

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/0891
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Responsible Officer:	Nick Keeler
Land to be developed (Address):	Lot 52 DP 1237461, 80 - 82 Mona Vale Road MONA VALE NSW 2103
Proposed Development:	Construction of signage
Zoning:	R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes - Zone R2 Low Density Residential Yes - Zone SP2 Infrastructure
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Pittwater RSL Club Ltd
Applicant:	Luke Cooke

Application Lodged:	10/07/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	08/08/2023 to 22/08/2023
Advertised:	Not Advertised
Submissions Received:	3
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

Estimated Cost of Works:	\$ 225,500.00
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PROPOSED DEVELOPMENT IN DETAIL

The applicant seeks development consent for the construction of signage ancillary to the existing primary use of the site for the purpose of a registered club, being Pittwater RSL.

The proposed signage is as follows:

- One pylon sign with illuminated letters and LED screen to both sides presenting to Mona Vale Road (signage area 21.5m²)
- One freestanding wayfinding sign at vehicular entrance on Foley Street
- One freestanding wayfinding sign at vehicular exit on Foley Street

AMENDED PLANS

During assessment, Council required the applicant amend the height and design of the proposed pylon sign to ensure unreasonable impacts upon nearby residences is minimised.

To address this, the applicant reduced the height of the proposed pylon sign from 8.5m to 6m and reduced the LED display area on each side of the sign. The overall signage area is reduced from 21.5m² to 15.8m².

Despite the reduction of height and signage area, the amended design of the pylon sign is considered to be excessive and not in keeping with the predominant residential character of the locality.

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

Assessment - Concurrence - Roads and Maritime Service - SEPP (Industry and Employment) 2021, s 3.16(2)

Pittwater 21 Development Control Plan - B8.3 Construction and Demolition - Waste Minimisation

Pittwater 21 Development Control Plan - C2.11 Signage

Pittwater 21 Development Control Plan - C2.12 Protection of Residential Amenity

Pittwater 21 Development Control Plan - D14.7 Front building line

SITE DESCRIPTION

Property Description:	Lot 52 DP 1237461 , 80 - 82 Mona Vale Road MONA VALE NSW 2103
Detailed Site Description:	The subject site is legally identified as Lot 52 in DP 1237461 and is known as 80-82 Mona Vale Road, Mona Vale, commonly known as the Pittwater RSL.

The site is generally triangular in shape and located on the corner of Mona Vale Road and Foley Street.

The site accommodates an existing club building with a total public floor area of approximately 4155m² and 450 car parking spaces.

The site is zoned R2 Low Density Residential pursuant to the Pittwater Local Environmental Plan 2014 but also benefits from an Additional Permitted Use as a registered club.

Adjoining and Surrounding Development

Adjoining and surrounding land is characterised by commercial developments to the west and residential developments to the south, east and north.

Map:



SITE HISTORY

The site has been the subject of numerous previous development applications pertaining to various elements of the existing registered club (Pittwater RSL), however none of those applications are relevant to the assessment of this current development application.

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to amended architectural plans.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 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 62 and/or 64</u> of the EP&A Regulation 2021 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> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 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	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact</p>

Section 4.15 Matters for Consideration	Comments
and economic impacts in the locality	<p>The proposed development will have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will 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 unsuitable 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	This assessment has found the proposal to be contrary to the relevant requirement(s) of the SEPP (Industry and Employment) 2021 and Section C2.11 of P21DCP and will result in a development which will create an undesirable precedent such that it would undermine the desired future character of the area and be contrary to the expectations of the community. In this regard, the development, as proposed, is not considered to be 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 application has been publicly exhibited from 08/08/2023 to 22/08/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 3 submission/s from:

Name:	Address:
Mr Thomas Fernando Richard Roche	77 Mona Vale Road MONA VALE NSW 2103
Lee Danswan	Address Unknown
Mr Kevin John Lee	89 Mona Vale Road MONA VALE NSW 2103

The following issue was raised in the submissions:

Residential amenity

The submissions raised concerns that the proposed signage will unreasonably impact upon the amenity of nearby residences by way of height and light spill.

Comment:

Due to the excessive height, signage area and potential for light spill, it is expected the proposed signage will have an unreasonable impact upon the amenity of nearby residences and therefore cannot be supported. As such, the application is recommended for refusal.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The submitted documents indicate that the proposed signage is located within private property as required.</p> <p>Landscape Referral have assessed the application against State Environmental Planning Policy (Industry and Employment) 2021, including the provisions of Chapter 3 and Schedule 5 Assessment Criteria.</p> <p>The overall height (6 metres) of the proposed signage as updated by amended plans is typical of other signs in the locality including petrol stations and fast food signage, such as the nearby KFC and Hungry Jack's signage fronting Mona Vale Road and the service stations signs along Barrenjoey Road. It is noted however that the width of the proposed signage as updated by amended plans remains greater in width to other signs in the locality, and the LED screen 'signage area' of 5.5m² exceeds the Pittwater DCP control of 4.5m².</p> <p>Notwithstanding this, the information to be displayed for the RSL is not comparable to other signage as it is not static or limited to the information content, and that should the Assessing Planning Officer determine this to be appropriate, Landscape Referral raise no objections.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

All, Environmental Planning Instruments (SEPPs 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 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 (Transport and Infrastructure) 2021

Ausgrid

Section 2.48 of Chapter 2 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 who raised no objections.

Transport for NSW (TfNSW)

Section 2.118 - Development with frontage to classified road states:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comment:

The application was referred to Transport for NSW who did not raise any objection to the proposal.

SEPP (Industry and Employment) 2021

Section 3.6 and 3.11 of Chapter 3 require Council to determine consistency with the objectives stipulated under Subsection 3.1 (1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 5.

The objectives of this chapter 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 5 of Chapter 3, 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 proposed signage is inconsistent with the existing character of the surrounding area.	NO
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is inconsistent with other advertising throughout the surrounding area.	NO
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is inconsistent with other advertising and signage and is expected detract from the amenity or visual quality of surrounding sites or environments.	NO
3. Views and vistas Does the proposal obscure or compromise important views?	Views and vistas are not obscured or compromised by this signage.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is of a scale that is inconsistent with the predominant residential character of the locality.	NO
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is located wholly on the subject site and does not interfere or detract from the advertising of surrounding sites.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is of a scale, proportion and design which is inconsistent with the predominant residential character of the locality.	NO
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal is expected to detract from the visual interest of the streetscape.	NO

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage proposed consists of one pylon business identification sign. Given the location of the signage and the scale, it is considered that it is not cluttered.	YES
Does the proposal screen unsightliness?	The proposal does not screen no contribute to any unsightliness.	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 proposed signage is not compatible with the existing scale of the building and with surrounding sites. Business identification signage is capable of being provided on the club building rather than a separate pylon sign.	NO
Does the proposal respect important features of the site or building, or both?	No significant features are present on the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is consistent with the registered club land use.	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?	No.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The signage illumination is expected to result in unacceptable glare and negatively impact the amenity nearby residences.	NO
Can the intensity of the illumination be adjusted, if necessary?	Despite the ability to adjust the intensity of illumination, it is expected it will likely negatively impact the amenity nearby residences.	NO
Is the illumination subject to a curfew?	If approved, illumination of the signage would be conditioned to cease between the hours of 12.00 midnight and 6.00 am daily.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No, the illumination is conditioned not be flashing or use animations and is consistent with surrounding signage.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not obscure sightlines from public areas and does not reduce the safety for children.	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 this chapter and its

underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial 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 sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the commercial land use.

Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone R2 : Yes Zone SP2: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Zone R2 : Yes Zone SP2: Yes

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m	6m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.1 Relevant acquisition authority	Yes
7.1 Acid sulfate soils	Yes
7.10 Essential services	Yes

Pittwater 21 Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation	Complies
Front building line	Foley St - 6.5m	Nil	100%	No
Side building line	W - 2.5m	>2.5m	N/A	Yes
	N - 1m	1m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.14 Warriewood Locality	Yes	Yes
B1.3 Heritage Conservation - General	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B8.1 Construction and Demolition - Excavation and Landfill	Yes	Yes
B8.3 Construction and Demolition - Waste Minimisation	No	Yes
C2.1 Landscaping	Yes	Yes
C2.2 Safety and Security	Yes	Yes
C2.5 View Sharing	Yes	Yes
C2.10 Pollution Control	Yes	Yes
C2.11 Signage	No	No
C2.12 Protection of Residential Amenity	No	No
D14.1 Character as viewed from a public place	Yes	Yes
D14.2 Scenic protection - General	Yes	Yes
D14.3 Building colours and materials	Yes	Yes
D14.7 Front building line	No	Yes
D14.8 Side and rear building line	Yes	Yes
D14.11 Building envelope	Yes	Yes

Detailed Assessment

B8.3 Construction and Demolition - Waste Minimisation

A detailed waste management plan has not been submitted with the application. As the application is recommended for refusal, no further action is required in relation to this control.

C2.11 Signage

Description of non-compliance

The proposed pylon sign on the Mona Vale Road frontage has an area of 15.8m² and is therefore non-compliant with the maximum signage area of 4.5m².

Merit consideration

With regard to the consideration of a variation, the proposed development is considered against the

underlying outcomes of the control as follows:

- *Signage is compatible with the desired amenity and visual character of the locality.*

Comment:

The proposed signage is associated with an established registered club. Consideration is taken to the nearby residential dwelling on the northern side of Mona Vale Road and southeastern side of Foley Street. Due to the excessive side and likely light spill from the digital display, it is considered the proposed signage is incompatible with the desired amenity and visual character of the locality.

- *Signage does not adversely impact upon any heritage item or conservation area.*

Comment:

There are no known heritage items or conservation areas within vicinity of the subject site.

- *Signage does not result in visual clutter of the landscape.*

Comment:

The signage will not result in visual clutter of the landscape.

- *Signage is of high quality design and finish.*

Comment:

Despite its high-quality design and finish, the proposed pylon sign by virtue of the height and size is not considered to contribute positively to the streetscape and character.

Having regard to the above assessment, it is concluded that the proposed development is inconsistent with the relevant objectives of P21DCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is not supported, in this particular circumstance.

C2.12 Protection of Residential Amenity

As discussed under Section C2.11 above, the proposed development is not considered to adequately protect the amenity of nearby residences by way of the height, size and illumination of the proposed pylon sign.

D14.7 Front building line

Despite being sited within the front setback area, the proposed signs along the Foley Street frontage are not considered to be unreasonable as they are small in bulk and scale and benefit the site by providing clear wayfinding for vehicles entering and exiting the site.

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.

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 2021;
- All relevant and draft Environmental Planning Instruments;
- Pittwater Local Environment Plan;
- Pittwater 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, in this regard the application is not considered to be acceptable and is recommended for refusal.

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

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

It is considered that the proposed development does not satisfy the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council, as the consent authority REFUSE Development Consent to Development Application No DA2023/0891 for the Construction of signage on land at Lot 52 DP 1237461,80 - 82 Mona Vale Road, MONA VALE, for the reasons outlined as follows:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of State Environmental Planning Policy (Industry and Employment) 2021.

Particulars:

Council is not satisfied that:

- a) the proposed signage satisfactorily addresses the aims and objectives outlined in

Section 3.1(1)(a) of SEPP (Industry and Employment) 2021.

b) the proposed signage satisfactorily addresses the assessment criteria in Schedule 5 of SEPP (Industry and Employment) 2021.

2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause C2.11 Signage of the Pittwater 21 Development Control Plan.

Particulars:

Council is not satisfied that:

- a) the proposed signage is consistent with the predominant residential character of the locality.
 - b) the proposed signage is of a height and size that contributes positively to the streetscape character.
 - c) the proposed signage is compatible with the desired amenity and visual character of the locality.
 - d) the illumination of the proposed signage will have a limited impact of nearby residential dwellings.
3. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest.

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

Signed



Nick Keeler, Planner

The application is determined on 02/02/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments