signage zone at the eastern elevation cannot be managed or minimised as viewed from the surrounding road network and National Park.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's

written request has adequately demonstrated that that there are sufficient environmental planning grounds to justify contravening the development standard:

‘As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. The adjectival phrase “environmental planning” is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.’

The Clause 4.6 Request argues, in part:

1. *The proposal is entirely consistent with the underlying objectives and purposes of the standard, as demonstrated in Section 4.1;*

Comment:

Demonstrating consistency with the objectives of the standard is one of the common methods of establishing that compliance is unreasonable or unnecessary as required by Clause 4.6(3) (a), but is not identified as an environmental planning ground. As such, the first environmental planning ground advanced by the applicant is not sufficient.

2. *The proposal is entirely consistent with the underlying objective or purpose of the E3 zone, as demonstrated in Sections 4.2 and 4.3;*

Comment:

Development is required to achieve consistency with the objectives of the zone in which it is proposed to be carried out, but is not identified as an environmental planning ground. As such, the second environmental planning ground advanced by the applicant is not sufficient.

3. *Compliance with the standard would be unreasonable and unnecessary for the reasons outlined in Section 4.3;*

Comment:

As noted above, establishing that compliance is unreasonable or unnecessary is required to satisfy Clause 4.6(3)(a), but is not identified as an environmental planning ground. As such, the third environmental planning ground advanced by the applicant is not sufficient.

4. *The proposed non-compliance results in a built form and land use, which is permitted at the Site.*

Comment:

The proposed development does not result in a built form which is permitted at the site, as evidenced by the 97.3% departure from the height standard and subsequent reliance on a Clause 4.6 variation. Further, the permissibility of the land use is not identified as an environmental planning ground. As such, the fourth environmental planning ground advanced by the applicant is not sufficient.

5. *The proposal is consistent with the desired future character of the Site within the surrounding locality and generally complies with the relevant built form controls;*

Comment:

Notwithstanding the numerical extent of the proposed variation, the proposed non-compliant works at the eastern elevation are not contrary to the desired future character of the site and broader business park in that they will be generally imperceptible from surrounding land. This is not true for the proposed signage zone at the eastern elevation, which is not supported. In the absence of material visual or environmental impacts arising from the works at the western elevation, the fifth environmental planning ground advance by the applicant is accepted as sufficient.

6. *The awning signage will allow for the existing specialised retail premises to functionally operate and thus constitute the ongoing sustainable development of the Site;*

Comment:

The proposed signage is not seen as being so essential to the ongoing operation of the

development that this can be identified as an environmental planning ground. As such, the sixth environmental planning ground advanced by the applicant is not sufficient.

7. *The proposal has been designed to be sympathetic and respectful to the existing surrounding amenity and local character, particularly regarding visual bulk, privacy and overshadowing whilst expanding on the existing functional residential building Site.*

Comment:

It is agreed that the proposed works at the western elevation have been designed and sited in such a way that they will not adversely impact the amenity or character of the business park or broader locality. As also noted in relation to Ground 5, the works at the eastern elevation are not acceptable in this regard. In the absence of material visual or environmental impacts arising from the works at the western elevation, the seventh environmental planning ground advance by the applicant is accepted as sufficient.

Given the location and particularly minor proportion of the built form at the western elevation that exceeds the height control and the absence of material visual or amenity impacts resulting from these works, grounds 5 and 7 above as advanced in the applicant's Clause 4.6 variation request are accepted as sufficient environmental planning grounds in the case.

In this regard, the applicant's written request has demonstrated that the proposed development is an orderly and economic use and development of the land, and that the structure is of a good design and amenity, therefore satisfying cls 1.3 (c) and (g) of the EPA Act.

Therefore, the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard as required by cl 4.6 (3)(b).

Therefore, Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl 4.6(3).

Public Interest:

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EPA Act.

Conclusion:

Council is satisfied as to the matters set out in Clause 4.6 of the WLEP 2011.

The submitted written Clause 4.6 variation request is considered to be well founded having regard to the circumstances of the development. It is therefore considered appropriate to allow flexibility in the application of the Height of buildings development standard.

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B4 Site Coverage	33.3% 13,396.59m ²	39.5% (Unaltered)	N/A	No (as approved)
B7 Front Boundary Setbacks	Garigal Road: 10m	7.8m (Unaltered)	N/A	No (as approved)

	Niangala Close: 6.5m	6.9m (Unaltered)	N/A	Yes
B14 Main Roads Setback	Forest Way: 30m	20.7m (Unaltered)	N/A	No (as approved)
	Mona Vale Road: 30m	Approx.170m (Unaltered)	N/A	Yes
D1 Landscaped Open Space (LOS) and Bushland Setting	33.3% 13,396.59m ²	>33% (Unaltered)	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B4 Site Coverage	No	Yes
B7 Front Boundary Setbacks	No	Yes
B14 Main Roads Setback	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D20 Safety and Security	Yes	Yes
D23 Signs	No	Yes
Part E The Natural Environment	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E3 Threatened species, populations, ecological communities listed under State or Commonwealth legislation, or High	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Conservation Habitat		
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B4 Site Coverage

The existing site coverage of 39.5% exceeds the 33.3% control but remains unchanged by the proposed development.

B7 Front Boundary Setbacks

The proposed works are located centrally within the site and comply with the front setback requirements. The existing non-compliant setback to Garigal Close remains unchanged.

B14 Main Roads Setback

The proposed works are located centrally within the site and comply with the main roads setback requirements. The existing non-compliant setback to Forest Way remains unchanged.

C2 Traffic, Access and Safety

The proposal does not alter the existing vehicular circulation, car parking generation and provision or pedestrian access arrangements.

D12 Glare and Reflection

Glare and reflection impacts associated with the proposed illuminated signage are discussed further against the signage provisions of SEPP (Industry and Employment) 2021 and the WDCP.

D23 Signs

Compliance with control

The proposal includes 5 new signage zones at the Level 2 eastern and western elevations. Details of the signage content have not been provided as part of the application. The signage zones are identified on Figures 5 and 6 below have dimensions as follows:

1. East: 4m² (2m L x 2m H)
2. West: 33.5m² (11m L x 3.03m H)
3. West: 4m² (2m L x 2m H)
4. West: 5m² (3.5m L x 1.375m H)
5. West: 21m² (8.78m L x 2.41m H)

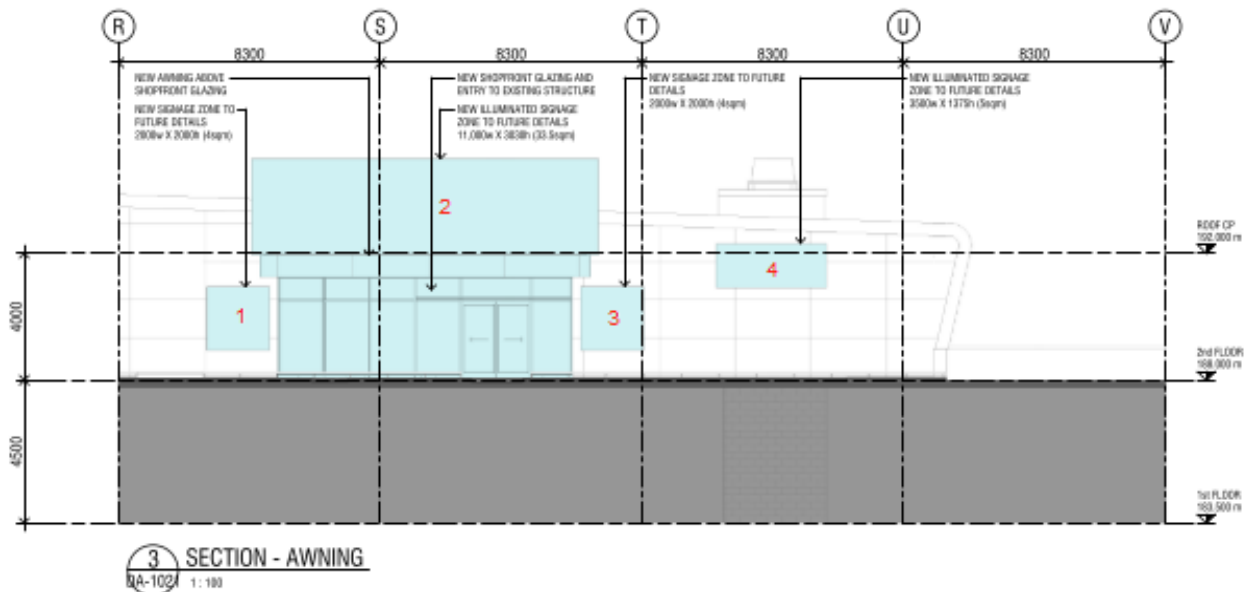


Figure 5. Proposed western elevation signage.

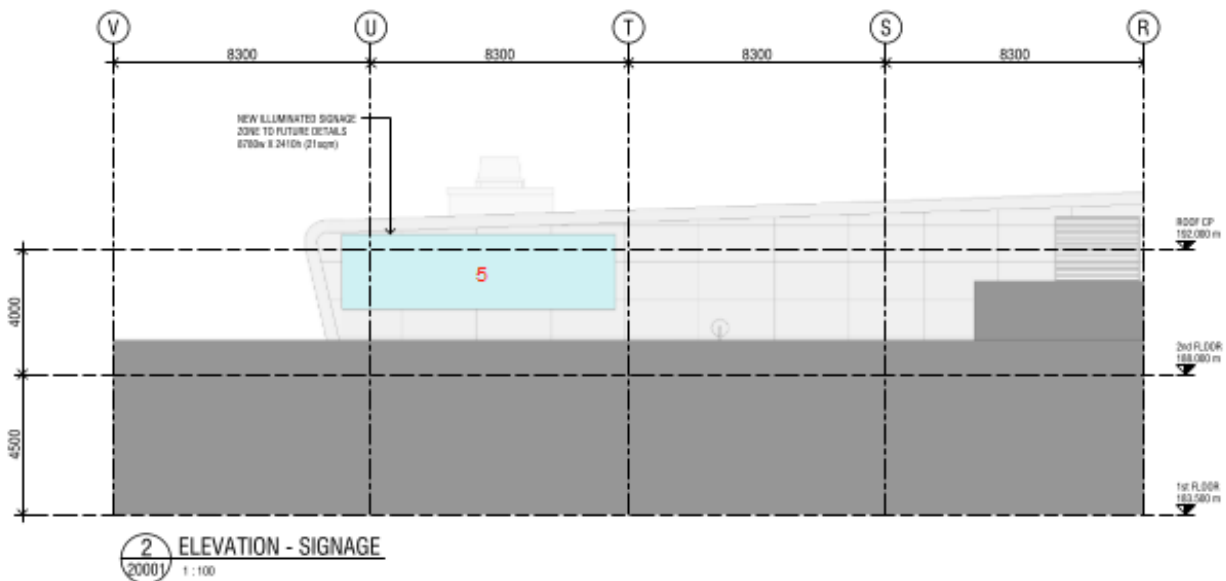


Figure 6. Proposed eastern elevation signage.

Requirements

1. Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.
2. Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.

Comment:

The proposed signage at the western elevation will be primarily visible from the adjacent level 2 car parking area but will generally not be seen from surrounding land, as demonstrated in Figures 7 and 8

below. However, the proposed eastern elevation sign would be incompatible with the existing signage locations at the eastern and southern elevations as demonstrated in Figures 9 and 10 below. The departure from the existing streetscape appearance and character of the development as viewed from Forest Way is inconsistent with the above requirements and the objectives of the control. This is particularly apparent at night when at present the level 2 built form is not visible.



Figure 7. Streetview image from the eastern end of Garigal Close demonstrating that the proposed western elevation works are not visible.



Figure 8. Streetview image from the western end of Garigal Close demonstrating that the proposed western elevation works are not visible.



Figure 9. Streetview image from Forest Way with the proposed eastern elevation signage location clouded red.



Figure 10. Photo from Forest Way demonstrating that the existing level 2 built form is presently not visible at night.

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 at the western elevation is suitably designed and sited to ensure consistency with the above objectives and the relevant requirements of SEPP (Industry and Employment) 2021. The proposed eastern elevation sign is not appropriately designed, sited or coordinated with the existing signage at the southeastern corner of the building and would adversely impact the Forest Way Streetscape and the surrounding public domain. Accordingly, the proposed eastern elevation sign is conditioned to be deleted from the plans.

Part E The Natural Environment

The proposed works are sited above ground level within the existing building footprint. Accordingly, the proposed is not anticipated to result in any adverse impacts in relation to the relevant matters under Part E of the WDCP, namely prescribed and native vegetation, threatened species, wildlife corridors, unique environmental features or landslip risk.

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.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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

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

Council is satisfied that the Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify variation of the development standard contained within Clause 4.3 Height of Buildings has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

That Northern Beaches Council, as the consent authority, vary the development standard contained within Clause 4.3 Height of Buildings pursuant to Clause 4.6 of the Warringah Local Environmental Plan 2011 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly Council as the consent authority grant Development Consent to DA2024/0690 for Alterations and additions to a commercial premises (Belrose Super Centre) and signage on land at Lot 1 DP 1104786, 4 - 6 Niangala Close, BELROSE, 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-1021	B	Awning Extension - Plans	Buchan Group	21 May 2024
DA-2021	B	Awning Extension - Sections	Buchan Group	21 May 2024

Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Bushfire Advice Report	-	Bushfire Planning & Design	20 June 2024

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

In the event of any inconsistency between 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. No Approval for Land Use

No approval is granted under this Development Consent for any land use.

Reason: To ensure compliance with the relevant Local Environmental Plan.

3. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) showing the name, address and telephone number of the Principal Certifier 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 Certifier 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 Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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

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

Reason: Legislative requirement.

4. General Requirements

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

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

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

- (b) Construction certificate plans are to be in accordance with all finished levels identified on approved plans. Notes attached to plans indicating tolerances to levels are not approved.
- (c) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (d) At all times after the submission of 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 an Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (e) 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.
- (f) 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.
- (g) Prior to the release of the Construction Certificate, payment of the following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (h) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

- (i) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (j) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (n) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (o) 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 2018
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
 - (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

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

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Amendments to the approved plans

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

- The proposed signage zone at the eastern elevation of level 2 shall be deleted from the plans.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of the Construction Certificate.

Reason: To require amendments to the plans endorsed by the consent authority following assessment of the development.

7. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

DURING BUILDING WORK

8. Survey Certificate

A survey certificate prepared by a Registered Surveyor is to be provided demonstrating that the finished roof/ridge height are in accordance with the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier when the external structure of the building is complete.

Reason: To demonstrate the proposal complies with the approved plans.

9. 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 Certifier.

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

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

10. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier 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.

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

11. Illumination Intensity and Design

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

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

12. Hours of Illumination

Illumination of signage at the subject premises shall cease between the hours of 10.00pm and 6.00 am daily.

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

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

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

Signed



Adam Croft, Principal Planner

The application is determined on 22/08/2024, under the delegated authority of:



Daniel Milliken, Acting Executive Manager, Development Assessments