

REPORT TO APPLICATION DETERMINATION PANEL MEETING 2 FEBURARY 2017**DEVELOPMENT APPLICATION ASSESSMENT REPORT**

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| Application Number: | DA2016/1200 |
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| Responsible Officer | Sarah McNeilly (Consultant Planner) |
| Land to be developed (address) | Lot 47 DP3674, 9999 Pittwater Road, Brookvale Lot 1,2,3,4,5 & 6 DP 1141128, 9999 Pittwater Road, Brookvale Lot 1 DP651395, 9999 Pittwater Road, Brookvale Lot 1 DP784268, 9999 Pittwater Road, Brookvale Lot 1 DP1140, 9999 Pittwater Road, Brookvale Lot B DP966128, 9999 Pittwater Road, Brookvale Lot 6 DP785409, 9999 Pittwater Road, Brookvale |
| Proposed Development | Building Identification Signage for Brookvale Oval |
| Zoning: | RE1 Public Recreation |
| Development Permissible: | Yes |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Land and Environment Court Action: | No |
| Owner: | Northern Beaches Council |
| Applicant: | Tyson Bicknell |

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| Application lodged: | 15 November 2016 |
| Application Type: | Local |
| State Reporting category: | Signage |
| Notified: | 21/12/2016 to 23/01/2017 |
| Advertised: | Not Advertised, in accordance with A.7 of WDCP |
| Submissions: | 0 |
| Recommendation: | APPROVAL |

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| Estimated Cost of Works: | \$325,260.00 |
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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 all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

SUMMARY OF ASSESSMENT ISSUES

State Environmental Planning Policy No. 64 – Clause 1 Character of the Area
 State Environmental Planning Policy No. 64 – Clause 3 Views and Vistas
 State Environmental Planning Policy No. 64 – Clause 4 Streetscape, Setting or Landscape
 Warringah Development Control Plan – D10 Building Colours and Materials
 Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

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| Property Description: | Lot 47 DP3674 Lot 1,2,3,4,5 & 6 DP 1141128 Lot 1 DP651395 Lot 1 DP784268 Lot 1 DP1140 Lot B DP966128 Lot 6 DP785409 9999 Pittwater Road, Brookvale |
| Detailed Site Description: | <p>The subject allotments comprise the complete street block bounded by Pittwater Road to the south, Pine Street to the east, Federal Parade to the north and Alfred Street to the west. The property is known as Brookvale Oval and is occupied by a major outdoor recreation facility being a rugby league oval with associated seating stands and open space. A childcare centre and children's park sit at the northern side of the site, fronting Federal parade.</p> <p>The eleven allotments are known as 9999 Pittwater Road, Brookvale.</p> <p>The lots are zoned RE1 Public Recreation.</p> <p>Surrounding allotments consist of residential properties to the north, east and west. To the south across Pittwater Road are commercial uses including Pet barn, McDonalds and a Home Appliance Outlet. These various uses incorporate large and coloured signage.</p> |

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| | <p>St Augustine's College is located to the west of the site on Alfred Street.</p> <p>Given the positioning of the site, access is possible from all four street frontages. However, the primary pedestrian access to the stadium is from the corner of the site, where Pittwater Road and Pine Street intersect. A small car park is located on the site with access from the southern end of the Alfred Street.</p> |
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SITE HISTORY

Section 96 Modifications Mod2016/0022

Modification of Development Consent DA6000/4021 (No 94/380) to provide for three (3) of the approved twelve (12) National Rugby League (NRL) matches on Thursday nights at Brookvale Oval was approved on 14 March 2016.

Section 96 Modifications Mod2013/0036

Modification of Development Consent DA2011/0544 granted for Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk) was approved on 5 March 2013

Principal Certifying Authority PCA2011/1255

Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk) submitted to Council on 29/11/2011.

Development Application DA2011/0544

Demolition works, alterations and additions to a recreation facility and use of premises as a shop (kiosk) was approved on 10 October 2011.

Complying Development Certificate CDC2011/0003

Complying Development Certificate under SEPP (Infrastructure) was submitted to Council on 17/02/2011.

Development Application DA2010/1328

Alterations and additions to a major recreation facility (Brookvale Oval) consisting of lift to Ken Arthurson stand was approved on 7 December 2010.

Section 96 Modifications Mod2007/0959

Modify Development Consent No. 6000/4021 (94/380) to Permit 3 Monday Night Games per Year was approved on 25 March 2008.

DA2007/1174

Installation of 35000 litre water holding tank was approved on 13 February 2008.

MOD6000/4021/3

Modification 3 Amend Conditions of Consent to Permit One Monday Night Per Season was approved on 5 December 2007.

MOD6000/4021/2

Modification 2 - Modify Condition to Increase Number of Night Games from 6 to 12 Per Year (Submitted: 30/05/2006)

DA2003/0524

Alteration to Existing Seating Layout to Create Tennis Style Boxes & Corporate Lounge and Replacement of Existing Scoreboard With a New Electric Version Brookvale Oval (Submitted: 12/05/2003)

MOD2001/1865/1

Modification - to Vary the Proposed Layout of the Corporate Seating to Section G of the Jane TRY Stand - Brookvale Oval (Submitted: 06/02/2003)

DA2003/0083

Alteration to Seating of Section G of Jane TRY Western Stand to Provide a Corporate Lounge Area (Submitted: 29/01/2003)

MOD6000/4021/1

Modification 1 - Deletion of Condition NO.27 & 28-REFER Statement of Environmental Effects Booklet for Further Information. (Submitted: 30/10/2002)

DA2001/1865

Conversion of Seating Layout - Corporate Areas (to Section G of the Jane TRY

Stand to Provide Private 'Tennis Box' Style Seating) If \$110, Es \$550, LSL \$60, to Pay for CC; (Submitted: 19/12/2001)

DA1999/2200

Regional Playground Brookvale Park/Oval - Warringah Council (Submitted: 28/06/1999)

DA1999/1890

Disabled Access - Warringah Council - Brookvale Oval (Submitted: 06/05/1999)

PROPOSED DEVELOPMENT IN DETAIL

This application is for the erection of a 4m x 85.5m sign affixed to the back of the Fulton- Menzies Stand at Brookvale Oval. The sign will face Pittwater Road and is elevated 10 metres above the ground level.

The signage does not protrude from the existing building and is to be a light green background with white lettering.

The signage provides the wording which identifies the venue and has the sponsors name, logo and brand on each side. It is understood that the choice of light green as the background is due to the fact that this is the current sponsor corporate colour. The sign is proposed to act as a identification sign.

The Fulton-Mezies stand is sited at an angle to Pittwater Road and accordingly the proposed sign will be visible from the western end of Pittwater Road only. It will not be easily visible when travelling west from Dee Why towards Manly.

Detail of the signage proposed can be found under Clause D23 of this report.

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.

AMENDMENTS TO THE PLANS

The plans submitted with the Development Application also provided details of the colour and content of the signage. This included a photomontage showing white lettering and a maroon background and did not include any logo or specific wording. Council requested additional information from the Applicant, including further details of the dimensions, location and content of the sign.

The Applicant responded with a set of plans providing greater detail and put forward the name of the sponsor. Additionally, the background colour of the sign changed from maroon to light green.

It is noted that the State Environmental Planning Policy 64 – Advertising and Signage, being the principal planning instrument regulating signage, does not regulate content of the signage, including wording and colour.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

| Section 79C 'Matters for Consideration' | Comments |
|---|---|
| Section 79C (1) (a)(i) – Provisions of any environmental planning instrument | See discussion on “Environmental Planning Instruments” in this report. |
| Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument | Not Applicable |
| Section 79C (1) (a)(iii) – Provisions of any development control plan | Warringah Development Control Plan applies to this proposal. |
| Section 79C (1) (a)(iiia) – Provisions of any planning agreement | None applicable. |
| Section 79C (1) (a)(iv) – Provisions of the regulations | <p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. Should the Development Application be approved, these matters will be 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. Should the Development Application be approved, this matter will be 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 clause is not relevant to this application.</p> |

| Section 79C 'Matters for Consideration' | Comments |
|---|--|
| | <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p>Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). Should the Development Application be approved, this matter will be addressed via a condition of consent.</p> |
| Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality | <p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) 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 79C (1) (c) – the suitability of the site for the development | The site is considered suitable for the proposed development. |
| Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs | See discussion on “Public Exhibition” in this report. |
| Section 79C (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.

NOTIFICATION & SUBMISSIONS RECEIVED

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

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

MEDIATION

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

REFERRALS

External Referrals

| External Referral Body | Comments |
|---|---|
| NSW Roads and Maritime Services - (SEPP 64 signage) | The NSW Roads and Maritime Services has reviewed the proposal and raises no objection to the proposal and recommends no conditions. |

Internal Referrals

| Referral Body Internal | Comments | Consent Recommended |
|--|--|----------------------------|
| Traffic Engineer | Council's Traffic Engineer has provided support for the proposal, and advised that the RMS should also be provided an opportunity to comment, which has been done. No conditions are proposed. | Yes |
| Urban Design | Council's Urban Designer has provided support for the proposed development. No conditions are proposed. | Yes |
| Parks, Reserves and Foreshores Officer | Council's Landscape Officer has no objections to the proposed development. No conditions are proposed. | Yes |

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 recreational 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 industrial 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 |
|--|--|---|
| <p>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?</p> | <p>The Pittwater Road area where Brookvale Oval is situated provides a mix of uses. The large stadium sits amongst large mature trees and within landscaped grounds. It currently has limited signage with regard to the overall scale of the existing site size and buildings. The proposal to allow for signage is consistent with the general character of the area which includes numerous large signs on the southern side of Pittwater Road.</p> <p>The area is a major sporting venue and the opposite side of the street is commercial/ retail. The inclusion of signage is anticipated for this form of use.</p> <p>However, the scale of the proposed signage is excessive and not</p> | <p>YES (subject to conditions)</p> |

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| | <p>appropriate to the surrounding development.</p> <p>Accordingly, it is proposed to condition the approval to reduce the overall size which will have the effect of reducing the area of the sign and the extent of area proposed to be white lettering on a green background. This will minimise the impact and allow the proposed signage to better blend with the large trees which are sited immediately in front of the proposed signage location. The signage will then be at a scale more comparable to the surrounding Pittwater Road development.</p> | |
| Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | <p>Outdoor advertising in the area is a mix of scales, colours and styles. The location of the proposed signage is unique being the rear side of the existing stadium, which currently presents a bland facade to the Pittwater Road frontage. It is considered that signage in this location would be consistent with the surrounding advertising, subject to a condition which reduces the overall size of the proposed signage.</p> | YES (subject to conditions) |
| <p>2. Special areas</p> <p>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?</p> | <p>The proposal as amended does not 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.</p> | YES (subject to conditions) |
| <p>3. Views and vistas</p> <p>Does the proposal obscure or compromise important views?</p> | <p>The proposed signage does not obscure nor compromise any important views that are currently enjoyed from surrounding allotments.</p> | YES (subject to conditions) |
| Does the proposal dominate the skyline and reduce the quality of vistas? | <p>The signage proposed will screen the rear of the stadium which currently presents as a large blank concrete and face brick facade to the Pittwater</p> | YES (subject to conditions) |

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| | <p>Road frontage. The sign sits over the existing concrete and facebrick wall space. The sign when viewed from other locations will not create a vista of lesser aesthetic value to that of the existing back of the stadium.</p> <p>The conditional approval proposed which will reduce the size of the sign will aid in allowing for an attractive vista.</p> | |
| Does the proposal respect the viewing rights of other advertisers? | The advertising component of the signage, whilst not specifically addressed under the provisions of SEPP 64, is consistent with surrounding advertising and is therefore respectful of the viewing rights of other advertisers. | YES (subject to conditions) |
| <p>4. Streetscape, setting or landscape</p> <p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> | <p>The scale of the signage is large. However, with some minor alterations to the size, as is proposed to be conditioned, this is appropriate given the scale and significance of the location. In particular, it is proposed to reduce the height of the sign by 250mm at both the top and bottom, reduce both ends by 500mm, and provide 2 x 5000mm gaps in the proposed sign to break the sign up into 3 panels, being 2 smaller panels containing sponsor logos at each end and a larger middle panel containing the venue identification.</p> <p>Suitable conditions have been imposed in this regard.</p> | YES (subject to conditions) |
| Does the proposal contribute to the visual interest of the streetscape, setting or landscape? | The signage is proposed to sit behind a line of mature trees which partially screen the signage from the street. The wall on which the sign is proposed to be installed is currently bland and unappealing. The inclusion of signage in this location could be a positive addition. With the proposed conditional revisions to the size, the signage is appropriate to the setting and the streetscape. | YES (subject to conditions) |
| Does the proposal reduce clutter by rationalising and simplifying existing | There is no signage in the proposed | N/A |

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| advertising? | location and the signage on the remainder of the site is modest and does not require modification. | |
| Does the proposal screen unsightliness? | The existing wall which is to be covered by the signage is bland and consists of concrete and facebrick. It does not have an attractive streetscape appeal and it will be to the benefit of the areas aesthetics to cover this wall. | YES (subject to conditions) |
| Does the proposal protrude above buildings, structures or tree canopies in the area or locality? | The signage is to be installed on an existing structure and will not result in any protrusion from this structure. | YES (subject to conditions) |
| 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 scale of the signage, as amended, is compatible with the scale of the site and the structures at Brookvale Oval. Brookvale Oval is a regional facility which is worthy of signage to a slightly greater scale than that surrounding. | YES (subject to conditions) |
| Does the proposal respect important features of the site or building, or both? | The location of the signage has no detrimental impact with regard important features of the site. | YES (subject to conditions) |
| Does the proposal show innovation and imagination in its relationship to the site or building, or both? | The location of the signage is a positive solution to a bland frontage facing the Pittwater Road streetscape. | YES (subject to conditions) |
| 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? | No | YES (subject to conditions) |
| 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 sign is not proposed to be illuminated. | YES (subject to conditions) |
| Can the intensity of the illumination be adjusted, if necessary? | N/A | YES (subject to conditions) |
| Is the illumination subject to a curfew? | N/A | YES |
| 8. Safety Would the proposal reduce the safety for any public road, pedestrians or | No | YES |

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| bicyclists? | | |
| Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | No | YES |

Accordingly, the proposed signage as amended is considered to be of a scale and design suitable for the locality, subject to the special conditions reducing its proposed size and area. 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

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| Is the development permissible | Yes |
| After consideration of the merits of the proposal, is the development consistent with: | |
| Aims of the LEP? | Yes |
| Zone objectives of the LEP? | Yes |

Principal Development Standards

| Standard | Requirement | Proposed | % Variation | Complies |
|---------------------|-------------|-------------|-------------|----------|
| Height of Buildings | - | N/A Signage | - | Yes |

Compliance Assessment

| Clause | Compliance with Requirements |
|--------------------------------------|------------------------------|
| 4.3 Height of buildings | Yes |
| 5.3 Development near zone boundaries | Yes |
| 6.2 Earthworks | Yes |
| 6.4 Development on sloping land | Yes |

Warringah Development Control Plan 2011

Built Form Controls

| Built Form Control | Requirement | Proposed | % Variation | Complies |
|--------------------|-------------|----------|-------------|----------|
|--------------------|-------------|----------|-------------|----------|

| | | | | |
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| B5 Side Boundary Setbacks | - | Existing | 0% | Yes |
| B7 Front Boundary Setbacks | - | Existing | 0% | Yes |

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|--|-------------------------------------|------------------------------------|
| A.5 Objectives | Yes | Yes |
| B6 Merit Assessment of Side Boundary Setbacks | Yes | Yes |
| B7 Front Boundary Setbacks | Yes | Yes |
| Front Boundary Setbacks - IN1 | Yes | Yes |
| C2 Traffic, Access and Safety | Yes | Yes |
| C6 Building over or adjacent to Constructed Council Drainage Easements | Yes | Yes |
| C8 Demolition and Construction | Yes | Yes |
| D6 Access to Sunlight | Yes | Yes |
| D7 Views | Yes | Yes |
| D10 Building Colours and Materials | Yes | Yes |
| D12 Glare and Reflection | Yes | Yes |
| D23 Signs | Yes | Yes |
| E6 Retaining unique environmental features | Yes | Yes |
| E10 Landslip Risk | Yes | Yes |

Detailed Assessment

D10 Building Colours and Materials

Description of Non-compliance

The DCP requires colours and materials of new or altered buildings and structures to be sympathetic to the surrounding natural and built environment. Specifically, it is required that in highly visible areas, the visual impact is minimised through appropriate colour choice. The proposed signage is a light green, which at the scale proposed could be out of character with the football stadium streetscape. The building is flanked by large mature trees and open space with pedestrian pathways along its frontage. While the southern side of Pittwater Road does include a variety of large and colourful signage, these developments are situated in business and industrial zones. As this sign is situated in the RE1 Public Recreation zone and in a landscape setting, the size and scale of the sign and its associated colour, should be reduced.

Accordingly a reduction in the scale of the sign is proposed as follows:

- Reduce the height of the sign by 250mm at both the top and bottom,
- Reduce both ends by 500mm, and
- Provide 2 x 5000mm in the width of the sign to create 3 separate panels, being two smaller panels containing the sponsor logo (one at each end) and one larger middle sign containing the venue identification.

The amendments will result in a sign with the size and area that is suitable and appropriate in its setting and context.

Merit consideration

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. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes a large wall sign consisting of the following:

| Sign | Requirement | Width | Height | M² | Complies |
|--|--|--------------|---|----------------------|-----------------|
| Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table) | Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall. | 85.5m | Sign – 4.0m and elevated 10m above ground | 384.75m ² | Yes |

The DCP states that signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter. The proposed sign can be consistent with this requirement if the scale of the signage is reduced as proposed in the conditions. This will bring the sign to a scale more complementary and compatible with its setting, context and surrounding properties.

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, as amended, is of a scale, design and location that will allow for business identification.

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

Comment:

The proposed signage, as amended, is of a quality and aesthetic that will allow it to be consistent with that of surrounding signage, and the material selection used is of a high quality durable material.

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

Comment:

The proposed signage, as amended, is consistent with the streetscape and will not result in an adverse visual impact due if the scale is reduced as per the proposed conditions.

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

Comment:

The signage is not immediately visible from any residential properties.

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

Comment:

The proposed signage, as amended, is considered to be appropriate for Brookvale Oval subject to the conditional reduction of the size, scale and area.

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

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. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological

communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

The site is not the subject of a Section 94 or 94A plan.

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 and all other documentation supporting the application. It is noted that there were no public submissions to the application. Accordingly it is concluded that the proposal will result in a reasonable impact on surrounding, adjoining, adjacent and nearby properties subject to the conditional reduction of the size.

In consideration of the development application and the merit consideration of the signage, the proposal (as amended by specific conditions) is considered to be appropriate with regard to, location and scale in light of the large stadium structure and the regional significance of Brookvale Oval.

The proposed colour for the signage will be appropriate within the streetscape once the size, scale and area is reduced as outlined in the proposed conditions. The proposal is considered to fulfil the objectives of the key environmental planning instruments, subject to the proposed conditions.

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 DA2016/1200 for Building Identification Signage for Brookvale Oval on land at Lot 47 DP3674, Lot 1,2,3,4,5 & 6 DP 1141128, Lot 1 DP651395, Lot 1 DP784268, Lot 1 DP1140, Lot B DP966128, Lot 6 DP785409, 9999 Pittwater Road, Brookvale, 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 |
| DA1.01 Rev. P1 | 5 December 2016 | Marchese Partners International Pty Ltd |
| DA3.01 Rev. P2 | 23 January 2017 | Marchese Partners International Pty Ltd |

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

c) No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

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. Amendments to the Approved Plans

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

The signage is to be broken into 3 panels as follows:

- Each sign is to be reduced at top and bottom by 250mm;

- The signs are to be reduced at the eastern and western ends of the two outer signs by 500mm so that the building frames the signage;
- There is to be a 5000mm gap between each of the 3 panels;
- The two outer signs are for the placement of the sponsor's name, logo and brand; and
- The central sign is not to contain any sponsor, product or advertising

Reason: To ensure the streetscape character is retained and the scale of the structure is reduced.

3. Prescribed Conditions

(a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);

(c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and

(ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

(iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

(i) in the case of work for which a principal contractor is required to be appointed:

A. the name and licence number of the principal contractor, and

B. the name of the insurer by which the work is insured under Part 6 of that Act,

(ii) in the case of work to be done by an owner-builder:

A. the name of the owner-builder, and

B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

(e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

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

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

Reason: Legislative Requirement (DACPLB09)

3. **General Requirements**

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

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

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the

existing ground stratum or are breaking up/removing materials from the site).

(b) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

(c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.

(d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.

(e) Prior to the release of the Construction Certificate payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.

(f) Where works are to be carried out to a Class 1a building, smoke alarms are to be installed throughout all new and existing portions of that Class 1a building in accordance with the Building Code of Australia prior to the occupation of the new works.

(g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(h) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.

(i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.

(j) All sound producing plant, equipment, machinery or fittings and the use will not exceed more than 5dB (A) above the background level when measured from any property boundary and/or habitable room(s) consistent with the Environment Protection Authority's NSW Industrial Noise Policy and/or Protection of the Environment Operations Act 1997.

(k) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(l) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

(m) Any Regulated System (e.g. air-handling system, hot water system, a humidifying system, warm-water system, water-cooling system, cooling towers) as defined under the provisions of the Public Health Act 2010 installed onsite is required to be registered with Council prior to operating.

Note: Systems can be registered at www.warringah.nsw.gov.au

(n) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

(1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety

- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.

(2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.

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

(4) Swimming pools and spas must be registered with the Division of Local Government.

(o) New solid fuel burning heaters or existing solid fuel heaters affected by building works must comply with the following:

- (1) AS 2918:2001 Domestic Solid Fuel Burning Appliances – Installation.
- (2) AS 4013:2014 Domestic Solid Fuel Burning Appliances – Method of Determination of Flue Gas Emissions.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. Security Bond

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment

are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.warringah.nsw.gov.au/your-council/forms).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards. (DACPLC02)

Advice to Applicants: At the time of determination in the opinion of Council, the following (but not limited to) Australian Standards are considered to be appropriate:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**
- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites' **
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking**
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities**
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities**
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking**
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities**
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set**
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access - New building work**
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements - Buildings and facilities**
- (n) AS 4674 Design, construction and fit out of food premises
- (o) AS1668 The use of mechanical ventilation

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website http://www.humanrights.gov.au/disability_rights/buildings/good.htm

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to. (DACPLC02)

7. Sewer / Water Quickcheck

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre prior to works commencing to determine whether the development will affect any Sydney Water asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building Developing and Plumbing then Building and Renovating.
- Or telephone 13 20 92.

Reason: To ensure compliance with the statutory requirements of Sydney Water. (DACPLC12)

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

8. No Illumination

No consent is given or implied for any form of illumination or floodlighting to any sign.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

9. Limitation of Development Consent for Signage

Pursuant to the provisions of State Environmental Planning Policy No. 64 – Advertising and Signage, this development consent will expire 15 years after the date on which this development consent becomes effective and operates.

Reason: Statutory requirement under State Environmental Planning Policy No. 64 – Advertising and Signage (DACPLB08)

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.