

DA NO: DA-2020/174
ADDRESS: 1 FREDERICK STREET, ARTARMON NSW 2064.
PROPOSAL: ARTARMON HOME HQ - SHOP G5 - FITOUT AND SIGNAGE.
RECOMMENDATION: APPROVAL
ATTACHMENTS:
1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SECTION 4.15 (79C) ASSESSMENT
4. SCHEDULE OF CONDITIONS
RESPONSIBLE OFFICER: RITU SHANKAR - TEAM LEADER
AUTHOR: JIM DAVIES - DEVELOPMENT CONSULTANT
REPORT DATE: 10 AUGUST 2020
REPORT FOR: ELECTRONIC DETERMINATION

1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2020/174 for Shop G5 - Shop fitout and signage at 1 Frederick Street, Artarmon (Artarmon Home HQ).

The application is required to be referred to the WLPP for determination because the site and premises are owned by Willoughby City Council.

2. OFFICER'S RECOMMENDATION

THAT the Willoughby Local Planning Panel:

2.1 Approve Development Application DA-2020/174 for shop G5 - shop fitout and signage at 1 Frederick Street, Artarmon NSW 2064, subject to conditions contained in Attachment 4, for the following reasons:

2.1.1 The fitout is permissible with consent.

2.1.2 The proposed development does not adversely impact the qualities or significance of the building, which is an Item of Environmental Heritage identified by the *Willoughby LEP 2012*.

2.1.3 The development is unlikely to cause any other negative environmental impacts.

3. BACKGROUND

Past use of the premises

Use of the building for specialised (or bulky goods) retailing was approved in 2007. Beforehand, the site was used as Council's principal works depot. The premises is identified as an Item of Environmental Heritage (I 1) of local significance, being described as an "Industrial Building (including surviving industrial elements)".

Proposed development

The proposal involves business identification signage and fitout of the retail premises, known as Shop G5, to enable the retail outlet “Pillow Talk” to relocate from Shop G7, another tenancy in the building. The building is known as “Artarmon Home HQ”. There are 29 tenancies in all in the building, which sell furniture, homewares and soft furnishings, electrical goods, white goods and other similar items.

The site is located on the corner of Frederick Street and Reserve Road, Artarmon. A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

4. DISCUSSION

Use of the premises is permissible with consent, by virtue of the property’s inclusion in Schedule 1 of the *Willoughby LEP 2012*, which permits “specialised retail premises” (amongst other specified uses) with consent. The proposal is consistent with the definition of this term. Pillow Talk is a retailer of homewares, with an emphasis on manchester, soft furnishings and other items for the home. The previous tenant of Shop G5 was a furniture retailer.

Being part of a heritage item, the application for the shop’s fitout and new signage was accompanied by a Heritage Impact Statement.

Council’s Heritage Advisor has assessed the application, concluding

It is considered that the proposed fit-out and internal signage will not have any impact on the listed heritage item. No objection is raised to the proposed fit-out for Pillow Talk at Tenancy 5 from a heritage view point.

No heritage-related conditions were recommended.

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

The application, being for the “Fitout of a building in a business, industrial zone or special purpose zone” does not require notification or advertisement, in accordance with Category D of the Willoughby Community Participation Plan. The building is in the Artarmon Industrial Area, which is zoned IN1 General Industrial.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council’s website:

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=502287>

5. CONCLUSION

The application raises no significant planning issues apart from the building’s heritage significance and its conservation being considered. The fitout and signage merely enables one specialty retailer to be replaced by another (relocating from other premises in the building). There is therefore no increase in the area used or the intensity of the use, having no impact on existing parking, access and loading facilities available to the building’s tenants. No appreciable or tangible negative environmental impacts are expected to occur as a result of the development proceeding.

The Development Application DA-2020/174 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012* and

WDCP (Attachment 3). It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 4**.

ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO

The site is located on the corner of Frederick Street and Reserve Road, in the Artarmon Industrial Area.

The site was formerly part of large brickworks, which dominated the southern part of Artarmon and down to St Leonards, from the 19th Century until the 1960s. Since then Artarmon, including the site, has maintained an industrial character, although the types of industries and businesses have changed over the last 50 years.

The extant building was erected in 1950 by an engineering firm. Council acquired the site in the early 1980s, relocating to its current depot in Chatswood before the building became a specialised (bulky goods) retail outlet. As noted, Council has retained ownership of the building, leasing out the retail tenancies in the premises.

Below is an aerial image of the site and surrounding locality.

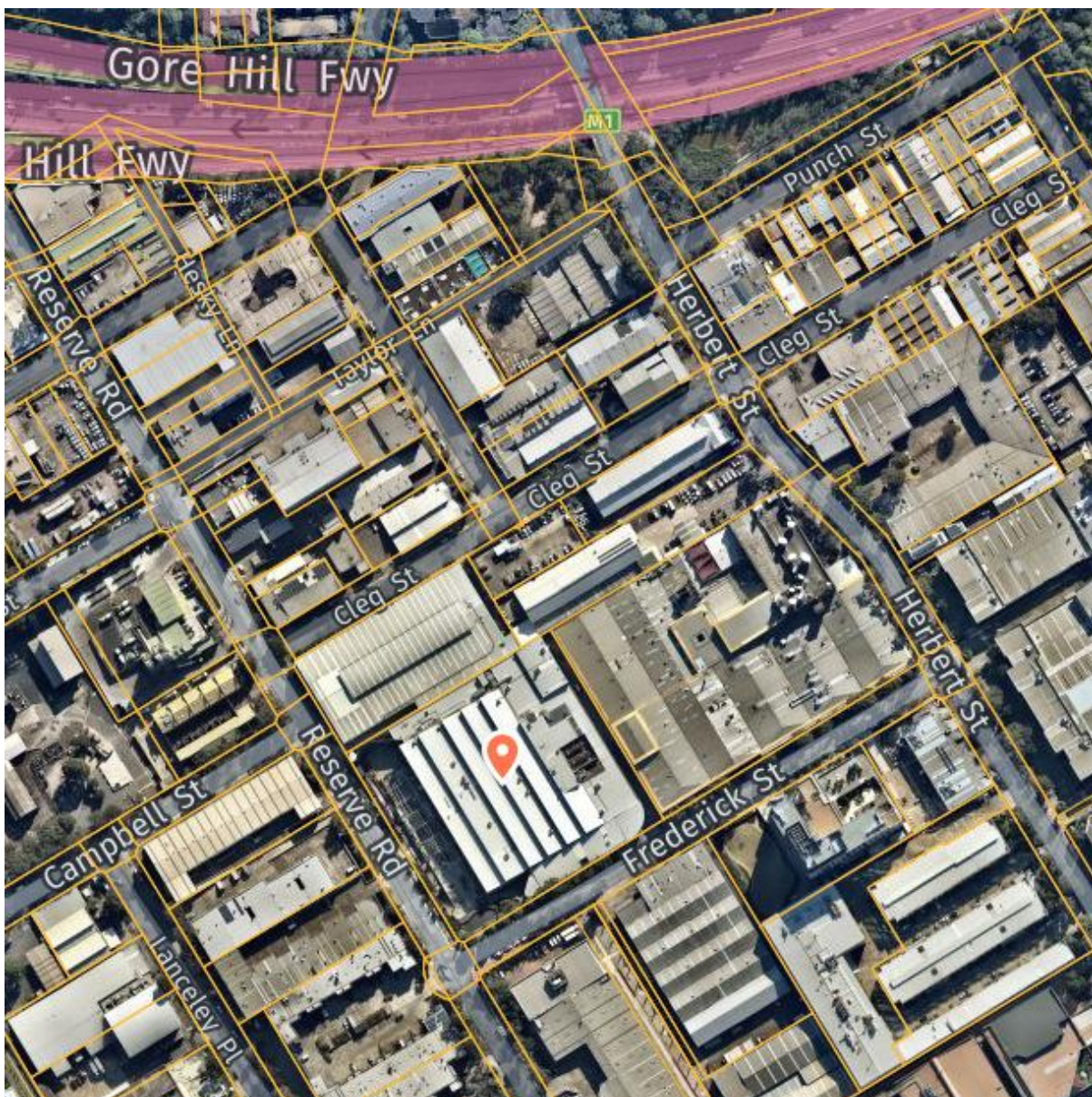


Figure 1: Image of site (orange marker) and the locality, in the Artarmon Industrial Area. (Near Map, image date 1 June 2020).

ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS

Willoughby Local Environmental Plan 2012 Zoning:	IN 1 General Industrial Site affected by Additional Permitted Uses provisions, under Schedule 1 of the WLEP.
Existing Use Rights	No
Conservation area	No
Heritage Item	Yes
Vicinity of Heritage Item	No
Bushfire Prone Area	No
Foreshore Protection Area	No
Flood related planning control	Yes – site affected by a major overland flow path. However the proposed internal works will not alter flood characteristics of the building, the site or property downstream of the site.
Adjacent to classified road	No
Road/lane widening	No
Applicable DCP	Yes
Applicable SEPPs	No
Relevant policies and resolutions	No

Development Statistics (R2 & E4 – Dwelling House and/or ancillary development)						
		Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
	Site Area	1.62ha	-			N/A
<u>WLEP 2012</u>						
		Existing	Proposed by applicant	Calc. by Council	Standard	Numerical Compliance
CI.4.3	Height (m)				No height control applies to the site.	N/A
CI.4.4 & CI. 4.4A	GFA (m²)	No change to GFA or FSR is proposed			1:1	N/A
	FSR					
<u>WDCP</u>						
		Existing	Proposed by applicant	Calc. by Council	Standard	Compliance
C.1.2	Demolition - Heritage Items & in HCAs				No part of the building's original fabric will be affected by the development.	N/A
C.4	Parking	500+ spaces			N/A. there being no change of use, parking required is unaffected	N/A
C.9	Tree preservation		Perimeter landscaping is unaffected.			N/A

F.2	Land Uses		The fit out is for a home furnishings business	The retailer is relocating from another tenancy in the building.	Satisfactory.
F.4.2	Acoustics and hours of operation	N/A		The outlet will operate within trading hours approved for the building.	Satisfactory

Developer's Contribution Plans:

The proposal's value is less than \$100,000, so a levy is not payable under s. 7.12.

Referrals

Building services	No objections, conditions recommended and included.
Heritage	No objection, no conditions required.

ATTACHMENT 3 - SECTION 4.15 (79C) ASSESSMENT

The application has been assessed under the provisions of S.4.15 (79C) of the *Environmental Planning and Assessment Act*.

The most relevant matters for consideration are assessed under the following headings:

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory ✗ and Not Relevant

N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Local Environmental Plans (LEP) 	✓
	<p>Comment: Being for internal works only, the development does not trigger the need for assessment under Part 3, Division 2 of the Sydney Harbour Catchment REP. As discussed, the proposal complies with relevant provisions of the Willoughby LEP 2012.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> Draft Local Environmental Plans (LEP) 	N/A
	<p>Comment: No draft EPIs apply to the site or the application.</p>	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> Development control plans (DCPs) 	✓
	<p>Comment: The application is consistent with relevant guidelines of the Willoughby DCP.</p>	
(a)(iv)	Any matters prescribed by the regulations	
	<ul style="list-style-type: none"> Clause 92 EP&A Regulation-Demolition 	✓
	<ul style="list-style-type: none"> Clause 93 EP&A Regulation-Fire Safety Considerations 	✓
	<ul style="list-style-type: none"> Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	✓
	<p>Comment:</p>	
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> Context & setting 	✓
	<ul style="list-style-type: none"> Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> Public domain 	N/A
	<ul style="list-style-type: none"> Utilities 	✓
	<ul style="list-style-type: none"> Heritage 	✓
	<ul style="list-style-type: none"> Privacy 	N/A
	<ul style="list-style-type: none"> Views 	N/A
	<ul style="list-style-type: none"> Solar Access 	N/A
	<ul style="list-style-type: none"> Water and draining 	N/A
	<ul style="list-style-type: none"> Soils 	N/A
	<ul style="list-style-type: none"> Air & microclimate 	N/A
	<ul style="list-style-type: none"> Flora & fauna 	N/A
	<ul style="list-style-type: none"> Waste 	✓
	<ul style="list-style-type: none"> Energy 	✓

Matters for Consideration Under S.4.15 (79C) EP&A Act

Considered and Satisfactory ✓ Considered and Unsatisfactory * and Not Relevant

N/A

	<ul style="list-style-type: none"> Noise & vibration 	✓
	<ul style="list-style-type: none"> Natural hazards: Overland flowpath 	✓
	<ul style="list-style-type: none"> Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> Social impact in the locality 	✓
	<ul style="list-style-type: none"> Economic impact in the locality 	✓
	<ul style="list-style-type: none"> Site design and internal design 	✓
	<ul style="list-style-type: none"> Construction 	✓
	<ul style="list-style-type: none"> Cumulative impacts 	N/A
	Comment: Being internal works only, overland flow and other flooding/drainage site-conditions will not be impacted by the proposal.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> Are the site attributes conducive to this development? 	✓
	Comment: The lawful use of the premises does not change as a result of the development and for a business already established in another tenancy in the building.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> Public submissions 	N/A
	<ul style="list-style-type: none"> Submissions from public authorities 	N/A
	Comment: Council's Community Participation Plan did not require notification or advertising of the application.	
(e)	The public interest	
	<ul style="list-style-type: none"> Federal, State and Local Government interests and Community interests 	✓
	Comment: The shop fit-out and associated signage is in the public interest, having no impact on the heritage values of the building.	

ATTACHMENT 4: SCHEDULE OF CONDITIONS

SCHEDULE

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Ground floor plan	Artarmon Home HQ, 1 Frederick Street Artarmon	N/A	N/A	Interior Fitouts Pty Ltd
Floor plan	1.03	A	06/07/2020	
Internal shopfront	1, 2, 3 & 4	4	04/06/2020	CV Media & Signage

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

2. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 4.55 of the *Environmental Planning and Assessment Act*

1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This Section 4.55 application may require re-notification in some circumstances.
(Reason: Ensure compliance and amenity)

3. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.
(Reason: Legal requirement)

4. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.
(Reason: Protection of public assets)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

5. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the *Disability Discrimination Act*.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.
(Reason: Access and egress)

6. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
(Reason: Protection of public assets)

ONGOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

7. Annual Fire Safety Statement

Attention is directed to Clause 177 of the *Environmental Planning and Assessment Regulation 2000* regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

PRESCRIBED CONDITIONS

The following conditions are prescribed by Section 4.17 of the *Environmental Planning & Assessment Act* for developments involving building work.

8. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.

(Reason: Compliance)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the *Environmental Planning & Assessment Act* and the *Environmental Planning & Assessment Regulations* and are provided to assist applicants

9. Construction Certificate

This consent IS NOT an approval to carry out any building works. A Construction Certificate may be required PRIOR TO ANY WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

10. Notify Council of Intention to Commence Works

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the person's intention to commence the erection of the building.

(Reason: Information and ensure compliance)

11. Occupation Certificate

The building/structure or part thereof shall not be occupied or used until an occupation certificate has been issued in respect of the building or part.

(Reason: Safety)