

# DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2021/0001		
[			
Responsible Officer:	Adam Mitchell		
Land to be developed (Address):	Lot ROAD , Bungan Street MONA VALE NSW 2103 Lot 100 DP 1047405, 1 Park Street MONA VALE NSW 210		
Proposed Development:	Installation of digital advertising signage panels upon the separately upgraded kiosk substations/electric vehicle charging stations located within the road reserve adjoining 1 Park Street and 5 Bungan Street, Mona Vale.		
Zoning:	B4 Mixed Use RE1 Public Recreation SP2 Infrastructure		
Development Permissible:	Yes - Zone B4 Mixed Use Yes - Zone RE1 Public Recreation		
Existing Use Rights:	No		
Consent Authority:	Northern Beaches Council		
Land and Environment Court Action:	No		
Owner:	Northern Beaches Council NSW Government - Department of Industry - Lands		
Applicant:	Andrew Giannasca		

Application Lodged:	18/01/2021	
Integrated Development:	No	
Designated Development:	No	
State Reporting Category:	Other	
Notified:	27/01/2021 to 10/02/2021	
Advertised:	Not Advertised	
Submissions Received:	0	
Clause 4.6 Variation:	Nil	
Recommendation:	Approval	

Estimated Cost of Works:	\$ 26,510.00

#### PROPOSED DEVELOPMENT IN DETAIL

Development Application no.2021/0001 relates to the installation of new advertising signage integrated with the installation of two new electric vehicle (EV) charging stations located at two existing Ausgrid substation kiosks.

The existing substation kiosks are being upgraded to accommodate EV charging stations at two



separate locations in Mona Vale (as described by the Site Description section of this report). Under Clause 41(2)(b) of the Statement Environmental Planning Policy (Infrastructure) 2007, these works may be carried out without consent by or on behalf of an electricity supply authority or public authority, and therefore these works will be assessed separately by Ausgrid.

The kiosk upgrades are essentially a new shell atop of the existing kiosks with the addition of EV charging stations.

This application pertains to the installation of a total of four (4) advertisement signs on the two (2) new kiosk enclosures. The signage is applied for as an ancillary component to the kiosk and EV chargers.

The signage proposed is to be illuminated and operating on a 24/7 basis and is to help drivers identify the EV station, display public and emergency messaging and includes third party advertising. The signs, each measuring 1650mm in height by 928mm in width are integrated within the new kiosk structure as shown in the submitted architectural plans and accompanying documents.

An indicative image of what the kiosk and signage panels would look like has been provided by the Applicant in their Statement of Environmental Effects and is copied below:



Figure 4 Typical Digital Signage panel details on JUMP charging station

(Source: Jolt)

Herein this report, the advertising signage sought is referred to as the 'development'. Reference is made in this report to the new kiosk structures themselves (since the signage is affixed to them), however these and the EV chargers are not the subject of this assessment.

# 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

Pittwater Local Environmental Plan 2014 - Zone B4 Mixed Use Pittwater 21 Development Control Plan - C5.9 Signage Pittwater 21 Development Control Plan - C5.11 Third Party Signage

### SITE DESCRIPTION

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Property Description:	Lot ROAD , Bungan Street MONA VALE NSW 2103 Lot 100 DP 1047405 , 1 Park Street MONA VALE NSW 2103
Detailed Site Description:	Development Application No. 2021/0001 relates to two separate 'sites' within the road resister the Mona Vale town centre.
beschption.	One of the two sites (known as the Pittwater Park site) is located north of the Mona Vale L building and sits on the road reserve between the library carpark and the roundabout. The exact coordinates are 33°40'33.9"S and 151°18'13.5"E.
	The second site (Bungan / Pittwater site) is across the road and sits on the Bungan Street reserve southeast of the building known as 3 Bungan Street, Mona Vale. The exact coord are 33°40'34.1"S and 151°18'11.2"E.
	An extract of the submitted Statement of Environmental Plan showing the locations is belo





Both sites presently accommodate standardised Ausgrid electrical kiosks of a dark green and are visible from the streets and surrounding footpath.

Map:





# SITE HISTORY

There is no recent or relevant history for developments on the road reserve within the vicinity of the two subject sites.

# **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	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Pittwater 21 Development Control Plan 2014 applies to this proposal.
Section 4.15 (1) (a)(iiia) – 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)	<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.
	Clauses 54 and 109 of the EP&A Regulation 2000 allow Council



Section 4.15 Matters for Consideration'	Comments
	to request additional information. No additional information was requested in this case.
	<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.
	<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.
	<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.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in	<ul> <li>(i) Environmental Impact</li> <li>The environmental impacts of the proposed development on the natural and built environment are addressed under the Pittwater</li> <li>21 Development Control Plan 2014 section in this report.</li> </ul>
the locality	(ii) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.
	(iii) <b>Economic Impact</b> The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 from 27/01/2021 to 10/02/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

#### REFERRALS

Internal Referral Body	Comments
Road Reserve	Not Supported
	Council has a contract for the supply of bus shelters and associated advertising with Ooh!Media. The Adshel/Ooh!Media contract contains clauses regarding exclusivity of street furniture advertising within the former Pittwater LGA. The proposal has the potential to impact advertising revenues of Council's street furniture provider.
	Ooh!Media have raised objections to the proposed advertising on the basis of exclusivity, however, Council is assessing a development application by a third party on a facility that is not owned by Council nor is under the control of Council.
	As such, Council may not be able to refuse the application on this basis although it is recommended independent advice be sought.
	In relation to the Bungan Road facility, the proposed cabinet will reduce the existing 1m wide access between the kiosk and street garden beds to 471mm (3643-2700=943/2=471.5) making the clear opening for pedestrian access from the roadside inaccessible. Further the existing kiosk is 330mm from the kerb, allowing to some extent for vehicle passengers to open car doors. The proposed cabinet width of 1981mm will similarly reduce the clearance to the kerb to 79.5mm. The plans suggest the cabinet can be offset however, the schematic plans indicate the cabinet is fitted flush to the kiosk and as such are misleading (Section DD on Plan. JOLT-PG-GA-01). As such the proposal for this site is unacceptable.
	In relation to the Pittwater Road site, Pittwater Road is a classified regional road so RMS concurrence will be required for structures in accordance with S138 (2) of Road Act 1993. The application provides no details on how it is expected for cables to connect to parked vehicles and would appear to obstruct pedestrians and create a trip hazard across the footway. This footway area is highly trafficked by pedestrians and an additional charging structure may further restrict pedestrian access. Further details are required and works and structures not associated with the kiosk advertising structure will require a separate Road Act Application for consent.
	Further concerns include Council's ability to restrict inappropriate advertising content. Current contracts Council has in place for street furniture advertising limit the display of alcohol and other inappropriate advertising. Contracts also include specifications for response times in relation to maintenance, graffiti and cleaning. Contracts also include



Internal Referral Body	Comments
	a timeframe horizon. The Council contracts for advertising on street furniture generates considerable benefits for Council residents in both revenue and infrastructure.
	It appears that the private advertising interests represent a poor commercial outcome for the use of Council public road reserve and represents the private use for commercial gain.
	As such, the proposed advertising, if approved, will require a Council lease detailing such requirements as, the expected commercial revenue returns to Council, service requirements for maintenance, repairs and cleaning responsiveness, insurance details for the operator and maintenance service proivders, contact details for 24/7 reporting breakages and other high risk issues, and advertising content controls.
	There are no details about how the operator proposes to limit parking or ensure turn over of vehicles every 15 minutes.
	In the event, the DA is approved, it is expected Development Engineering will need to apply their standard conditions regarding the following:
	Bonds for damage to infrastructure Applications for approval to undertake works in the public road reserve Applications to manage traffic during the works The applicant shall ensure that charging cables do not become pedestrian trip hazards and are capable of being retracted and housed within the charging facility.
	Planner Comment Planning does not concur with the above comments made by the Road Assets Team. The application seeks consent for signage on infrastructure, the contract of which is between that infrastructure provider and the relevant third party networks. The Council is not a party to said contracts and therefore consideration of any existing contracts Council may have with street furniture advertising is irrelevant to this assessment, and is not for consideration pursuant to the Environmental Planning and Assessment Act 1979.
	Concerns about the enlargement to the physical structure are understood, but are not relevant to this assessment for signage. The physical structure can be enlarged without Council's development consent. Further, it is not considered that the application triggers a referral to Transport for NSW under s138 of the Roads Act 1993 as the magnitude of works is for integral signage only, wholly attached to a kiosk which is to be approved under a separate mechanism. To that extent, the application does not seek consent to erect any structures or carry out any modification or work to the land.
	The applicant has provided a Maintenance Plan of Management



Internal Referral Body	Comments				
	which is endorsed by the recommendations of this consent.				
	It is not relevant to seek the comments of Council's Development Engineering department for the installation of signage. Relevant conditions are included in the recommendations of this report.				
Strategic and Place Planning	Supported, without Co.	ndition	s		
(Heritage Officer)	HERITAGE COMMENTS Discussion of reason for referral				
	within the vicinity of a h		d to Heritage as one of sites are e item		
	<b>Victory Tree</b> Holly Oak (Quercus Ilex) - 1785 Pittwater Road, Mona Vale				
	Details of heritage item	s affect	ed		
		ontaine	d within the Pittwater inventory is as		
	follows:				
	Statement of significant	ce:			
	2	•	significant at a State level as a rare		
	•	•	onour those who served and/or died		
	in the First World War. Strong associations with the local community and with J H Maiden, former Director of Sydney's Roya Botanic Gardens. Aesthetic value at a local level. A rare survivor of				
	the 'Victory Trees' plan	ted in 1	919-20 as war memorials.		
	Physical description:				
		Quercus	s ilex (Holly Oak) growing beside		
			ale CBD. Two smaller trees growing		
			noved to enhance the aesthetic to maximise its growth potential and		
	safe and useful life exp		•		
	Other relevant heritage				
	Sydney Regional	No			
	Environmental Plan (Sydney Harbour				
	Catchment) 2005				
	Australian Heritage	No			
	Register				
	NSW State Heritage Register	No	The Victory Tree is not on the State Heritage Register.		
	National Trust of Aust (NSW) Register	No			
	RAIA Register of 20th Century Buildings of	No			
	Significance				
	Other	N/A			
1					



Internal Referral Body	Comments			
	Consideration of Application			
	The proposal seeks consent to install advertising upon two existing electricity substation kiosks within the Mona Vale town centre. The first kiosk is located outside 3 and 5 Bungan Street, and the second is located near to the car park at 1 Park Street Mona Vale, but on the Pittwater Road frontage. No heritage items are located within the immediately vicinity of the site at Park Street, while the Victory Tree is located to the north of the Bungan Street site. However there is sufficient separation between this kiosk and the heritage item, as well as a four storey development in between and no impact to the item or its significance is expected.			
	Therefore Heritage raises no objections and requires no conditions.			
	Consider against the provisions of CL5.10 of PLEP.			
	Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No			
	Is a Heritage Impact Statement required? No			
	Has a Heritage Impact Statement been provided? No Further Comments COMPLETED BY: Brendan Gavin, Principal Planner			
	DATE: 20 January 2021			
Strategic and Place Planning (Urban Design)	Supported, without Conditions			
	The proposal seeks consent to install advertising on two existing electricity substation kiosks within the Mona Vale town centre. The proposed signages will be integrated into the new JUMP charging stations which should result in an improved visual appearance to the existing kiosk substations as the installations will cover the existing substation kiosks completely. The proposed signage panels will not diminish the streetscape quality around the proposed sites.			
	As such, there is no objection to the proposal.			

External Referral Body	Comments
S (	The proposal was referred to Ausgrid whom raised no objections to the proposal, subject to conditions as 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 road reserve 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 road reserve 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
<b>1. Character of the area</b> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Part A4.9 of the Pittwater 21 DCP prescribes the desired character (DFC) of the Mona Vale locality, however in preface it should be noted that this is generally limited to building and master planning aims. Of the DFC statement, the following control is of relevance:	YES
	Future development is to be located so as to be supported by adequate infrastructure, including roads, water and sewerage facilities, and public transport.	
	The development for advertising signage facilitates the introduction of EV charging ports in the Mona Vale Village Centre. This technology shall become increasingly important and demanded within commercial centres and as such, its introduction is consistent with the stated DFC.	
	More generally, the introduction of new pieces of signage into the streetscape remains compatible	



	with the existing proliferation of signs in the locale. Existing signs are generally stagnant and of proportions both smaller and larger than the proposed. On balance the screening of the unsightly kiosks and introduction of signage is found to enhance the streetscape through modernisation, consistent with the aims of the DFC.	
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Signage is permissible with consent and, as described later int his report, the proposal meets the outcomes of Cl. C3.11 Signage of the P 21 DCP which ensures that the proposed is consistent with the desired for of outdoor advertising. As described earlier, the digital signage is within a streetscape that is otherwise dominated by stagnant signage. This difference does not in itself make the signage unacceptable. On balance, as described throughout this report, the signage is compatible with the prevailing theme for outdoor advertising.	YES
<b>2. Special areas</b> 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?	No. The signage is located adjacent to well- trafficked streets which, whilst pleasant, is not considered to accommodate any exceptional environmental features or items of significant aesthetic value. The proposal shall screen dated and unsightly kiosks within the road reserve with new modern cladding that provides a functional purpose (EV chargers) as well as visual interest (signage) and is therefore an improvement to the area.	YES
<b>3. Views and vistas</b> Does the proposal obscure or compromise important views?	No.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No.	YES
Does the proposal respect the viewing rights of other advertisers?	The subject area of signage is freestanding within the road reserve, whereas the majority of other advertising signs are mounted to the adjacent buildings (either window, fascia or hanging signs) or are temporary A-frame signs placed in the road reserve.	YES
	The proposed signage will be clearly not associated with the existing signage of other businesses, and does not obscure views of those signs. Thereby it is found that the works respect the viewing rights of other advertisers.	
<b>4. Streetscape, setting or landscape</b> Is the scale, proportion and form of the	Yes. The proportions of the signage comply with the stated dimensions in Part C5.9 of the P 21	YES

œ,	northern beaches council
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proposal appropriate for the streetscape, setting or landscape?	DCP (with the exception of being lesser than the minimum 'off the ground' height).	
	The majority of surrounding signage is stagnant and affixed to existing buildings. Commensurate to these signs, the proposal is not unprecedented in scale and does not detract from the landscaping.	
	Digital advertising can be found elsewhere in the locale (generally on bus shelters) like that northeast of no. 3 Bungan Street (less than 100 metres away) which is significantly larger in scale than the proposed. Bus signage like this is now generally synonymous with bus shelters and does not form an offensive or obtrusive element of the streetscape.	
	Thereby, it is considered that the proposal is of a proportion and form that is appropriate for the the streetscape and setting.	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The works necessitate the minor enlargement of two existing unsightly electrical kiosks in prominent locations on the street. The re-cladding of these kiosks on its own is a significant enhancement to the streetscape. The introduction of EV chargers (separate to this application) creates a functional component to the structure, and the introduction of signage creates visual interest and information for the public. The works thereby meet this objective.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A the proposal does not alter any existing advertising.	N/A
Does the proposal screen unsightliness?	Yes, as described throughout this assessment, the proposal acceptably screens existing unsightliness that would otherwise remain.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The surrounding locale is subject to a 13 metre building height limit and the proposed cladding of the substation and thus signage measures 2.232 metres in height. The structure also sits significantly lesser in height than immediately adjoining trees (estimated to be ~ 7 metres in height) and is slightly above the height of other vegetation (approximately 1 metre in height). Therefore the height of the development does not	YES
	protrude above buildings and tree canopies within the locality.	
<b>5. Site and building</b> Is the proposal compatible with the	Yes. As described above, the proposal is compatible with the scale, proportions and other	YES



scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	characteristics of the site.	
Does the proposal respect important features of the site or building, or both?	N/A it is not considered that there are any significant or important features of the existing structures or the immediate surrounding area.	N/A
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. Overall the works represent a significant improvement to the existing streetscape by way of screening unsightliness. The signage is well integrated with the cladding overall and represents a well considered proposal.	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?	Yes. The proposal is designed to be in keeping with the <i>transport Corridor Advertising and</i> <i>Signage Guidelines</i> .	YES
<b>7. Illumination</b> 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?	<ul> <li>have a visible light reflectivity from materials not exceeding 20% (thus not creating glare);</li> <li>have a default black display when the signage is off or malfunctioning.</li> </ul>	YES
	The illumination therefore adheres to the relevant controls to ensure no unacceptable glare is created.	
Can the intensity of the illumination be adjusted, if necessary?	Yes. The proposal is designed in accordance with the Australian Standard <i>Control of the Obtrusive</i> <i>Effects of Outdoor Lighting</i> and therefore the screen brightness can be adjusted, and is regulated in response to ambient lighting levels at varying times of the day.	YES
Is the illumination subject to a curfew?	No. The signage is proposed to operate 24/7.	YES
<b>8. Safety</b> Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	No. As above, the signage is designed to adhere to all relevant glare and reflectivity standards. The signage does not obstruct any roads or footpaths.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage results in the re-cladding of existing substations, thus extent of current sightlines is not reduced or enhanced by this development.	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.



Clause 14 of SEPP 64 stipulates that consent for signage is to expire 15 years after the date of the relevant development consent. This is secured by way of condition.

SEPP 64 Division 3 - Particular Advertisements, regulates the nature of advertisements. The proposal advertisements are considered to be best described as a 'Wall Advertisement' which is defined as:

 Wall Advertisement means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

Clause 22 of the SEPP prescribes the following wall advertisement controls:

- (1) Only one wall advertisement may be displayed per building elevation.
- (2) The consent authority may grant consent to a wall advertisement only if—

(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and

(b) for a building having—

*(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and* 

*(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and* 

*(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and* 

(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and

- (d) the advertisement does not protrude above the parapet or eaves, and
- (e) the advertisement does not extend over a window or other opening, and
- (f) the advertisement does not obscure significant architectural elements of the building, and

(g) a building identification sign or business identification sign is not displayed on the building elevation.

The proposal includes one wall advertisement on two of the four building elevations (1).

The 'building' (kiosk) has a total elevational surface area of 24.59m<sup>2</sup> and thus (2)(iii) is relevant. Each piece of advertisement measures 1.53m<sup>2</sup> (1650mmx928mm) and thus, the two pieces combined have an area of 3.06m<sup>2</sup> equivalent of 12.4% of the elevational surface area of the building. The signage does not protrude from the wall or parapet and does not extend over any windows or openings. The advertisement does not obscure any architectural features and is not a building or business identification sign.

Accordingly, the proposal complies with the relevant provisions of SEPP 64 and may be supported.



## SEPP (Infrastructure) 2007

#### <u>Ausgrid</u>

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 who raised no objections to the proposed development, subject to conditions as recommended.

#### Pittwater Local Environmental Plan 2014

Is the development permissible?	Zone B4 : Yes Zone RE1: Yes	
After consideration of the merits of the proposal, is the development consistent with:		
ims of the LEP? Yes		
zone objectives of the LEP?	Zone B4 : Yes Zone RE1: Yes	

#### Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Height of Buildings:	8.5m and 13.0m	2.232m	-	Yes

#### Compliance Assessment

Clause	Compliance with Requirements
1.9A Suspension of covenants, agreements and instruments	Yes
4.3 Height of buildings	Yes
5.10 Heritage conservation	Yes
7.1 Acid sulfate soils	Yes
7.3 Flood planning	Yes
7.10 Essential services	Yes

Detailed Assessment

#### Zone B4 Mixed Use



The two subject sites are located on land zoned for RE1 Public Recreation purposes and B4 Mixed Use pursuant to the Pittwater Local Environmental Plan 2014, as shown on the below extract of the relevant zoning map:



Development for the purpose of 'Signage' is permitted with consent on both zones.

# Pittwater 21 Development Control Plan

#### **Built Form Controls**

As the proposed development is not within a standard allotment but is located within the road reserve, the built form controls are not relevant to this particular form of development.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A1.7 Considerations before consent is granted	Yes	Yes
A4.9 Mona Vale Locality	Yes	Yes
B1.2 Heritage Conservation - Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites	Yes	Yes
B1.4 Aboriginal Heritage Significance	Yes	Yes
B3.6 Contaminated Land and Potentially Contaminated Land	Yes	Yes
B3.11 Flood Prone Land	Yes	Yes



Clause	Compliance with Requirements	Consistency Aims/Objectives
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land	Yes	Yes
B5.15 Stormwater	Yes	Yes
B8.5 Construction and Demolition - Works in the Public Domain	Yes	Yes
C1.3 View Sharing	Yes	Yes
C1.4 Solar Access	Yes	Yes
C1.13 Pollution Control	Yes	Yes
C2.11 Signage	Yes	Yes
C5.1 Landscaping	Yes	Yes
C5.2 Safety and Security	Yes	Yes
C5.4 View Sharing	Yes	Yes
C5.9 Signage	Yes	Yes
C5.11 Third Party Signage	No	Yes
C5.18 Public Road Reserve - Landscaping and Infrastructure	Yes	Yes
D9.1 Character as viewed from a public place	Yes	Yes
D9.2 Scenic protection - General	Yes	Yes
D9.3 Building colours and materials	Yes	Yes

#### **Detailed Assessment**

#### C5.9 Signage

The signage proposed forms an integral part to the cladding of the existing Ausgrid kiosks and, within the definitions of types of signs described by the P 21 DCP, is most suitably described as a Wall Sign. An assessment of the proposal against the wall sign requirements follows:

- Shall not extend laterally beyond the wall of the building upon which it is attached; <u>Comment</u>: The proposed signage is integral to the proposed kiosk cladding - that is, it does not extend upwards or outwards of the 'building' itself, and thus satisfies this requirement.
- Shall not cover any window or architectural projections; <u>Comment</u>: N/A there are no windows or architectural projections.
- Shall not have a signage area greater than 4.5sqm; <u>Comment</u>: The proposal seeks consent for two pieces of signage per kiosk, of identical proportions. Those proportions measure 928mm in width by 1650mm in height and equate to an area of 1.531m<sup>2</sup> per sign. The signage area per kiosk therefore complies with the control requirements.
- Where illuminated, shall not be less than 2.6 metres above the ground; <u>Comment</u>: The overall height of the kiosk structure is 2.3m above ground level and therefore achieving compliance with this requirement would create a non-compliance with requirement (i) by requiring the sign to extend laterally above the structure. The variation sought to the control requirement is assessed against the outcomes of the control below.



#### • Shall not project more than 300mm from the wall. <u>Comment</u>: Complies.

Of the assessment criteria as above, the proposal succeeds two of the five requirements; fails one; and one does not apply (ii). With regards to the request to vary the requirements of (iv) the proposed is considered against the following control objectives:

#### • Signage is compatible with the desired amenity and visual character of the locality.

<u>Comment</u>: The proposed signage is consistent with the established pattern of signage at business premises and on bus shelters throughout the Mona Vale locality. Commensurate to the existing appearance of the kiosks, the upgrades to the kiosk as a whole (inclusive of signage) would significantly enhance the appearance of the structures, and thus be compatible with the desired visual character of the locality.

#### • Signage does not adversely impact upon any heritage item or conservation area.

<u>Comment</u>: This matter has been assessed by Council's Heritage Officer (as above) whom concludes that the signage does not adversely impact up on any heritage item or conservation area.

#### • Signage does not result in visual clutter of the landscape.

<u>Comment</u>: The physical structure in the location of the proposed signage is existing (as has for an extended period of time) and their overall upgrade improves the appearance of the streetscape. The signage itself is integral to those structures and, in some instances, is partially screened by landscaping. It is not considered that the signage results in visual clutter. It is considered that the signage would form a common element of street furniture / infrastructure which is consistent with other elements within the Mona Vale locale.

#### • Signage is of high quality design and finish.

<u>Comment</u>: The documents submitted by the applicant are satisfactory to ensure that the signage is of a high quality design and finish.

In consideration of the above requirements and objectives, it is concluded that the proposal succeeds and may be supported.

#### C5.11 Third Party Signage

Part C5.11 of the P 21 DCP states that Third party signage is not permitted.

'Third Party Signage' is not a defined term in either the Pittwater DCP or LEP and the prevailing LEP permits development for 'Signage' on the land. Given the inconsistency between the DCP and LEP, the LEP shall prevail and the control is nullified. In any event, the Outcomes stipulated by Part C5.11 are identical to two of the Outcomes in Part C5.9 as described above, of which the proposed succeeds against.

#### 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

#### Northern Beaches Section 7.12 Contributions Plan 2019

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;
- 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, 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 DA2021/0001 for Installation of digital advertising signage panels upon the separately upgraded kiosk substations/electric vehicle charging stations located within the road reserve adjoining 1 Park Street and 5 Bungan Street, Mona Vale. on land at Lot ROAD, Bungan Street, MONA VALE, Lot 100 DP 1047405, 1 Park Street, MONA VALE, 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	
Park Street, Mona Vale Revision B	04 December 2020	Jolt Charging Pty Ltd	
Bungan Street, Mona Vale Revision B	04 December 2020	Jolt Charging Pty Ltd	
Jolt Grill General Assembly - Sheet 1 of 3 Revision A	01 June 2020	Vert Design	
Jolt Grill General Assembly - Sheet 2 of 3 Revision A	01 June 2020	Vert Design	
Jolt Grill General Assembly - Sheet 3 of 3 Revision A	01 June 2020	Vert Design	
Screen-Sub Assembly - Sheet 1 of 2 Revision A	01 June 2020	Vert Design	
Screen-Sub Assembly - Sheet 2 of 2 Revision A	01 June 2020	Vert Design	

Reports / Documentation – All recommendations and requirements contained within:

Report No. / Page No. / Section No.	Dated	Prepared By
JUMP EV Charging Station - Maintenance Plan of Management	Undated	Jolt Charging Pty Ltd

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.

#### 2. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	Undated

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website <u>www.northernbeaches.nsw.gov.au</u>)



Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

#### 3. Limitation of Development Consent for Signage

Pursuant to the provisions of State Environmental Planning Policy No 64 (Advertising and Signage) this development consent shall expire 15 years after the date on which this Development Consent is granted.

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

#### 4. **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.

#### 5. 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or 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) 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.
- (k) 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.

- (I) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

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

# FEES / CHARGES / CONTRIBUTIONS

#### 6. 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 are required 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, and 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.northernbeaches.nsw.gov.au).

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

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

#### 7. 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.

# CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

#### 8. Road Reserve

The public footways and roadways adjacent to the site shall be maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

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

#### 9. Signage

Signage displays must not contain/use:

- a) Flashing lights;
- b) Animated display, moving parts or simulated movement;
- c) Complex displays that hold a driver's attention beyond 'glance appreciation';
- d) Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'; and e) A method of illumination that distracts or dazzles.

The proposed signage to the illuminated signage panels are not to be offensive in nature, wording or content. Any signage containing pictures or content which gives rise to a justifiable complaint to Council is to be immediately removed. Signage is to be provided only in accordance with the community standards as represented by the Code of Ethics of the Australian Association of National Advertisers (AANA).

The proposed signage and illumination levels are in accordance with relevant guidelines and standards.



The signage shall not hinder driver sightlines to critical road infrastructure. Additionally, the sign message must not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signs, other traffic control devices, regulatory signs or advisory signs or to obscure information about the road alignment.

Reason: Public Safety.

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

Signed

Adam Mitchell, Principal Planner

The application is determined on 22/04/2021, under the delegated authority of:

Rodney Piggott, Manager Development Assessments