



Warringah Council

COMMERCIAL OCCUPATION/ADDITIONS/SIGNAGE/CHANGE OF USE

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Assessment Officer: Phil Lane

Property Address: Lot 1, DP 588603 & Lot A & B, DP 326907, No. 33 Oaks Avenue DEE WHY

Application No: DA2009/0308



Proposal Description: Change of use of office premises to a gymnasium and associated signage

In detail: The proposed “Anytime Fitness” gymnasium is to be located on the first floor tenancy located in the north- west corner of the recently refurbished building known as the “*Dee Why Market*”. The works involve an internal fitout of this tenancy and the erection of a static illuminated business sign on Oaks Avenue building facade.

The intended hours of operation are 24 hours per day, 7 days per week. Five staff members are to be in attendance during the weekdays between 10am and 6pm and one staff member will be present on Saturdays between 10am and 4pm. No staff will be in attendance on Sundays. Additionally, two personal trainers will attend the centre on an ‘as needs’ basis with maximum attendance of 6 hours per day.

The gymnasium is likely to attract 850 members with the following a breakdown based on other centres within Sydney:

Time of operations	Percentage of clients	Proposed No. of persons
5am – 12pm	34%	289 persons
12pm – 5pm	26%	221 persons
5pm – 10pm	32%	272 persons
10pm – 12am	5%	43 persons
12am – 5am	3%	25 persons



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Parking: A total of 148 parking spaces (including 2 disabled spaces) are available for patrons of the use, including parking on the mid-level and rooftop carpark with entry available via an internal lift between 8am and 12am daily.

RELEVANT BACKGROUND

- DA1999/1424, Alterations to Woolworth's Supermarket, (Approved)
- DA1999/2274, Tenancy Fitout for Liquor Shop, (Approved)
- DA2002/1761, Installation of Boom Gates and Associated Signage and Introduction of Parking Fees to Existing Carpark - Dee Why Shopping Centre (Woolworths), (Approved)
- ECDC 2006/1272, Refurbishment of Existing Woolworth's Supermarket, (Approved)
- DA2007/0051, Infill existing parapet, additional signage & associated works, (Approved)
- DA2007/1259, Installation of a lift & refurbishment of the external facade, (Approved)
- MOD2008/0184, (Modification) Relocation of lift and external facade changes, (Approved)
- DA2008/1148, Fitout and use for a shop (Fruit and vegetable market), (Approved)
- DA2008/1149, Fitout and use for a shop (Deli), (Approved)
- DA2008/1446, Fitout and use for a shop (Butcher), (Approved)
- CDC2009/0017, Fitout and use for a shop (Cafe), (Approved)

Report Section	Applicable	Complete & Attached
Section 1 – Code Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 2 – Issues Assessment	☒ Yes ☐ No	☒ Yes ☐ No
Section 2A – SEPP 64	☒ Yes ☐ No	☒ Yes ☐ No
Section 2B – Schedule 17 Car parking	☒ Yes ☐ No	☒ Yes ☐ No
Section 3 – Site Inspection Analysis	☒ Yes ☐ No	☒ Yes ☐ No
Section 4 – Application Determination	☒ Yes ☐ No	☒ Yes ☐ No

Estimated Cost of Works: \$ 45 000.00

Are S94A Contributions Applicable?

☐ Yes ☒ No

Notification Required?

☒ Yes ☐ No

Period of Public Exhibition?

☒ 14 days ☐ 21 days ☐ 30 days ☐ N/A

Submissions Received?

☐ Yes ☒ No

No. of Submissions: Nil



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Are any trees impacted upon by the proposed development? ☐ Yes ☒ No

SECTION 1 – CODE ASSESSMENT REPORT ENVIRONMENTAL PLANNING INSTRUMENTS

WLEP 2000

Locality: E6 Oaks Avenue

Development Definition: ☐ Housing ☐ Ancillary Development to Housing ☒ Other (Recreation Facility)

Category of Development: ☐ Category 1 ☒ Category 2 ☐ Category 3

Desired Future Character:

☐ Category 1 Development with no variations to BFC's (Section 2 Assessment not required)

Is the development considered to be consistent with the Locality's Desired Future Character Statement?

☐ Yes ☐ No

☐ Category 1 Development with variations to BFC's (Section 2 Assessment Required)

☒ Category 2 Development Consistency Test (Section 2 Assessment Required)

☐ Category 3 Development Consistency Test (Section 2 Assessment Required)

Built Form Controls:

The built form controls are not applicable to this application and the external signage is to be affixed to an approved part of the building.

General Principles of Development Control:

CL38 Glare & reflections Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Comments: The proposed signage will be located within the retail/commercial area of Oaks Avenue. Conditions will be incorporated in relation to the hours and intensity of illumination used for the signage.
CL39 Local retail centres Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL40 Housing for Older People and People with Disabilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL41 Brothels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL42 Construction Sites Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No
CL43 Noise Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Comments: Due to the remoteness of the use being located over 75 metres from residential properties in Oaks Avenue and Pacific Parade and the minor nature of the external works (signage) and noise characteristics of the use it is deemed that the proposal will satisfactorily address this clause. A condition will be included to ensure that users of the gymnasium enter and exit the premises in orderly manner via management plan (patron behaviour).
CL44 Pollutants Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL45 Hazardous Uses Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL46 Radiation Emission Levels Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL47 Flood Affected Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL48 Potentially Contaminated Land Applicable: ☐ Yes ☒ No	Complies: Based on the previous land uses if the site likely to be contaminated? ☐ Yes ☐ No Is the site suitable for the proposed land use? ☐ Yes ☐ No
CL49 Remediation of Contaminated Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL49a Acid Sulfate Soils Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL50 Safety & Security Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No Comments: Security systems and devices will ensure the safety and security of patrons using the facilities with the use of alarm systems notifying both the patron and staff/owner if some "tailgates" a patron into the premises. The use of personal electronic devices and phone systems will ensure the safety of users. The after hours entry will be visible from Oaks Avenue and the premises will allow patrons to overlook the public domain below. Adequate lighting within the entry will ensure safe entry/exit for patrons. The proposal is deemed to be satisfactory with this clause.
CL51 Front Fences and Walls Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL52 Development Near Parks, Bushland Reserves & other public Open Spaces Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL53 Signs Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Comments: Under this clause above awning level business uses are allowed up to a maximum of 4sqm and maximum of 5sqm for below awning signage. The proposed signage of 15sqm (11.53m by 1.3m) is excessive for the proposed business. The allowable maximum area of signage for combined above and below signage would equate to 9sqm. Given that the proposed signage will be obscured by existing street trees along the pathway along the southern side of Oaks Avenue it is deemed that maximum signage area of 9sqm is acceptable. This will be the only sign for the business and will allow responsible identification without comprising the existing streetscape or the existing building facade. Therefore, it is considered that a condition will be included for the reduction of signage from 15sqm to 9sqm, a reduction of 40% and thus satisfactorily addressing this clause.



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Proposed location of Gymnasium located at No. 33 Oaks Avenue, Dee Why

CL54 Provision and Location of Utility Services Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL55 Site Consolidation in 'Medium Density Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL56 Retaining Unique Environmental Features on Site Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL57 Development on Sloping Land Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL58 Protection of Existing Flora Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL59 Koala Habitat Protection Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL60 Watercourses & Aquatic Habitats Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL61 Views Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL62 Access to sunlight Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL63 Landscaped Open Space Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL63A Rear Building Setback Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL64 Private open space Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL65 Privacy Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL66 Building bulk Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL67 Roofs Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL68 Conservation of Energy and Water Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL69 Accessibility – Public and Semi-Public Buildings Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Comments: The proposal will be serviced by an internal lift which allows access to the street, the proposed gymnasium and roof top carpark with two available disabled parking spaces.
CL70 Site facilities Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL71 Parking facilities (visual impact) Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL72 Traffic access & safety Applicable: ☐ Yes ☒ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL73 On-site Loading and Unloading Applicable: ☒ Yes ☐ No	Complies: ☒ Yes ☐ Yes , subject to condition ☐ No
CL74 Provision of Carparking Applicable: ☒ Yes ☐ No	Complies: ☐ Yes ☒ Yes , subject to condition ☐ No Comments: The proposed gymnasium has a gross floor area of 530sqm and requires 24 dedicated off-street car parking spaces (4.5 spaces per 100sqm). Given that the existing mid-level and top floor carparks have the provision of 148 spaces (including 2 disabled parking spaces); there is adequate provision for parking for the proposal. The parking area has a 2 hour time limit imposed to all users of the centre and therefore allows for regular movement of vehicles and availability of parking during the day/night. Concerns were raised from Councils Environmental Health & Protection Services in regards to use of the carpark within the centres after 12am with the cars entry/leaving and the impacts on the adjoining and nearby residents from car lights and noise (both vehicle and human). It is noted that the carpark is closed between the hours of 12am and 8am due to the surrounding residential flat buildings located adjacent to the site. The Council carpark located between Oaks and Howard Avenue is located within 50m of the site and therefore allows for an alternative for users to park off-street and is within close proximity. Nevertheless, even if all persons choose to drive to the gymnasium during the peak period of operations for the gymnasium (5am to 12pm), which is over a seven (7) hour part of the day (averages to 42 persons per hour), there would still be more than adequate provision for parking on site (via the centres carpark opening at 8am), off street parking via the Council carpark between Oaks & Howard Avenue and available parking within Oaks Avenue. It is noted that this would be not be in conflict with other businesses which mainly operate after 9am within Oaks Avenue. Statistics provided by the applicant also demonstrate that 90% of members live within 5km of the site and thus persons could walk, ride, run or utilise public transport to the centre. It deemed that there is adequate provision for parking both onsite, within close proximity of the site and alternative modes of transport to the site are deemed to be appropriate and satisfactorily addressing this clause.
CL75 Design of Carparking Areas Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No



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CL76 Management of Stormwater Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL77 Landfill Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL78 Erosion & Sedimentation Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL79 Heritage Control Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL81 Notice to Heritage Council Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL82 Development in the Vicinity of Heritage Items Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No
CL83 Development of Known or Potential Archaeological Sites Applicable: ☐ Yes ☒ No	Complies: ☐ Yes ☐ Yes , subject to condition ☐ No

Schedules:

Schedule 4 Prohibited Signage (further assessment where appropriate under SEPP 64) Applicable: (i.e. are prohibited signs proposed?) ☐ Yes ☒ No ☐ DAO to investigate further
Schedule 5 State policies Applicable: ☐ Yes ☒ No ☐ DAO to investigate further
Schedule 6 Preservation of bushland Applicable: ☐ Yes ☒ No ☐ DAO to investigate further



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Schedule 7 Matters for consideration in a subdivision of land

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 8 Site analysis

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 9 Notification requirements for remediation work

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 10 Traffic generating development

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 11 Koala feed tree species and plans of management

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 12 Requirements for complying development

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 13 Development guidelines for Collaroy/Narrabeen Beach

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 14 Guiding principles for development near Middle Harbour

Applicable:

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 15 Statement of environmental effects

Applicable: (Category 3 only)

☐ Yes ☒ No ☐ DAO to investigate further

Schedule 17 Carparking provision

Applicable:

☒ Yes ☐ No ☐ FAR (refer Section 2B Issue Assessment)

Comments: The proposed gymnasium has a gross floor area of 530sqm and requires 24 dedicated off-street car parking spaces (4.5 spaces per 100sqm). Given that the existing mid-level and top floor carparks have the provision of 148 spaces (including 2 disabled parking spaces); there is adequate provision for parking for the proposal. The parking area has a 2 hour time limit imposed to all users of the centre and therefore allows for regular movement of vehicles and availability of parking during the day/night.

Concerns were raised from Councils Environmental Health & Protection Services in regards to use of the carpark within the centres after 12am with the cars entry/leaving and the impacts on the adjoining and nearby residents from car lights and noise (both vehicle and human). It is noted that the carpark is closed between the hours of 12am and 8am due to the surrounding residential flat buildings located adjacent to the site. The Council carpark located between Oaks and Howard Avenue is located within 50m of the site and therefore allows for an alternative for users to park off-street and is within close proximity.



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Nevertheless, even if all persons choose to drive to the gymnasium during the peak period of operations for the gymnasium (5am to 12pm), which is over a seven (7) hour part of the day (averages to 42 persons per hour), there would still be more than adequate provision for parking on site (via the centres carpark opening at 8am), off street parking via the Council carpark between Oaks & Howard Avenue and available parking within Oaks Avenue. It is noted that this would be not be in conflict with other businesses which mainly operate after 9am within Oaks Avenue. Statistics provided by the applicant also demonstrate that 90% of members live within 5km of the site and thus persons could walk, ride, run or utilise public transport to the centre.

It deemed that there is adequate provision for parking both onsite, within close proximity of the site and alternative modes of transport to the site are deemed to be appropriate and satisfactorily addressing this schedule.

EPA Regulation Considerations:

Clause 54 & 109 (Stop the Clock) Applicable: ☒ Yes ☐ No ☐ DAO to investigate further	Comments: Request in regards to further information for the proposed signage and parking arrangements submitted on 26 March, 2009. The information submitted has adequately addressed these issues.
Clause 92 (Demolition of Structures) Applicable: ☐ Yes ☒ No ☐ DAO to investigate further	Addressed via condition? ☐ Yes ☐ No
Clause 93 & 94 (Fire Safety) Applicable: ☒ Yes ☐ No ☐ DAO to investigate further BCA report supplied? ☐ Yes ☒ No	Addressed via condition? ☒ Yes ☐ No ☐ Further Assessment Required
Clause 98 (BCA) Applicable: ☒ Yes ☐ No ☐ DAO to investigate further	Addressed via condition? ☒ Yes ☐ No
Is a Construction Certificate required? Applicable: ☒ Yes ☐ No ☐ DAO to investigate further (BCA Assessment Required see Section 2)	Addressed via condition? ☒ Yes ☐ No
Disability & Discrimination Act Applicable: ☒ Yes ☐ No ☐ DAO to investigate further	Addressed via condition? ☒ Yes ☐ No ☐ Amended plans required
Is a POPE (Place of Public Entertainment required?) ☐ Yes ☒ No ☐ DAO to investigate further	Addressed via condition? ☐ Yes ☐ No



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REFERRALS

Referral Body/Officer	Required	Response
Development Engineering	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Landscape Assessment	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Bushland Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Catchment Management	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Aboriginal Heritage	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Env. Health and Protection	☒ Yes ☐ No	☐ Satisfactory ☒ Satisfactory, subject to condition ☐ Unsatisfactory
NSW Rural Fire Service	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory
Energy Australia	☐ Yes ☒ No	☐ Satisfactory ☐ Satisfactory, subject to condition ☐ Unsatisfactory

Applicable Legislation/ EPI's /Policies:

- ☒ EPA Act 1979
- ☒ EPA Regulations 2000
- ☒ Disability Discrimination Act 1992
- ☐ Local Government Act 1993
- ☐ Roads Act 1993
- ☐ Rural Fires Act 1997
- ☐ RFI Act 1948
- ☐ Water Management Act 2000
- ☐ Water Act 1912
- ☐ Swimming Pools Act 1992;
- ☐ SEPP No. 55 – Remediation of Land
- ☐ SEPP No. 71 – Coastal Protection
- ☒ SEPP No. 64 – Advertising & Signage
- ☒ SEPP Infrastructure
- ☐ SEPP BASIX
- ☐ SEPP Infrastructure
- ☒ WLEP 2000
- ☒ WDCP
- ☐ S94 Development Contributions Plan
- ☐ S94A Development Contributions Plan
- ☐ NSW Coastal Policy (cl 92 EPA Regulation)
- ☐ Other



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SECTION 79C EPA ACT 1979

Section 79C (1) (a)(i) – Have you considered all relevant provisions of any relevant environmental planning instrument?	☒ Yes ☐ No
Section 79C (1) (a)(ii) – Have you considered all relevant provisions of any provisions of any draft environmental planning instrument	☒ Yes ☐ No
Section 79C (1) (a)(iii) – Have you considered all relevant provisions of any provisions of any development control plan	☒ Yes ☐ No
Section 79C (1) (a)(iiiia) - Have you considered all relevant provisions of any Planning Agreement or Draft Planning Agreement	☐ Yes ☐ No ☒ N/A
Section 79C (1) (a)(iv) - Have you considered all relevant provisions of any Regulations?	☒ Yes ☐ No
Section 79C (1) (b) – Are the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality acceptable?	☒ Yes ☐ No
Section 79C (1) (c) – Is the site suitable for the development?	☒ Yes ☐ No
Section 79C (1) (d) – Have you considered any submissions made in accordance with the EPA Act or EPA Regs?	☒ Yes ☐ No
Section 79C (1) (e) – Is the proposal in the public interest?	☒ Yes ☐ No Comment: The proposal will be offering a range of services associated with fitness, well being and personal training and is deemed to be in the public interest.

SECTION 2 – ISSUES

WLEP 2000

DESIRED FUTURE CHARACTER – E6 Oaks Avenue

“Oaks Avenue will incorporate a mix of business, community and leisure uses. Ground floor premises will be characterised by uses including shops and restaurants that create active building front and contribute to the life of the streets and other public spaces. Housing and offices will characterise upper floors.

Building design will also contribute to the life of public spaces by helping to define the streets and public spaces and create environments that are appropriate to the human scale as well as comfortable, interesting and safe. The scale of these buildings will be less than buildings in the neighbouring Howard Avenue locality in recognition of the subservient role of Oaks Avenue.

In particular, future development will be designed so that a 3 storey6 podium adjoins the sidewalk and establishes a coherent parapet line along Oaks Avenue. Above parapet line additional storeys will be set back to maintain solar access to the sidewalks and ensure that the scale of buildings does not dominate public spaces. Buildings are to be articulated in such a way that they are broken into smaller elements with strong vertical proportions and spaces are created between buildings at the upper levels and to add interest to the skyline, reduce the mass of the building and facilitate the sharing of views and sunlight.

The overall height of buildings is to be such that long distance views of Long Reef Headland, the top of the escarpment to the west of Pittwater Road and the Norfolk Island Pines next to Dee Why Beach are preserved.

Building layout and access are to be in accordance with Map E available from the office of



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the Council such that the spaces behind buildings combine to form central courts with vehicle access limited to a restricted number of places generally in the locations shown on Map E.

Site amalgamation will be encouraged to facilitate new development and enable all carparking to be provided below ground or behind buildings using shared driveways where possible."

The proposed development is considered to be consistent with the relevant components of the applicable DFC statement for the reasons detailed hereunder:

- The proposal constitutes a leisure/recreational use for the existing and future residents and employees working within the Dee Why town centre and surrounding localities. The other desired future characteristics detailed within the locality statement pertain to building forms and as this application involves the use of an existing commercial unit located on the first floor level of an existing commercial/retail building, they are relevant to the assessment of the application.

SEPPs

Other Relevant Environmental Planning Instruments:

SEPPs: Applicable? ☒ Yes ☐ No

Section 2A - SEPP No. 64 – Advertising and Signage

Is SEPP 64 Applicable to the proposal? ☒ Yes ☐ No (delete table below)

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.

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 subject site is located within the E6 Oaks Avenue locality under WLEP 2000. This locality is primarily comprised of commercial/retail premises and residential uses within the vicinity, which provide advertising signage for the premises, including wall, window and pylon signs. The proposed development seeks new identification signage on the building facades, which is consistent with existing surrounding signage.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The subject site is located within an existing commercial/retail land uses area with varying signage and building form. The proposed signage is considered to be satisfactory with regard to the advertising theme for the commercial/retail uses within the localities.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The subject site is not located within the vicinity of any environmentally sensitive area, heritage item, waterway or rural landscape.	YES



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3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage is designed to be fitted onto the existing building parapet and will not obscure or compromise important views. In addition, the proposed signage will not result in the obscuring of views from any public or private domain.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The sign has been deemed to be excessive and a reduction from 15sqm to 9sqm will be conditioned so that it does not dominate the skyline and has an appropriate relationship with the parapet height and width. The conditioned sign will be of such dimensions that compliment rather than dominate the building.	YES, subject to condition
Does the proposal respect the viewing rights of other advertisers?	Due to the buildings unique design and locality no existing or proposed signage will interfere with the viewing right of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage of 15sqm is deemed excessive and will be conditioned to 9sqm in area to be considered be of appropriate for the streetscape due to the location of the signage.	YES, subject to condition
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage due to its size has been deemed to be excessive and will be conditioned to be reduced accordingly to be consistent with the existing built form and therefore to be considered to be in scale with the building to which it will be attached.	YES, subject to condition
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It is considered that the proposed conditioned signage will maintain the status quo with regard to clutter and rationalisation.	YES
Does the proposal screen unsightliness?	The site will be integrated into the design of the façade. Overall the new conditioned sign will be proportionate to the significant floor area and the shop frontage to Oaks Avenue.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign is proportionate to the existing building and are affixed flush to the external façade of the building.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed conditioned signage is considered to be compatible with the scale, proportion and other characteristics of the site or building due to the location of the signage.	YES
Does the proposal respect important features of the site or building, or both?	The proposed conditioned sign has been designed as wall sign on the building parapet, the signage is considered to be consistent with that of the built form and to that of surrounding development, and as such the proposal is considered to respect the important features of the site and building.	YES
Does the proposal show innovation and imagination in its relationship to the site or	The proposed signage is standard in design, it is consistent with that of surrounding	YES



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building, or both?	development and is considered satisfactory for the proposed use.	
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The graphics are designed to be in accordance with the company logo of the company. The colours are acceptable and not overwhelming in this position.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The illumination is provided internal to the sign and is simply to highlight the backgrounds. Conditions will be incorporated to ensure the any possible glare does not affect the nearby residents along Oaks Avenue.	YES
Can the intensity of the illumination be adjusted, if necessary?	Yes, the illumination is proposed is minimal but in the unlikely event that light spillage and illumination issues arise, the intensity of the illumination can be modified to suit the locality. A condition will be incorporated to ensure compliance.	YES
Is the illumination subject to a curfew?	Yes, the sign will be illuminated whilst the centre is open for trade and must be operated during the night or on days with poor daylight.	YES, subject to condition
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	Due to the location of the proposed signage and conditions, the proposed signage is not considered to have any adverse impact upon the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Due to the location of the proposed signage it is considered that the signage will not result in the obscuring of any views.	YES

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.

Proposal is satisfactory ☒ Yes ☐ No

WLEP 2000 Clause 53 Signs

CL53 Signs	The number, size, shape, extent, placement and content of signs are to be limited to the extent necessary to: • allow the reasonable identification of the land use, business, activity or building to which the sign relates, and • ensure that the sign is compatible with the design, scale and architectural character of the building or site upon which it is to be placed, and • ensure that the sign does not dominate or obscure other signs or result in visual clutter, and • ensure that the sign does not endanger the public or diminish the amenity of nearby properties.	☒ Yes ☐ No ☒ Yes, subject to condition ☐ No ☒ Yes ☐ No ☒ Yes ☐ No
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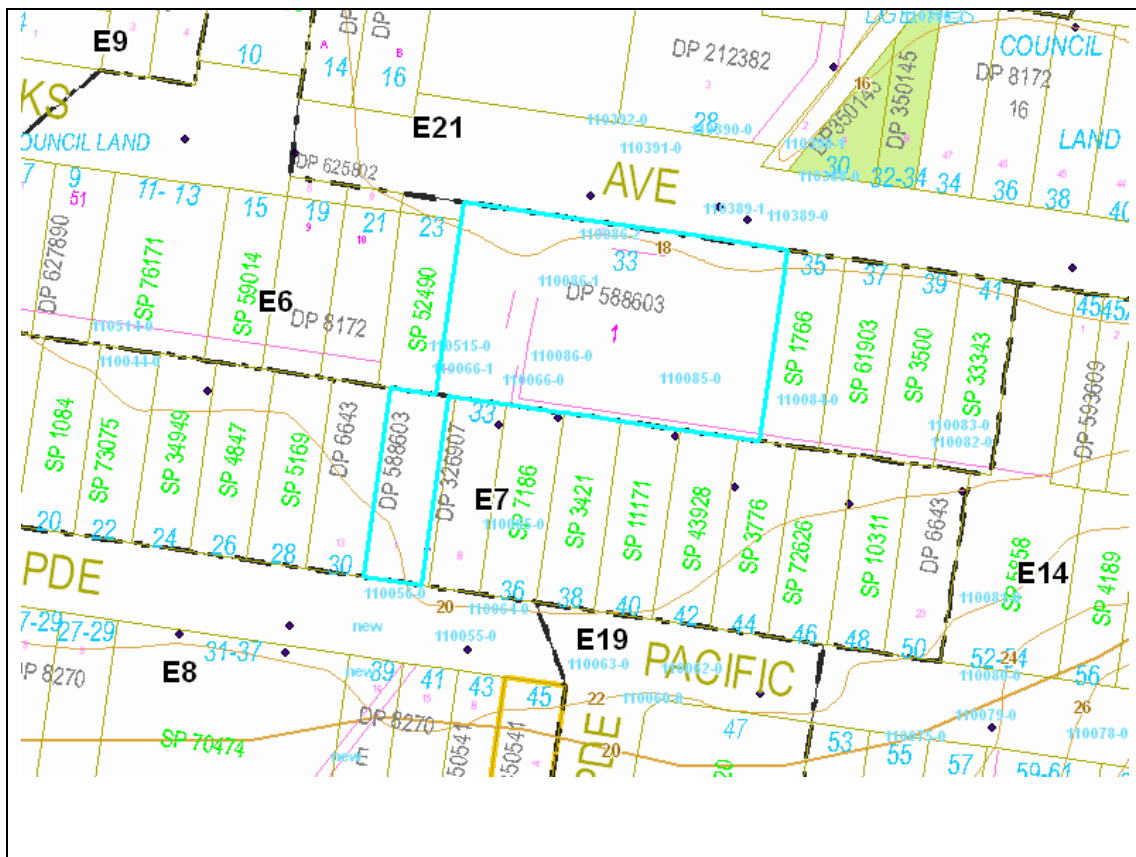
Is there existing signage on site? ☒ Yes ☐ No
 Will the existing signage be retained? ☒ Yes ☐ No – condition removed

Section 2B Schedule 17 Carparking Provision

Number of car spaces existing 148 spaces, complies? ☒ Yes ☐ No ☐ FAR Total number of car spaces required 24 spaces? ☒ Yes ☐ No ☐ FAR Total number of car spaces proposed 148 spaces, complies? ☒ Yes ☐ No ☐ FAR	Addressed via condition? ☒ Yes ☐ No ☐ Further Assessment Required (Clause 74 to be addressed below)
Clause 74 Provision of carparking Adequate off-street carparking is to be provided within the subject property boundaries having regard to: • the land use, and • the hours of operation, and • the availability of public transport, and • the availability of alternative carparking, and • the need for parking facilities for courier vehicles, delivery/service vehicles and bicycles.	☒ Yes ☐ No ☒ Yes ☐ No ☒ Yes ☐ No ☒ Yes ☐ No



SECTION 3 – SITE INSPECTION ANALYSIS



Site area 530sqm

Detail existing onsite structures:

- ☐ None
☐ Dwelling
☐ Detached Garage
☐ Detached shed
☐ Swimming pool
☐ Tennis Court
☐ Cabana
☒ Other (Commercial unit)

Site Features:

- ☒ None
- ☐ Trees
- ☐ Under Storey Vegetation
- ☐ Rock Outcrops
- ☐ Caves
- ☐ Overhangs

- ☐ Waterfalls
- ☐ Creeks / Watercourse
- ☐ Aboriginal Art / Carvings
- ☐ Any Item of / or any potential item of heritage significance

Potential View Loss as a result of development

- ☐ Yes ☒ No

If Yes where from (in relation to site):

- ☐ North / South
- ☐ East / West
- ☐ North East / South West
- ☐ North West / South East

View of:

- Ocean / Waterways ☐ Yes ☐ No
- Headland ☐ Yes ☐ No
- District Views ☐ Yes ☐ No



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Other:

Bushland

☐ Yes ☐ No

Bushfire Prone?

☐ Yes ☒ No

Flood Prone?

☐ Yes ☒ No

Affected by Acid Sulfate Soils

☐ Yes ☒ No

Located within 40m of any natural watercourse?

☐ Yes ☒ No

Located within 1km landward of the open coast watermark or within 1km of any bay estuaries, coastal lake, lagoon, island, tidal waterway within the area mapped within the NSW Coastal Policy?

☐ Yes ☒ No

Located within 100m of the mean high watermark?

☐ Yes ☒ No

Located within an area identified as a Wave Impact Zone?

☐ Yes ☒ No

Any items of heritage significance located upon it?

☐ Yes ☒ No

Located within the vicinity of any items of heritage significance?

☐ Yes ☒ No

Located within an area identified as potential land slip?

☐ Yes ☒ No

Is the development Integrated?

☐ Yes ☒ No

Does the development require concurrence?

☐ Yes ☒ No

Is the site owned or is the DA made by the "Crown"?

☐ Yes ☒ No

Have you reviewed the DP and s88B instrument?

☒ Yes ☐ No

Does the proposal impact upon any easements / Rights of Way?

☐ Yes ☒ No



Site Inspection / Desktop Assessment Undertaken by:

Does the site inspection <Section 3> confirm the assessment undertaken against the relevant EPI's <Section's 1 & 2>?	☒ Yes ☐ No
Are there any additional matters that have arisen from your site inspection that would require any additional assessment to be undertaken?	☐ Yes ☒ No If yes provide detail:

Signed

Date

Phil Lane, Senior Development Assessment Officer



SECTION 4 – APPLICATION DETERMINATION

Conclusion:

The proposal has been considered against the relevant heads of consideration under S79C of the EPA Act 1979 and the proposed development is considered to be:

- ☒ Satisfactory
☐ Unsatisfactory

Recommendation:

That Council as the consent authority

- ☒ **GRANT DEVELOPMENT CONSENT** to the development application subject to:
- (a) the conditions detailed within the associated notice of determination; and
 - (b) the consent lapsing within three (3) from operation

Signed

Date

Phil Lane, Senior Development Assessment Officer

The application is determined under the delegated authority of:

Signed

Date

Steven Findlay, Team Leader, Development Assessment