

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0024
Responsible Officer:	Lashta Haidari
Land to be developed (Address):	<p>Lot 3 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot B DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 371110, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 2 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 212382, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 209503, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 7 DP 8172, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 3 DP 307937, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 416469, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 1 DP 504212, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 10 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot 11 DP 231418, 884 - 896 Pittwater Road DEE WHY NSW 2099</p> <p>Lot A DP 339410, 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
Proposed Development:	Modification of Development Consent No. DA2017/0546 granted for installation of building identification, business identification and directional signage
Zoning:	<p>Warringah LEP2011 - Land zoned B4 Mixed Use</p>

	Warringah LEP2011 - Land zoned B4 Mixed Use Warringah LEP2011 - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Karimbla Properties (No41) Pty Ltd
Applicant:	Karimbla Constructions Services (Nsw) Pty Ltd

Application lodged:	18/01/2018
Integrated Development:	No
Concurrence Required:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	24/01/2018 to 12/02/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

<p>Property Description:</p>	<p>Lot 3 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot B DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 371110 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 2 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 212382 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 209503 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 7 DP 8172 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 3 DP 307937 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 416469 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 1 DP 504212 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 10 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot 11 DP 231418 , 884 - 896 Pittwater Road DEE WHY NSW 2099 Lot A DP 339410 , 884 - 896 Pittwater Road DEE WHY NSW 2099</p>
<p>Detailed Site Description:</p>	<p>The subject site is known as the Dee Why Town Centre and is presently undergoing a significant construction phase of car parking, commercial and residential development.</p> <p>The site is bound to the north by Howard Aveune, south by Oaks Avenue and east by Pittwater Road.</p> <p>Given the present construction works, the site has no topographical features or landscaping present.</p>

Map:



SITE HISTORY

Development Application No. 2017/0546 involves the erection of building identification, business and directional signage around the site associated with the future mixed-use development approved on the site. A total of 62 individual signs were proposed comprising the following:

- Business signage for Woolworths supermarket
- Business signage for other retail tenancies
- Building identification signage
- Directional signage

The DA was approved by Council subject to conditions on 1 September 2017. Condition 2 requires an amendment to the signage plans involving the deletion of a business identification sign (displaying the building name “Lighthouse”), located on the new development’s Pittwater Road frontage.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks to amend Development Consent No. DA2017/0546 in the following manner:

- A building identification signage (Lighthouse) is to be restated to an alternative location. Sign number VH01 consists of individual letters mounted directly onto the face of the building. The Sign is proposed to be illuminated and its measured to be 42mm x1040mm; and
- An increase in the height of primary pylon sign VH02 is also proposed. The amended is be increased in size from 1275mm to 4250mm to 2350mm x 8000m.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:
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 and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and 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 given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2017/0546, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 96(1A) - Other Modifications	Comments
A consent authority may, on the application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact, subject to a condition requiring the height of Sign number VH02 is reduced to a maximum of 6m.</p>
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2017/0546.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made	No submissions were received in relation to this

Section 96(1A) - Other Modifications	Comments
concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	application.

Section 79C Assessment

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining a modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of 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 the discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None 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 Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original 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>
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	(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. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the	The site is considered suitable for the proposed development.

Section 79C 'Matters for Consideration'	Comments
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 development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

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

MEDIATION

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

REFERRALS

No referrals were sent in relation to this application

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 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>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposed amended signage is consistent with the desired design outcome of the Dee Why Town Centre site and subject to a condition reducing the height of the sign number VH02, it is of a scale commensurate to surrounding sites and development which ensures consistency and compatibility with the general theme for outdoor signage in the vicinity.</p>	<p>YES</p>
<p>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?</p>	<p>No.</p>	<p>YES</p>
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The amended signage is not considered to obscure or compromise any existing views enjoyed by surrounding properties and is of a scale commensurate to that of the overall Dee Why Town Centre development which is considered appropriate for signage.</p> <p>The amended signage is not unreasonably impacting upon the viewing rights of other advertisers.</p>	<p>YES</p>
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p>	<p>The amended signage is for the Dee Why Town Centre development site and its associated businesses and is for the purpose of wayfinding and business identification. The signage is commensurate with the scale and proportion of the surrounding development and streetscape and provides visual interest through its high-quality design.</p> <p>The use of multi-purpose signage boards reduces the clutter of each premise having individual signage and is integrated with the overall landscape master</p>	<p>YES</p>

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	plan for the site, thereby being of a scale compatible with the height of future vegetation.	
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 compatible with the overall scale of the development site and is proportionate to other similar signage in the Dee Why area.	YES
Does the proposal respect important features of the site or building, or both?		
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		
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 another form of accommodation?	The amended signage incorporates internal illumination in the logos and lettering. The illumination is not of an intensity or of a scale which would cause unacceptable glare that could pose as a safety risk for pedestrians, vehicles or aircraft. The signage will not have any adverse impacts on surrounding residential properties by virtue of glare, given that the signage is generally wholly internal of the Dee Why Town Centre site. The level of illumination cannot be adjusted and is not subject to a curfew.	YES
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		
8. Safety Would the proposal reduce the safety of any public road, pedestrians or bicyclists?	The amended signage will not reduce the safety of any pedestrians, drivers, bicyclists or the like and will not unreasonably obscure any existing or approved future pathways.	YES
Would the proposal reduce the safety of pedestrians, particularly children, by obscuring sightlines from public areas?		

Accordingly, the amended 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.

Is the development permissible?	Zone B4 : 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

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
5.3 Development near zone boundaries	Yes
5.8 Conversion of fire alarms	Yes
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.12 Provisions promoting retail activity	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Part D Design	Yes	Yes
D23 Signs	No	Yes
E7 Development on land adjoining public open space		
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

D23 Signs

The application seeks to modify the following signs

- A building identification signage (Lighthouse) is to be restated to an alternative location. Sign number VH01 consists of individual letters mounted directly onto the face of the building. The Sign is proposed to be illuminated and its measured to be 42mm x1040mm;
- An increase in the height of primary pylon sign VH02 is also proposed. The amended is be increased in size from 1275mm to 4250mm to 2350mm x 8000m.

The amended signage is of a scale and design that is consistent and appropriate for the overall Dee Why Town Centre development site and consistent objective of the control.

Notwithstanding the above, it is considered that height of primary pylon sign (VH02) being 8m is excessive and inconsistent with control. Accordingly, it is recommended that height of amended pylon sign be reduced to a maximum of 6m. A condition has been recommended in this regard.

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 effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;

- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

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

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

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

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

RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2018/0024 for Modification of Development Consent No. DA2017/0546 granted for installation of building identification, business identification and directional signage on land at Lot 3 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot B DP 371110,884 - 896 Pittwater Road, DEE WHY, Lot A DP 371110,884 - 896 Pittwater Road, DEE WHY, Lot 2 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 212382,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 209503,884 - 896 Pittwater Road, DEE WHY, Lot 7 DP 8172,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot 3 DP 307937,884 - 896 Pittwater Road, DEE WHY, Lot A DP 416469,884 - 896 Pittwater Road, DEE WHY, Lot 1 DP 504212,884 - 896 Pittwater Road, DEE WHY, Lot 10 DP 231418,884 - 896 Pittwater Road, DEE WHY, Lot 11 DP 231418,884 - 896 Pittwater Road, DEE WHY, Lot A DP 339410,884 - 896 Pittwater Road, DEE WHY, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Signage Location - Pages 2, 3, 8, 14, 15 of 31	17/10/2017	The Blue Print

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Statement of Environmental Effects	16 January 2018	Meriton Property Services Pty Ltd

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

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

B. Delete Condition No.2 - Amendments to the approved plans which reads as follows:

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

Sign number VH01 - Lighthouse is to be deleted from the approved plans

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP2011 and WDCP. (DACPLB02)

C. Add new Condition No. 2 to read as follows:

Maximum Height of Sign No. VH02 (Primary Pylon Sign) - This sign is to be a maximum of 6.0m in height from finished ground level.

Reason: To ensure signage consistent with the Dee Why Town Centre in accordance with WDCP 2011.

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

Signed



Lashta Haidari, Principal Planner

The application is determined under the delegated authority of:



Steven Findlay, Manager Development Assessments

ATTACHMENT A

No notification plan recorded.

ATTACHMENT B

	Notification Document	Title	Date
	2018/076343	Notification Map	24/01/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/067607	Plans - Master Set	16/01/2018
 2018/067612	Photos - Pylon Precedent Cases	16/01/2018
 2018/067584	Report - Statement of Environmental Effects	17/01/2018
 2018/067576	ASIC Search	17/01/2018
 MOD2018/0024	884-896 Pittwater Road DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	18/01/2018
 2018/065218	DA Acknowledgement Letter - Karimbla Constructions Services (Nsw) Pty Ltd	18/01/2018
 2018/067572	Modification Application Form	19/01/2018
 2018/067574	Applicant Details	19/01/2018
 2018/075648	DA Acknowledgement Letter (not integrated) - Karimbla Constructions Services (Nsw) Pty Ltd - posted 24/1/2018	23/01/2018
 2018/076343	Notification Map	24/01/2018
 2018/076309	Notification Letter - 175 posted 24/1/2018	24/01/2018
 2018/076376	ARP Map	24/01/2018