



DEVELOPMENT APPLICATION PLANNING REPORT

20-22 MACPHERSON
STREET, WARRIEWOOD

21 June 2019

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ATTACHMENTS

Signage Drawings

1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by LJB Urban Planning Pty Ltd to support a development application to formalise ancillary signage associated with the existing Flower Power garden centre.
- 1.2 The application is prepared by LJB Urban Planning on behalf of the owners of the property.
- 1.3 The subject site is located at 20-22 Macpherson Street, Warriewood.
- 1.4 The development application seeks to formalise consent for three freestanding business signs. The details of the proposed signage are as follows:
 - 6.98m² freestanding sign (sign 1);
 - 6.37m² freestanding sign (sign 2); and
 - 6.37m² freestanding sign (sign 3).
- 1.5 All three signs will be printed on durable plastic and affixed to a timber structure. All signs will be rotated based on the Flower Power signage model to advertise the business and nature of use that occurs within the site. The signs will enable passing pedestrian and vehicular traffic to visually see what current promotions are on offer within the garden centre.
- 1.6 On 10 January 2019, Northern Beaches Council wrote to Flower Power advising that the above signs did not have approval and fell outside the controls for exempt and complying development. This matter is referred to as BLD2018/02413.
- 1.7 This development application seeks to formalise the above signage, which has been in place for several years.
- 1.8 This report provides information on the subject site, the proposed development and undertakes an assessment against the relevant heads of consideration set out in the Environmental Planning and Assessment Act 1979.

2.0 SITE DESCRIPTION

- 2.1 The subject site is located on the north-eastern side of Macpherson Street and has an approximate area of 2.05 hectares.
- 2.2 It is known as 20-22 Macpherson Street, Warriewood and its real property description is:
- Lot 1 DP 592091
- 2.3 The site is an irregular shape with a frontage of approximately 141 metres to Macpherson Street.
- 2.4 The site is located within the Warriewood Valley Release Area with the Narrabeen Creek line corridor along the rear (northern boundary).
- 2.5 The site is not within a heritage conservation area, nor does it contain an item of environmental heritage under Pittwater LEP 2014. It is located opposite the following heritage items:
- Heritage Item No. 2270337 = "Federation Cottage" – 163 Macpherson Street; and
 - Heritage Item No. 2270429 = "Memorial in bus shelter (adjacent to 163 Macpherson St).
- 2.6 The three signs will not detrimentally affect the significance of the above items, this is discussed further below.
- 2.7 To the east of the site is a medium density residential development that is currently under construction while to the south and east are medium density housing.
- 2.8 The surrounding uses are identified in the following aerial photo:



Source: Six Maps

3.0 PROPOSED DEVELOPMENT & JUSTIFICATION

3.1 This development application seeks consent to formalise three existing signs on site that are associated with the Flower Power business use.

3.2 A detailed description of the signage is provided below:

Freestanding Business Signs

- Sign 1 will be 5.37m wide by 1.3m high (6.98m²);
- Sign 2 will be 5.1m wide by 1.25m high (6.37m²); and
- Sign 3 will be 5.1m wide by 1.25m high (6.37m²).

3.3 The proposed signage type and details are clearly shown on the accompanying drawings.

3.4 The following photographs further illustrate the proposed signage and support structure:



- 3.5 The signage will have no detrimental impact on nearby residential properties as the signs are not illuminated and the front setback has and will continue to be suitably landscaped around each sign to soften the signage, car parking and buildings within the site.
- 3.6 Overall, the development will provide business identification signage consistent with the corporate branding across all Flower Power stores and will enable passing motorists/pedestrians to be aware the business use that is undertaken on the site. The signage is necessary for any business and it will not detrimentally affect adjoining sites and uses.

4.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ASSESSMENT

4.1 Consideration of Development Applications

4.1.1 The development application is not subject to the complying, prohibited, or advertised development provisions of the Act. There are no issues relating to endangered flora or fauna, watercourses, bush fire or aboriginal artefacts. The proposed development is submitted pursuant to the provisions of section 4.2(1) and (2) of the Act which provides if an environmental planning instrument requires development consent to be obtained, a person must not carry out the development unless such a consent has been obtained and is in force. The relevant environmental planning instrument requiring development consent to be obtained is Pittwater LEP 2014.

4.1.2 In determining a development application, Section 4.15(1) of the Environmental Planning and Assessment Act provides that a consent authority is to take into consideration such of the following matters as are of relevance:

“(a) The provisions of:

(i) any environmental planning instrument, and

(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, an

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

that apply to the land to which the development application relates,

(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for development,

(d) any submissions made in accordance with this Act or the Regulations,

(e) the public interest.”

4.1.3 An assessment of the proposal against these matters concludes the proposal is suitable for approval. This is demonstrated in the following assessment.

4.1.4 The Environmental Planning and Assessment Act 1979, requires the assessment of development proposals against the relevant ‘heads of consideration’ set out in Section 4.15(1) of the EPA Act. These are addressed below.

4.2 Planning Controls and Regulations

4.2.1 The relevant planning controls applicable to the development application are listed below:

- State Environmental Planning Policy No.64 – Advertising and Signage
- Pittwater Local Environmental Plan 2014
- Pittwater 21 Development Control Plan

4.2.2 Compliance with the provisions of the above-mentioned planning control is discussed below.

State Environmental Planning Policy No.64 – Advertising and Signage

4.2.3 SEPP 64 seeks to guide signage and advertising within the State, to ensure that it is compatible with the desired future character of the area, of high-quality design and finishes, provides effective communication and regulate advertising.

4.2.4 The proposed signage is defined as business identification signage under SEPP No. 64 and is illustrated within the accompanying architectural drawings.

4.2.5 A total of three freestanding signs are proposed to be formalised on the site, as shown on the accompanying drawings and documentation and have been discussed above in Section 3, below.

4.2.6 The proposed signage will be a ‘banner’ style that will affix to a timber support structure. The signs will be printed onto durable plastic and will be changed from time to time to reflect the use and products within the site, this type of signage is consistent with the corporate branding of Flower Power sites across NSW.

4.2.7 The proposed signage will be positioned along the Macpherson Street frontage within the landscaped setback. The signs will be spaced out to be balanced across the frontage.

4.2.8 It is noted that the three freestanding signs are defined as ‘business identification signs’ under SEPP 64 and under Clause 9 are exempt from the Part 3 Advertisement provisions.

4.2.9 In the granting of consent for business identification signage, the Consent Authority must be satisfied that the signage is consistent with the objectives of the SEPP as set out in Clause 3 (1)(a):

3 Aims, objectives etc

a. *This Policy aims:*

(a) *to ensure that signage (including advertising):*

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high-quality design and finish,*

4.2.10 The signage satisfies the above objectives in the following way:

- The three signs will be proportioned along the southern frontage and will be evenly spaced to allow for vision to and from the site;
- The freestanding signs will relate to the business uses that occur within the site and will change from time to time throughout the year. No 3rd party advertising will be permitted.

- The signage is compatible with the existing use within the site and will not detrimentally impact on nearby residential uses;
- The two existing business identification pylon signs are very understated in respect of the sites 141m width and the addition of the three freestanding signs will not create clutter or a cumulative impact for surrounding sites given the residential nature of adjoining sites;
- The size of the signs is appropriate for the location of the premises and the length of the frontage, which is approximately 141 metres wide. The signs will provide effective communication to passing pedestrians and drivers; and
- The design and finish of the signs are appropriate and will not be illuminated.

4.2.11 In addition, the Consent Authority must be satisfied that the signage addresses the assessment criteria specified in Schedule 1 of SEPP No. 64 which is outlined and addressed in the table below:

Table 1: SEPP 64 Assessment

Schedule 1	Comments	Satisfactory
1) Character of the Area	The sign design and size will complement the streetscape and be consistent with the use of the site and will not detrimentally affect the character of the area. The size and location of the signage is compatible and complimentary to the size of the frontage of the site. The height of the signs is no higher than the height of a dividing fence and will not be illuminated, therefore impacts are minimised for adjoining residential properties.	Yes
2) Special Areas	The site is not located within a special area, heritage or conservation area. The position along the frontage is sufficiently setback from Macpherson Street to enable landscaping to be retained and the height is similar to the height of a dividing fence, this minimises impacts to adjoining residential properties.	Yes
3) Views and Vistas	The signage does not obscure any views or vistas.	Yes
4) Streetscape, Setting or Landscape	The signage is of a scale, proportion and form that is appropriate for the length of the street frontage of the site, streetscape and setting. The signs will provide visual interest and communication about the uses within the site. The high-quality sign finishes will complement the building and provide highly appropriate sign content to reflect products and sales within the site.	Yes
5) Site and Building	The signage will be compatible with the scale, proportion and other characteristics of the site for which the proposed signage is to be located. The location of the proposed signage does respect the features of the current use and will still ensure sightlines to and from the site.	Yes
6) Associated Devices and Logos with Advertisements and Advertising Structures.	The signs will be affixed to a timber support structure which will enable the signs to be supported.	Yes
7) Illumination	The signs will not be illuminated.	Yes
8) Safety	The proposed signage does not reduce the safety for any public road users or pedestrians or bicyclists. This is due to the setback from Macpherson Street.	Yes

Schedule 1	Comments	Satisfactory
	The signage will not obscure any sight lines and are positioned near the round-a-bout, where cars will slow down naturally.	

4.2.12 The proposed business identification signage satisfies the applicable requirements of this SEPP. It is therefore recommended that Council approved the proposed signage.

Pittwater Local Environmental Plan 2014

4.2.13 The subject site is zoned R3 Medium Density Residential. The approved use is not permissible in the current R3 zone; however, the approved DA91/382 has the benefit of existing use rights which authorises the development.

4.2.14 The proposed signage works will not change the future use of the site and will be ancillary to the existing use.

4.2.15 The site is not heritage listed and is not located within a heritage conservation area. However, it is located opposite the following heritage items:

- Heritage Item No. 2270337 – “Federation Cottage” at 163 Macpherson Street, Warriewood; and
- Heritage Item No. 2270429 – “Memorial in Bus Shelter” adjacent to 163 Macpherson Street, Warriewood.

4.2.16 Formalising the existing signage will not affect the significance of the nearby items, given the width of Macpherson Street and position along the site frontage behind the landscaped setback. In this instance, the proposed signage will not detrimentally affect these items.

4.2.17 There are no other provisions in the plan relevant to the subject application.

Pittwater 21 Development Control Plan

4.2.18 The following table outlines the relevant provisions in Pittwater 21 Development Control Plan that relate to signage associated with this type of use:

Pittwater 21 Development Control Plan			
Control No.	Control	Discussion	Complies
Section A Shaping Development in Pittwater			
A4 Localities			
A4.16 – Warriewood Valley Locality	Warriewood Valley Release Area continues to be developed as a desirable urban community in accordance with the adopted planning strategy for the area and will include a mix of low to medium density housing, industrial/commercial development, open space and community services. The creek line corridors, roads and open space areas form the backbone	The continuing use of the site as a garden centre, will not affect the desired future character of the area at present. No change of use is proposed, works relate to signage only at this stage.	yes

Pittwater 21 Development Control Plan			
Control No.	Control	Discussion	Complies
	<p>of the new community, complemented with innovative water management systems, the natural environment, pedestrian/cycle path network, public transport, and recreation facilities.</p> <p>The Warriewood Valley locality is characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses.</p>		
Section B General Controls			
B1 Heritage Controls			
B1.2 – heritage conservation – development within the vicinity of heritage items.	<p>Development to be designed to respect and complement the heritage significance of the nearby item.</p> <p>Minimise impact by providing adequate buffer and maintaining and respecting significant views.</p>	<p>The signs are not located immediately opposite the heritage listed cottage and bus shelter. This ensures that there is a suitable buffer and the width of Macpherson Street and setback of the cottage minimise any impacts.</p> <p>The signs are not illuminated and will be setback behind the landscaped frontage, this further softens the signage when viewed from the nearby items.</p> <p>The signage is suitable in this instance.</p>	yes
Section C Development Type Controls			
C5 Design Controls for Other Development			
C5.1 – Landscaping	A range of low-lying shrubs, medium-high shrubs and canopy trees shall be provided to soften the built form.	The front setback along Macpherson is suitably landscaped and well maintained.	yes
C5.2 – Safety and Security	<p>Design needs to consider 4 CPTED principles:</p> <ol style="list-style-type: none"> 1) surveillance; 2) access; 3) Territorial reinforcement; and 4) Space Management. 	<p>The three signs have been in-situ for several years without adverse impact on the safety of the current use. The size, location and separation of the three signs ensures that sight lines are maintained to and from the site. Existing fencing and gates will continue to delineate site boundaries.</p> <p>The signage will not be inconsistent with the CPTED principles.</p>	yes
C5.4 – View Sharing	All new development is to be designed to achieve a reasonable sharing of views available from surrounding and nearby properties.	The proposed signs do not affect any views.	yes

Pittwater 21 Development Control Plan

Control No.	Control	Discussion	Complies
C5.5 – Accessibility	Convenient and safe access for all people, including people with a disability, older people, and people with prams, must be provided to and within all buildings to which the general public have access.	The proposed signs will not affect access to and around the site.	
C5.7 – Energy and Water Conservation	Buildings shall be designed to be energy and water efficient.	No building proposed.	N/A
C5.8 – Waste and Recycling Facilities	All waste and recycling materials shall be contained within an approved enclosure and adequate vehicular provision is to be provided to remove waste.	The proposed signs will not affect existing waste management within the site.	N/A
C5.9 – Signage	<p>Freestanding sign (not being a sign elsewhere listed in this table, and includes a hoarding, bulletin board, list of businesses within a complex, and the like):</p> <p>i. shall not have a signage area greater than 4.5m²;</p> <p>ii. shall not project beyond the boundary of the premises;</p> <p>iii. shall not extend beyond the height of the built form within whose context it sits; and</p> <p>iv. shall not be illuminated.</p>	<p>The three signs will have the following signage areas:</p> <ul style="list-style-type: none"> • Sign 1 = 6.98m²; • Sign 2 = 6.37m²; and • Sign 3 = 6.37m². <p>The signs will each exceed the 4.5m² maximum by between 1.87m² to 2.48m².</p> <p>This variation is reasonable for the following reasons:</p> <ol style="list-style-type: none"> 1) The site width is greater than 141m; 2) The two-existing pylon 'Flower Power' business identification signs are positioned either side of the existing driveway and are approximately 11 metres to the south-east of the three proposed freestanding signs and a further 66m is provided for the next pylon sign, further to the south-east.; 3) The signs are of an appropriate height and lower than the existing pylon signs; and 4) The signs have been designed to sit within the landscaped setback. <p>The signs will be within the property boundary and will have a height that sits below than the existing pylon identification signs and lower than the height of the buildings on site.</p> <p>Signage is not illuminated.</p> <p>Based on the above, the proposed freestanding signs are reasonable and should be supported in this instance.</p>	Minor variation
C5.10 – Protection of	<ul style="list-style-type: none"> • Ensure adjoining residential dwellings receive a 	The signage is positioned to the south-east of the adjoining residential development and	yes

Pittwater 21 Development Control Plan			
Control No.	Control	Discussion	Complies
Residential Amenity	minimum of 3 hours of sunlight between 9am and 3pm on June 21st. <ul style="list-style-type: none"> Minimise overlooking. 	therefore shadow cast from the signage will have no impact. The signs do not affect privacy for adjoining residential properties.	
C5.11 – Third party signage.	Third party signage is not permitted.	No third-party signage is proposed. All signage relates to the uses associated with the 'Flower Power' site.	yes
C6 – Design Criteria for Warriewood Valley Release Area			
C6.1 to C6.12 – Various Controls	Not applicable to signage.	Not applicable to signage.	N/A
Section D Locality Specific Development Controls			
D16 Warriewood Valley Locality			
D16.1 to D16.14 – Various building controls	Not applicable to signage.	Not applicable to signage.	N/A

- 4.2.19 This application has considered the implications in relation to the proposed signage in Section 3 of this report and above under SEPP 64.
- 4.2.20 The proposed business identification signage is appropriate for the approved use and will not detrimentally affect surrounding land uses.
- 4.2.21 There are no other controls in the DCP relevant to the proposed works.

4.3 The Likely Impacts

- 4.3.1 The proposed business identification signage is appropriate for the subject site and is associated with the use that occupies the site. The location and position of the signs along Macpherson Street and their separation from the two business identification pylon signs ensures that the signage is compatible and continues to minimise clutter across the 141m frontage.
- 4.3.2 The freestanding signs are of an appropriate size that will sit within the suitably landscaped and manicured setback. The signage is complimentary to the landscaping.
- 4.3.3 The heritage items to the south-east are suitably buffered from the signs due to the width of Macpherson Road and the landscaping along the frontage balances out the proposed signage.
- 4.3.4 Overall, the proposed business identification signage is appropriate and suitable.

4.4 The Suitability of the Site for the Development

- 4.4.1 The proposed business identification signage is of an appropriate scale for the length of the 141m Macpherson Street frontage. It is unlikely to affect the safety of pedestrians and motorists and the future signage will be constructed from durable material to ensure longevity.

4.5 Submissions

- 4.5.1 Council will consider any submissions received at the close of the public exhibition period.
- 4.5.2 The development has been designed to comply with SEPP 64 requirements and all variations have been appropriately justified. Accordingly, the proposed signage is well within the reasonable expectations of the community for this site.

4.6 The Public Interest

- 4.6.1 It is in the public interest to ensure orderly and economic development of land. The proposed signage will assist in wayfinding and information about the uses within the site and will complement the site layout.

5.0 CONCLUSION

- 5.1 The relevant planning controls have been considered in the foregoing assessment, ie
- State Environmental Planning Policy No. 64 – Advertising and Signage
 - Pittwater Local Environmental Plan 2014
 - Pittwater 21 Development Control Plan
- 5.2 The design and integration of the proposed signage is highly appropriate given the scale of the existing building on site and location adjacent to the Macpherson Street, limited height and size of signage, non-illuminated nature of the sign and position of signs within the landscape setback.
- 5.3 Accordingly, it is recommended the proposed business identification signage at 20-22 Macpherson Street, Warriewood be approved.



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