

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/1315
Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 129 DP 6143, 18 Austin Avenue NORTH CURL CURL NSW 2099
Proposed Development:	Temporary Signage
Zoning:	Warringah LEP2011 - Land zoned R2 Low Density Residential
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Returned & Services League Of Australia (Queensland Branch)
Applicant:	Returned & Services League Of Australia (Queensland Branch)
Application lodged:	06/09/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	12/09/2018 to 28/09/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval
Estimated Cost of Works:	\$ 715.00

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 - 2.8 Temporary use of land
Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 129 DP 6143 , 18 Austin Avenue NORTH CURL CURL NSW 2099
Detailed Site Description:	<p>The site is legally known as Lot 129 in DP 6143 and commonly referred to as 18 Austin Avenue North Curl Curl. The site is located within the R2 Low Density Residential zone.</p> <p>The site is regular in shape with a front boundary of 10.06m, depth of 45.26m/42.26m and a rear boundary of 10.06m, equating to an overall site area of 456.6sqm.</p> <p>The site is currently occupied by a two storey dwelling house with a swimming pool at the rear of the site.</p> <p>Surrounding development consists of one and two storey dwelling houses, of varying ages, with established landscaping.</p>

Map:



SITE HISTORY

A search of Council's records has revealed the following:

- Application DA2007/0976 for New Swimming Pool was determined by Council on the 27 November 2007.
- Application DA2003/1427 for Alteration & Addition to Existing Dwelling was determined by Council on the 13 April 2004.
- Application MOD2003/1427/1 for Modification 1. to Modify Internal and External Configuration of the Building Including Change to the Roof Form was determined by Council on the 21 May 2007.

PROPOSED DEVELOPMENT IN DETAIL

This development application includes the erection of two pieces of signage on a residential property.

The signage is to advertise that the property is being raffled off by the Returned & Services League Of Australia (RSL) (Queensland Branch).

The signage consists of the following:

- one vinyl sign overhanging the balcony railing and facing the street (7m x 0.9m); and
- one sign made from corflute and attached to stakes embedded in the ground (of similar appearance to real estate advertising signage 2.4m x 1.2m).

The signage is proposed to be erected between the dates of **3 September 2018** and **19 October 2018** only.

In consideration of the application a review of (but not limited) documents as provided by the applicant

in support of the application was taken into account detail provided within Attachment C.

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	None applicable.
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)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this</p>

Section 4.15 Matters for Consideration'	Comments
impacts in the locality	<p>report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(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.</p>
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 not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

MEDIATION

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

REFERRALS

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for residential purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the residential land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage is considered temporary in nature (64 days) and it is therefore considered that the proposal will have no impact on the desired future character of the area and presents no detrimental outcomes.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage is unusual for the vicinity as is the purpose of the signage. The corflute sign is consistent with that of a standard real estate sign and the banner sign is not inconsistent with regular outdoor event signage.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other	No	YES

conservation areas, open space areas, waterways, rural landscapes or residential areas?		
3. Views and vistas Does the proposal obscure or compromise important views?	No	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No - signage does not protrude existing parapet of building and is of a reasonable size.	YES
Does the proposal respect the viewing rights of other advertisers?	No surrounding advertisers present at time of assessment.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes - the corflute sign is consistent with that of a standard real estate sign and the banner is of standard dimension. The signage will have no significant impact on the streetscape setting and furthermore, the signage is temporary.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The content of the signage will attract interest. The physical signage will not add nor detract visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A - no existing advertising	YES
Does the proposal screen unsightliness?	No	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No	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 subject site does not presently have any signage. It is considered that the proposed signage is not unreasonable scaled to the dwelling on site.	YES
Does the proposal respect important features of the site or building, or both?	No	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes - banner signage overhangs portions of the development.	YES
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 RSL Art Union logo is present on the signage.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for	The signagae is not illuminated.	YES

pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?		
Can the intensity of the illumination be adjusted, if necessary?	N/A	YES
Is the illumination subject to a curfew?	N/A	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage is considered to be similar to that of standard real estate advertising signage. As such, it is assumed that the signage will not directly result in a reduction of safety for any road, pedestrians or cyclists. Furthermore, the signage is not illuminated and will not cause unreasonable glare or reflection (see assessment in Clause 7).	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local 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

This application entails the erection of temporary signage only and proposes no change to the Principal Development Standard provisions.

Compliance Assessment

Clause	Compliance with Requirements
2.8 Temporary use of land	Yes
4.3 Height of buildings	Yes
4.6 Exceptions to development standards	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

2.8 Temporary use of land

2.8 Temporary use of land

The proposed use of land being the erection of signage for a competition is temporary and proposed between the dates of 3 September to 19 October 2018 only.

(1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Comment:

The temporary use of land for the erection of signage for the purpose of a competition will not compromise future development of the land, or have a detrimental economic, social, amenity or environmental effect on the land or surrounding lands.

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 28 days (whether or not consecutive days) in any period of 12 months.

Comment:

The subject development is for the temporary erection of signage on site for the purpose of a competition. The signage is proposed to be erected for a maximum of 46 days and thus, does not meet the provisions of this subclause.

As the signage is only permissible under Clause 2.8, a condition has been included in the recommendations of this report requiring that the sign only be erected for a maximum period of 28 days (whether they be consecutive days or not).

(3) Development consent must not be granted unless the consent authority is satisfied that:
(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,
and (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
(c) the temporary use and location of any structures related to the use will not adversely impact

on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

Comment:

The proposed signage will not have any unreasonable or detrimental impacts on the amenity of surrounding sites. The signage will not unreasonably impede on the amenity of the neighbourhood and will not have any adverse environmental impacts.

Once removed, the site will be restored to as it is presently and the temporary land use will cease without having have any impact on the on-going use of the land as a residential dwelling.

(4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

Comment:

Not relevant to this application.

(5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Comment:

Not relevant to this application.

Warringah Development Control Plan

Built Form Controls

This application entails the erection of temporary signage only and proposes no change to the Built Form Control provisions.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C8 Demolition and Construction	Yes	Yes
D7 Views	Yes	Yes
D23 Signs	No	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

D23 Signs

Description of non-compliance and/or inconsistency

The site subject to the proposed erection of the two pieces of signage is located on land zoned R2 Low Density Residential as is surrounding sites.

The Warringah Local Environment Plan 2011 allows for the erection of Business Identification Signs on this site and no other type of signage.

Business Identification Sign means a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The proposed signage is not considered to constitute as Business Identification Signage and as such, the signage is not permissible on this site.

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.*

Comment:

The proposed signage is considered to be suitably located on the site to identify the activity to which the sign relates.

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

Comment:

The proposed signage is temporary in nature and it is considered that the proposed materials are appropriate for the site as they will not disintegrate under normal conditions within the time-frame of which they are erected. As such, it is considered that the signage is well designed for the site.

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

Comment:

It is considered that the proposed signage will not have any adverse impact on the streetscape given the scale, materials and quality of the signage. Furthermore, any visual impacts from this sign will only be temporary in nature as is the proposed erection of the signage.

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

Comment:

The signage will not unreasonably impede on the amenity of surrounding residential properties and will not have any adverse environmental impacts. Once the sign is removed, the site will be restored to as it is presently and the temporary land use will cease without having have any

impact on the on-going use of the land as a residential dwelling.

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

Comment:

Surrounding heritage, conservation and open space areas will not be detrimentally impacted by the erection of this temporary signage. The proposed signage will attract attention to the subject property for the duration of erection.

The signage proposed is not of a scale, size or design which is considered detrimental to the surrounding neighbourhood and environment, however the signage is not permissible in an R2 Low Density Residential zone under the Land Use Table of the Warringah Local Environment Plan 2011.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy No. 64 - Advertising and Signage*.

The signage is permissible under Clause 2.8 Temporary Use of Land (see discussion on Clause 2.8 above).

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in section 5(a) of the Environmental Planning and Assessment Act, 1979, but is not a permissible land use within the R2 Low Density Residential area.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 Council Contributions Plan 2018

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 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and

- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

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

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/1315 for Temporary Signage on land at Lot 129 DP 6143, 18 Austin Avenue, NORTH CURL CURL, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Photo-montage as stamped	Not Dated	Unknown

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Signage**

The signage is to be erected for a maximum of 28 days (whether consecutive or not).

Reason: To maintain a consistent streetscape. (DACPLBOC1)

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

Signed



Catriona Shirley, Planner

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




Steven Findlay, Manager Development Assessments


ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

Notification Document	Title	Date
 2018/590045	Notification Map	11/09/2018

ATTACHMENT C

Reference Number	Document	Date
 DA2018/1315	18 Austin Avenue NORTH CURL CURL NSW 2099 - Development Application - Alterations and Additions	09/08/2018
 2018/503929	DA2018/1315 - DA Application Form - 18 Austin Avenue North Curl Curl - Returned & Services League Of Australia	09/08/2018
 2018/503933	Report - Certification of Title	09/08/2018
 2018/503934	Report - Statement of Environmental effects	09/08/2018
 2018/503936	Report - Contractors Quote	09/08/2018
 2018/503938	Plans - Floor Plan	09/08/2018
 2018/503939	Plans - Photo of Artwork for Prize Home Banner	09/08/2018
 2018/503940	Plans - Area location	09/08/2018
 2018/503941	Plans - External Frontage with advertising marked	09/08/2018
 2018/503944	Plans - Example of previous promotional signs	09/08/2018
 2018/506289	Development Application Form	10/08/2018
 2018/506292	Applicant Details	10/08/2018
 2018/514655	Rejection of Application - DA2018/1315	13/08/2018
 2018/514795	DA Acknowledgement Letter - Returned & Services League Of Australia (Queensland Branch)	13/08/2018
 2018/590037	DA Acknowledgement Letter (not integrated) - Returned & Services League Of Australia (Queensland Branch)	11/09/2018
 2018/590039	ARP Map	11/09/2018
 2018/590041	Notification Letter - 9	11/09/2018
 2018/590045	Notification Map	11/09/2018
 2018/636079	DA2018.1315 Photo Montage	04/10/2018