



# STATEMENT OF ENVIRONMENTAL EFFECTS

## Submission to the Northern Beaches Council

Replacement of signage and refurbishment of main store entrance at existing liquor retail shop

Lot 70 DP 596378  
1 Arthur Street, Forestville

for:  
**Coles Liquor**

**June 2020**

**BALLINA**

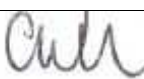
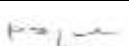
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## 1 Introduction

Ardill Payne & Partners has been commissioned by Mr Brenden Creed (BRDG Pty Ltd c/- Coles Liquor) to prepare a Development Application (DA) and Statement of Environmental Effects (SEE) seeking development consent for the replacement of signage and refurbishment of main entrance of an existing retail building located at Lot 70 DP 596378, No. 1 Arthur Street, Forestville.

### 1.1 Statutory Framework – Required Approvals

The Northern Beaches Council is the consent authority for this development application as defined in Section 4.5 of the *EP & A Act 1979*.

The proposal is not integrated development under Section 4.46 of the *EP & A Act 1979* and as a consequence, no integrated referrals or approvals are required.

**As shown on the plans at Appendix B, the exterior of the proposed building is to be re-painted in a colour scheme that is compatible with the proposed signage. It should be noted that the re-painting is able to be undertaken without consent as it comprises “exempt development” for the purposes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, pursuant to Subdivision 27 – Minor building alterations (external), specifically Clauses 2.53(a) and 2.54.**

**It should be noted that one of the signs that is being replaced also falls under the ambit of SEPP (Exempt and Complying Development Codes) 2008, pursuant to Subdivision 8 – Replacement of identification signs and thus does not require consent.**

**Further comments in respect of SEPP (Exempt and Complying Development Codes) 2008 are provided below in Section 5.4, specifically Clauses 2.96 and 2.97.**

Notwithstanding the above and due to the integrated nature of the signage associated with the re-branding of the business, it has been considered prudent for all of the proposed replacement signage to be “bundled” into a single DA/SEE.

## 1.2 Structure of this Report

This Planning Report includes the following components:

**Section 2** of this report describes the physical characteristics of the subject land.

**Section 3** describes the development proposed on the site.

**Section 4** is a summary of the potential environmental effects of the project.

**Section 5** assesses the project in light of environmental planning instruments and policies applying to the subject site.

**Section 6** is a conclusion of the information and analysis compiled in this report.

## 1.3 List of Appendices

A number of appendices form part of this report being:

**Appendix A** Copy of deposited plan

**Appendix B** Plans of existing and proposed signage

## 1.4 Application History

A search of Council's Online Application Search has identified the following applications that have been determined by Council in respect of the subject property:

#### [DA2018/0071](#)

Application Type: Reviews  
 Section 82(1C) Review of Rejection - Review of Development  
 Application (DA2018/0071 for Alterations and additions to an  
 existing commercial building and signage  
 Status: Approved  
 Determined: 08/10/2018 ( Council Staff )  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA2018/0052](#)

Application Type: Development Application  
 Alterations and Additions - Alterations and additions to an  
 existing commercial building and signage  
 Status: Approved  
 Determined: 11/12/2018 ( Council Staff )  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA2006/0403](#)

Application Type: Converted Fujitsu  
 Converted DA - Erection of Advertising and Information Signage  
 Building Identification Signage  
 Status: Approved  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA1998/0600](#)

Application Type: Converted Fujitsu  
 Converted DA - Signage - Pesutu PTY Ltd  
 Status: Approved  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA1998/0471](#)

Application Type: Converted Fujitsu  
 Converted DA - Retail Shop - Pesutu PTY Ltd  
 Status: Approved  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA1998/0478](#)

Application Type: Converted Fujitsu  
 Converted DA - Extend Existing Use of Rights as a Liquor Shop  
 Pesutu PTY Ltd  
 Status: Approved  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA6000/6962](#)

Application Type: Converted Fujitsu  
 Converted DA - Flagpole - Erection of Flag-Pole (30M High) Arthur  
 St Forestville 1  
 Status:  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA5003/7061](#)

Application Type: Converted Fujitsu  
 Converted RA - Add N  
 Status: Completed  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

#### [DA5003/5371](#)

Application Type: Converted Fujitsu  
 Converted RA - Add N  
 Status: Completed  
 Address: **1 Arthur Street FORESTVILLE NSW 2087**  
[\[More\]](#)

[BA5003/4796](#)

Application Type: Converted Fujitsu

Converted BA - Add N

Status: Completed

Address: **1 Arthur Street FORESTVILLE NSW 2087**

[\[More\]](#)

[DA6000/6002](#)

Application Type: Converted Fujitsu

Converted DA - Nationalisation of Property to Improve the Amenity and Appearance by Infilling Area A and Painting Warringah Rd Forestville 682 (also known as 1 Arthur St)

Status:

Address: **1 Arthur Street FORESTVILLE NSW 2087**

[\[More\]](#)

[BA5003/0939](#)

Application Type: Converted Fujitsu

Converted DA - Add N DATE TIME NOTE 05/09/1995 Final

Inspected by: JFI Notes: UNSATISFACTORY

Status: Completed

Address: **1 Arthur Street FORESTVILLE NSW 2087**

[\[More\]](#)

[DA6000/5071](#)

Application Type: Converted Fujitsu

Converted DA - Fruit Market Shelving & Counter Warringah Rd Forestville 682

Status:

Address: **1 Arthur Street FORESTVILLE NSW 2087**

[\[More\]](#)

[DA6000/0039](#)

Application Type: Converted Fujitsu

Converted DA - Awning Addition Warringah Rd Forestville 682

Status:

Address: **1 Arthur Street FORESTVILLE NSW 2087**

[\[More\]](#)

The existing signage on the site/building is understood to have been approved under the terms and conditions of DA 2013/1052. The following comments in respect of such signage and the existing use of the building having been extracted from Council's assessment report for DA 2013/1052:

## PROPOSED DEVELOPMENT IN DETAIL

The application involves alterations and additions and signage to an existing commercial building known as the 'Crown on the Hill' liquor store. The identification of the building will be changed to 'First Choice Liquor' once the works are completed.

Specifically, the proposal comprises the following works:

- addition of a second storey 'timber finish' facade, fascia and blade wall to facilitate signage and improve visual presentation to both Warringah Road and Arthur Street
- removal of the 'Crown of the Hill' structure from the rooftop
- addition of 'CFC' panels on the upper portion of the front street facing elevations of the building
- repainting of elevations of building
- a total of 11 signs will be located on the external walls of the building (described in detail below)

### Signage

- 5 existing 'poster panel' signs will remain in their current location on the Arthur Street facing elevation
- 1 relocated 'poster panel' wall sign and 1 new 'poster panel' wall sign on the Arthur Street facing elevation
- 2 internally illuminated 'business identification' roof signs
- 1 non-internally illuminated business identification sign above the entry door on the Arthur Street facing elevation
- 1 business identification wall sign on the Arthur Street facing elevation



## EXISTING USE RIGHTS

- Does the existing use satisfy the definition of "existing use" under the Environmental planning and Assessment Act, 1979 (the 'Act')?

Section 106 of the Act defines an existing use as meaning:

*"(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part, have the effect of prohibiting that use, and*

*(b) the use of a building, work or land:*

*(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*

*(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse."*

This necessarily requires the following questions to be answered:

1. Was the use of the building, work or land a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4A of Part 3 or Division 4 of this Part 4 of the Act, have the effect of prohibiting that use?

Comment:

DA2013/1052

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The applicant has provided evidence in the form of a development consent for Occupation of Shop 1 as a Liquor Shop (DA1998/0478) which reveals that the use of the building commenced as a lawful purpose on 26 November 1998, prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

2. Was the use of the building granted development consent before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use?

Comment:

The use of the building was lawfully approved by Council on 26 November 1998, prior to the coming into force of Warringah Local Environmental Plan 2011 on 9 December 2011.

3. Has the use of the building been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse?

Comment:

The applicant has provided evidence in the form of a development consent for Occupation of Shop 1 as a Liquor Shop (DA1998/0478) which reveals that the use of the building was carried out on 26 November 1998, which is within one year from the date on which the provision having the effect of prohibiting the use commenced.

- **Conclusion**

The use has been approved under a previous EPI (WLEP 1985) and therefore, is a lawful use. Subsequently, the use can be retained under the current EPI (WLEP 2011).



## 2 Site Characteristics

### 2.1 Property Description and Location

The subject land is described in real property terms as Lot 70 DP 596378 and is commonly known as No. 1 Arthur Street, Forestville with an aerial photograph of such being provided below:



*Extract: SIX Maps (9<sup>th</sup> June 2020)*

As shown on the deposited plan at **Appendix A**, the subject land is irregular in shape with a frontage to both Arthur Street and Warringah Road and an area of 750.2m<sup>2</sup>.

As shown below, existing on the subject land is a single storey building (with a basement) that contains a 1<sup>st</sup> Choice Liquor Superstore (tenancy area of 643.8m<sup>2</sup>) and business identification signage.



There is no on-site car parking area servicing the subject land/existing use. There is a concrete public footpath and 19 x 90° kerb-side car parking spaces (including 2 x accessible spaces) along the frontage of the subject land to Arthur Street and a concrete footpath along the Warringah Road frontage of the site, which connects to a pedestrian over-pass. There is also a kerb-side loading area at the western end of the site/building to Arthur Street.

The existing tenancy/building contains the following signs, which are detailed on Drg No.s 1317-SD103 and 104 at **Appendix B**:

## EXISTING SIGNAGE AREAS

SIGN	ILLUM.	TYPE	NO. SIDES	HEIGHT (m)	WIDTH (m)	AREA (m²)
EX01	NO	BANNER	1	1.60	1.20	1.92
EX02	NO	BANNER	1	1.60	1.20	1.92
EX03	NO	BANNER	1	1.60	1.20	1.92
EX04	NO	BANNER	1	1.60	1.20	1.92
EX05	YES	LIGHTBOX	1	0.60	2.27	1.36
EX06	NO	BANNER	1	1.95	1.35	2.63
EX07	NO	2D NOM	1	1.20	4.80	5.76
EX08	NO	BANNER	1	1.60	1.20	1.92
EX09	NO	BANNER	1	1.60	1.20	1.92
EX10	NO	2D NOM	1	0.60	2.80	1.68
EX11	NO	2D NOM	1	0.60	2.80	1.68
<b>TOTAL</b>						<b>24.63</b>

## 2.2 Adjoining and Surrounding Land Uses

The subject land is situated within a built urban environment that is predominantly residential in nature (single and double storey dwelling houses that are interspersed with apartment style buildings) and is characterised by the following:

- north – Arthur Street and residential buildings
- east – intersection of Arthur Street/Woodlands Road and Warringah Road and dwelling houses
- south – Warringah Road and dwelling houses
- west – dwelling houses

## 2.3 Constraints and Other Matters

Planning investigations in respect of the subject land (including interrogation of the DoP's ePLanning Spatial Viewer and Council's Maps) have confirmed that the subject land is:

- mapped as being subject to landslide risk
- **not** mapped as being subject to flooding
- **not** mapped as being bushfire prone
- **not** mapped as containing acid sulfate soils
- **not** mapped as being in a drinking water catchment
- **not** mapped as being/containing a heritage item or being in a heritage conservation area
- **not** mapped as containing environmentally sensitive land
- **not** mapped as being in the coastal zone and is thus **not** subject to the provisions of SEPP (Coastal Management) 2018

## 3 Description of Proposal

### 3.1 Proposed Development

Consent is sought for the removal of the existing signage and installation of new signage and the refurbishment of the existing main entrance/front door at the existing 1<sup>st</sup> Choice Liquor Superstore to reflect the new corporate branding of the operation, to be the First Choice Liquor Market. Details of the proposed development are as follows:

- removal of existing 2 x rollers shutters (including adjoining glazing and part of wall) and replacement with bi-parting auto doors and adjoining glazing
- removal of all existing signage (11 signs on all elevations)
- painting of 2 x parking spaces in front of the store as a “Click & Collect” spaces (which will be subject of a s138 application)
- erection/installation of the following signs, with the location and further details of such being provided on Drg No.s 1317-SD108 and 109 at **Appendix B**:

## PROPOSED SIGNAGE AREAS

<u>SIGN</u>	<u>ILLUM.</u>	<u>TYPE</u>	<u>NO. SIDES</u>	<u>HEIGHT (m)</u>	<u>WIDTH (m)</u>	<u>AREA (m<sup>2</sup>)</u>
SIGN 01	NO	BANNER	1	2.02	2.72	5.49
SIGN 02	NO	BANNER	1	2.02	2.72	5.49
SIGN 03	YES	LIGHTBOX	1	0.60	2.27	1.36
SIGN 04	NO	2D NCM	1	2.00	1.40	2.80
SIGN 05	NO	BANNER	1	2.02	2.72	5.49
SIGN 06	YES	2D NCM	1	1.50	3.75	5.63
<b>TOTAL</b>						<b>26.26</b>

**NOTE: NCM = NON-COMBUSTIBLE MATERIAL**

Integral to the proposed front door and signage changes, is the re-painting of the exterior of the building to reflect the new colour scheme of the corporate re-branding to First Choice Liquor Market. This painting comprises “exempt development” for the purposes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and thus does **not** require consent, with further details on such being provided below in **Section 5.4** of this report.

## 4 Environmental Interactions and Impacts

Section 4.15 of the *EP & A Act 1979* requires consideration of the likely impacts of the development on the natural and man-made environment. Potential environmental impacts generated by the proposed development are detailed below, with mitigation measures being articulated where applicable.

Potential Environmental Impacts	Impact of Project and Ameliorative Measures (where applicable)
<b>Flora</b>	
- Loss of vegetation – native or exotic	The door and signage will replace existing doors and signage and is proposed to be erected on an existing developed lot/building. There is no vegetation required to be removed.
<b>Fauna</b>	
- Effect on native species of fauna	The doors and signage is situated on an existing developed lot/building. The proposal will not have any adverse impacts upon any native fauna species.
- Habitat loss	The development does not involve the removal or loss of any habitat.
<b>Soils</b>	
- Sediment & erosion control	There will not be any disturbance of the ground surface and thus erosion and sediment controls will not be required.
- Contamination of site soils	The subject land is not identified as being contaminated as a consequence of prior or current land uses.
- Acid sulfate soils	The subject land is not mapped as containing acid sulfate soils.
<b>Hazards</b>	
- Slip	Notwithstanding that the subject land is mapped as being subject to landslip (part Area A and part Area B), the site contains a relatively minor slope and there are thus no slip/geotechnical issues with the proposed development as it relates to a front door and signage on a developed urban lot.
- Subsidence	The subject land is not mapped as being affected by subsidence.
- Coastal processes	The subject land is not identified as being subject to any coastal processes.
- Bushfire	The subject land is not mapped as being bushfire prone.
- Flooding	The subject land is not mapped as being subject to flooding.
<b>Water</b>	
- Water Quality	The proposal will not increase the impervious areas/surfaces on the site. There will not be any changes to the type or quantum of stormwater generated at/by the site.
<b>Visual Considerations</b>	



- Visually prominent land	The proposed front door and signage will have some visual impact due to its location and frontage to Arthur Street and Warringah Road. However the subject land contains a business/commercial use and it is reasonable to expect business identification signage to enable passing traffic to identify this business.
- Impact on scenic qualities	This visual impact of the signage is considered reasonable in that it is comparable to the existing signage in terms of number, location, scale, height, design and is compatible with the existing business and the new corporate re-branding. The new front doors will have a significantly improved visual appearance to the existing roller doors.
<b>Adjoining Land Uses</b>	
- Solar access, privacy	There will not be any additional impacts on the privacy or overshadowing of any adjoining properties.
- Dust, fumes etc. during construction	Best management practices will be implemented to control dust and fumes during works, in accordance with DECCW and Council regulations. The proposal will have minimal risk in this regard given the minor extent of works proposed and lack of site disturbance required.
- Noise during operations	The existing noise environment will not change.
- Noise during construction	Hours of building works, in accordance with Council requirements will be adhered to.
<b>Scale &amp; bulk</b>	
- Relationship to adjoining development	Adjoining development and land uses are described in <b>Section 2</b> of this report. The proposed development will not change and will maintain the existing and long-standing use of the site as a retail liquor outlet.
- Design, siting, scale, bulk and character	The design, siting, scale, bulk and character of the front doors and signage is consistent with the existing signage and use of the site/building.
<b>Heritage</b>	
- Aboriginal heritage	The subject land is a fully developed urban lot that has been heavily disturbed by prior construction works. There are no works that will disturb the ground surface.
- European heritage	The subject land is not identified as an item of environmental heritage under the Warringah LEP 2011.
<b>Social &amp; Economic Considerations</b>	
- Social and economic impacts or benefits	There will not be any likely resultant adverse social or economic impacts.
<b>Traffic and Parking</b>	
- Impact on local traffic and car parking provision	There will not be any changes to the type or quantum of traffic generated at/by the site and no changes to the existing car parking or site accesses.
<b>Transport, access</b>	
- Public transport	Bus services and routes exist in the locality.
- Pedestrian access	The existing public footpath system will remain unchanged.

Utility Services	
- Water, electricity, sewer	All services exist to the site and are connected to the existing site/building. There will not be any changes to the type or quantum of loads imparted on such services.

## 5 Statutory and Policy Planning

### 5.1 Local Environmental Plans (LEPs)

The Warringah Local Environmental Plan 2011 (WLEP) is the only LEP applying to the subject land. The subject land is identified on the WLEP mapping as follows:

- Height of Buildings Map – Sheet HOB\_008 – I – 8.5m Maximum Building Height
- Landslip Risk Map – Sheet LSR\_008 – part Area A – Slope <5° and part Area B – Flanking Slopes 5° to 25°
- Land Zoning Map – Sheet LZN\_008 – R2 – Low Density Residential Zone
- Lot Size Map – Sheet LSZ\_008 – M – 600m<sup>2</sup> Minimum Lot Size

The objectives of the **R2** zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

The proposal seeks consent to remove the signage upon the existing site/building and install new signage to reflect the new corporate branding of the existing operation. The proposal also involves the refurbishment of the existing main/front doors to the building. The proposed signage is appropriately defined in the Dictionary to the WLEP 2011 as follows:

**“Business identification sign** means a sign:

(a) *that indicates:*

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

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

(b) *that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not contain any advertising relating to a person who does not carry on business at the premises or place.”*



Business identification signs are expressly permitted with consent in the R2 zone. The proposed signs will replace all existing signs as part of the re-branding of the existing lawful business (that enjoys existing use rights) and are ancillary and incidental to the existing liquor store.

It is noted that “commercial premises” (which by definition includes “retail premises”) are prohibited in the R2 zone. The existing bottle shop does however enjoy existing use rights pursuant to Division 4.11 of the *EP & A Act 1979* as a consequence of the grant of consent to DA 1998/0478 which was prior to the coming into effect of the WLEP 2011 (refer above in **Section 1.4**).

As per Clause 41 of the *EP & A Regulation 2000*, an existing use may be enlarged, expanded or intensified, altered or extended or rebuilt and if it is a commercial use or a light industrial use, be changed to another commercial use or light industrial use respectively

The proposal involves the replacement signage upon an existing use. The proposed signage is ancillary and incidental to the existing use and is permissible with consent.

Clause 2.7 provides that consent is required for the demolition of a building or work.

Clause 4.3 relates to building height. There will not be any changes to the height of the existing building or crown structure.

Clause 6.4 relates to development on sloping land and applies to land shown as Area A, B, C, D or E on the Landslip Risk Map. As detailed above in **Sections 2.3** and **5.1**, the subject land is mapped as being part Area A – Slope <5° and part Area B – Flanking Slopes 5° to 25°, with the vast bulk of the subject land being Area B. As per the considerations contained in subclause (3), the proposed development:

- relates to the replacement of signage on an existing retail site/building and the replacement of front doors in the existing building
- relates to a fully developed urban lot
- will not cause any detrimental impacts because of stormwater discharge from the development site – there will not be any change to the type or quantum of stormwater generated at/by the site
- will not have any impacts on or affect the existing sub-surface flow conditions
- will not be constrained or precluded in any manner by landslip

The proposal is considered to be consistent with the provisions of the WLEP 2011.

## 5.2 State Environmental Planning Policy No. 55 – Remediation of Land

The proposed works are ancillary and incidental to an existing lawful use (liquor store), that is not a potentially contaminating use and there will not be any change to/of this use. The door and signs will replace existing door and signage and will not disturb the ground surface.

Under the circumstances, it is submitted that no further investigation is required.

## 5.3 State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 65 applies to the State and to the proposed signage, which as per Clause 4(1) is defined as “business identification signs” which has the same meaning as per the WLEP 2011.

Clause 8 provides that consent must not be granted to an application to display signage unless the consent authority is satisfied that:

- (a) *the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

With respect to the aims and objectives of SEPP 64 (per Clause 3), the signage will replace the existing signage on a building/site that will continue to be used as a liquor store and is required as a consequence of the re-branding of the operation. There will be a significant reduction in the actual number of signs, with the existing 11 signs being reduced to 6 signs, with a marginal increase in the total face area of all signs on the building/site (from 24.63m<sup>2</sup> up to 26.26m<sup>2</sup>).

The signage (not including the external painting which comprises exempt development):

- is compatible with the existing amenity and visual character of the area
- will provide effective communication in suitable locations on the building façades
- is considered to be of a high quality and finish

As per Clause 9 of SEPP 64, Part 3 – Advertisements does not apply to business identification signs and thus Clauses 10-28 do not apply.

The following assessment is made pursuant to Schedule 1 of SEPP 64:

### ***1 Character of the Area***

- The signage will replace the existing signage on the site/building and is required as a consequence of the re-branding of the liquor store. The signage is considered to be compatible with the existing and future character of the area and of the existing lawful use.
- The signage is considered to be consistent with the character, location, design etc (ie the “theme”) of the existing signage on the existing lawful use.

### ***2 Special Areas***

- The subject locality and site is not an environmentally sensitive area, is not a heritage item/area, is not a natural or conservation area and is not an open space, waterway or rural landscape area.
- The site is zoned for residential purposes, is within a built urban environment and contains a lawful retail operation. The signage will replace the existing signage, with a significant reduction in the number of signs.

### ***3 Views and Vistas***

- The scale, proportion and form of the signage is considered to be appropriate for the streetscape, setting and landscape and is consistent with that of the existing signage to be replaced and the existing building.
- The signage will not dominate the skyline or reduce the quality of any vistas.
- The signage will not compromise or prejudice the viewing rights of any other advertisers.

### ***4 Streetscape, setting or landscape***

- The scale, proportion and form of the signage is considered to be appropriate having regard to the streetscape, setting and landscape.
- The signage will have a comparable impact to the existing signage in respect of bulk, scale, location, size, visual interest of the streetscape, setting and landscape.
- The signage does not screen any unsightliness.
- The proposal does not require any on-going vegetation management.

### **5 Site and building**

- The proposed signage is consistent with the scale, proportion and other characteristics of the signage that it will replace and with that of the site/building on which it is to be situated/affixed.
- There are not considered to be any significant/important features of the site or building.
- The signage is considered to be somewhat innovative and imaginative in its relationship with the site/building – involves corporate re-branding of existing liquor store.

### **6 Associated devices and logos with advertisements and advertising structures**

- There are no required safety devices, platforms or special lighting devices proposed or required. There are a number of logos proposed to reflect the re-branding of the liquor store.

### **7 Illumination**

- The existing 1 x illuminated sign does not result in unacceptable glare and none is expected with the proposed 2 x replacement illuminated signs.
- The illumination will not affect safety for pedestrians, vehicles or aircraft.
- The illumination will not detract from the amenity of any residences or other forms of accommodation.
- The intensity of illumination could be adjusted if required.
- There is no current and no proposed curfew for the illumination.

### **8 Safety**

- The signage will not reduce the safety of any public road.
- The signage will not reduce the safety for pedestrians or cyclists by obscuring any sight-lines from any public areas.

Having regard to the above, it is submitted that the signage is consistent with the relevant provisions of SEPP 64.

## **5.4 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The painting of the exterior of the building comprises “exempt development” for the purposes of Clause 2.53(a) of Subdivision 27 of Exempt and Complying SEPP – see below:

Under the circumstances, there is **no** approval required from Council in respect of this component of the re-branding of the building, with consent only being required for some of the proposed signage changes. The proposed signs are compatible and will integrate with the proposed new external colour scheme for the building.

#### Subdivision 27 Minor building alterations (external)

##### 2.53 Specified development

A minor external non-structural building alteration, including the following:

- (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work;
- (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land);
- (c) the repair to or replacement of a non-structural wall or roof cladding;
- (d) the installation of a security screen or grill to a door or window or a security door;
- (e) the repair to or replacement of a balustrade;
- (f) restumping or repairing structure foundations without increasing the height of the structure.

is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

##### 2.54 Development standards

The standards specified for that development are that the development must:

- (a) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight; and
- (b) not reduce the existing fire resistance level of a wall or roof; and
- (c) if located on bush fire prone land:
  - (i) be adequately sealed or protected to prevent the entry of embers, and
  - (ii) use equivalent or improved quality materials; and
- (d) not affect any existing fire resisting components of the building; and
- (e) not affect the means of egress from the building in an emergency; and
- (f) if it is the installation of a security screen or grill to a door or window or a security door:
  - (i) be for the purposes of a dwelling; or
  - (ii) be for any other purpose so long as:
    - (A) the screen or grill is installed for a door or window that is situated at least 1m from the boundary of any road; or
    - (B) the security door is installed at least 1m from the boundary of any road.

Note: See separate entry for skylights.

As per the below provisions of SEPP (Exempt and Complying Development Codes) 2008, the replacement of Sign EX05 with Sign 03 does **not** require consent as there is no change in the size, location, type and illumination of such:

## **Subdivision 8 Replacement of Identification signs**

### **2.96 Specified development**

The replacement of—

- (a) an existing building identification sign or the content of such a sign, or
- (b) an existing business identification sign or the content of such a sign

is development specified for this code.

### **2.97 Development standards**

The standards specified for that development are that the development must:

- (a) replace a lawful sign, and
- (b) not be greater in size than the sign that it replaces, and
- (c) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and
- (d) not involve any alteration to the structure or vessel on which the sign is displayed, and
- (e) not obstruct or interfere with traffic signs.

## **5.5 Warringah Development Control Plan 2011**

The WDCP came into effect on the 9<sup>th</sup> December 2011. Only those sections of the DCP that are of express relevance to the proposed development will be addressed below.

This application does not propose any changes to the existing building or use/operations other than the replacement/refurbishment of the main/front doors and replacement of business identification signage (and external painting which comprises exempt development). Accordingly, no further assessment against the provisions of this DCP are considered necessary or appropriate other than against the relevant provisions relating to signage.

### ***Part D – Design***

#### ***D23 – Signs***

The proposed signage is considered to be consistent with the objectives of Section D23 in that the signage will:

- replace existing signage with new signage that has been designed to provide an integrated and co-ordinated business identification theme over/on the building/site to identify the land use (corporate re-branding of the existing operation)
- be constructed of a high standard by professional sign manufacturers using state-of-the-art materials that will be safe and maintained to a high quality standard
- not adversely impact the visual quality and amenity of the public domain or of any adjoining private property/land use – there will be a significant reduction in the number/proliferation of signs from 11 down to 6
- not adversely impact on the amenity of any residential properties or open space areas

The following comments are provided in respect of the Requirements:

### **Requirements**

1. *Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. In particular, signs are not to dominate or obscure other signs or result in visual clutter.*

**Comment:** There is a significant reduction in the number/proliferation of signs on the site/building (from 11 down to 6). The replacement signs are in similar locations to the existing signs and are comparable in terms of design and type. The signage is compatible with and sympathetic to the existing design and architectural features of the building and will not dominate or obscure any other signs or result in visual clutter.

2. *Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.*

**Comment:** The signage proposed is effectively like for like replacement signage to reflect the corporate re-branding to First Choice Liquor Market. The signage is modern and attractive and will be consistent over the site providing an integrated appearance for the business identification.

3. *Signs on heritage items or on buildings in conservation areas should not by their size, design or colour, detract from the character or significant qualities of individual buildings, the immediate context or the wider streetscape context of the area.*

**Comment:** Not applicable – the subject land does not contain a heritage item and is not within a heritage conservation area and is not proximate to such.

4. *Signs are not to obscure views of vehicles, pedestrians or potentially hazardous road features or reduce the safety of all users of any public road (including pedestrians and cyclists).*

**Comment:** The nature and location of the signs are such that will not obscure the views of any vehicles, pedestrians or potentially hazardous road features and will not affect or reduce the safety or efficiency of all users of the public road network (including pedestrians and cyclists)

5. *Signs should not be capable of being confused with, or reduce the effectiveness of, traffic control devices.*

**Comment:** The location, character and design of the signs are not such that will create confusion with, or reduce the safety or effectiveness of any traffic control devices.

6. *Signs are not to emit excessive glare or cause excessive reflection.*



**Comment:** The location, character and design of the signs is not such that will emit excessive glare or cause excessive reflection. Illumination levels can be altered if necessary however no adverse impacts are considered necessary.

7. *Signs should not obscure or compromise important views.*

**Comment:** The location, nature and type of the signs is not such that will obscure or compromise any views, view corridors or places of interest.

8. *Signs displayed on dwellings are to be attached to the ground floor façade of the dwelling, unless the land is located on a main road or the dwelling is not visible from the street, in which case the sign may be attached to a front fence.*

**Comment:** Not applicable – the signs are not being displayed on a dwelling.

9. *For Land in the RU4 zone with frontage to both Mona Vale Road and Myoora Road: Only small, non-obtrusive and non-illuminated signs that identify the use of a site are to be visible from Mona Vale Road. Signs that are designed of such size, height or visual appearance so as to attract passing trade are not considered appropriate and are discouraged. All signs are to be in keeping with the colour and textures of the natural landscape.*

**Comment:** Not applicable – the subject land is not zoned RU4.

10. *No more than one sign is to be located above the awning level for business uses.*

**Comment:** Not applicable – there are no above awning signs.

11. *Tenancy boards and the like are encouraged to be in the form of consolidated signs.*

**Comment:** Not applicable – the site/building contains a single tenancy.

12. *Signs shall meet the following criteria:*

13. **Comments:**

**Awning Fascia Signs:** There is an existing “Open 7 Days” awning fascia sign (fronting Arthur Street) which will remain unchanged.

**Freestanding Signs:** There are no freestanding signs.

**Pole or Pylon Signs:** There are no pole or pylon signs.

**Top Hamper Signs:** There is one existing (EX05) and one replacement proposed top hamper sign (Sign 03) attached to the transom of the existing/proposed new front door, which technically comprises exempt development and does not require consent.

**Wall Signs:** There are currently 10 wall signs that will be replaced with 5 wall signs over 2 street frontages/elevations and will not extend above the top and sides of the walls, will not



cover any windows or architectural projections, have been sized and shaped to respect to the architectural design of the building and will not project more than 300mm from the wall.

**Window Signs:** There are no windows signs.

**Bed and Breakfast Accommodation:** The signs do not relate to such use.

**Home Business/Home Occupation/Home Industry/Health Consulting Rooms:** The signs do not relate to such uses.

**Service Station:** The signs do not relate to such use.

**Real Estate and Property Promotional Signs:** The signs do not relate to such uses.

**Awning Fascia Signs:** There are no awning fascia signs.

14. *The following signs are not considered appropriate and are discouraged:*

- *Flashing or moving signs on all land other than the carriageway of a public road*
- *Pole or pylon signs, unless there is no building on the site, or the building is not visible from the street or public domain; this does not include identification, interpretive, directional and advance warning signs described as Exempt Development, or a sign erected by the Council for the display of community information*
- *Signs on or above the roof or parapet of a building*
- *A-frame and temporary signs located on public land, including:*
  1. *Signs on motor vehicles which are not able to be driven with the sign displayed*
  2. *Balloons or other inflatable objects used for the purpose of advertising which are placed on or above roof level*
  3. *Illuminated signs in residential zones*

**Comments:** The proposal does not include any undesirable signage such as flashing or moving signs, pole or pylon signs, signs above the roof or parapet of the building or any A-frame or temporary signs.

## **Part E – The Natural Environment**

### **E10 – Landslip Risk**

As detailed above in **Sections 2.3** and **5.1**, the subject land is mapped as being part Area A – Slope <5° and part Area B – Flanking Slopes 5° to 25°, with the vast bulk of the subject land being Area B. The proposed signage will satisfy and attain the objectives, being:

- *To ensure development is geotechnically stable.*
- *To ensure good engineering practice.*
- *To ensure there is no adverse impact on existing subsurface flow conditions.*
- *To ensure there is no adverse impact resulting from stormwater discharge.*

As per the requirements, the proposed development:

- relates to the replacement of signage on an existing retail site/building and the replacement of front doors in the existing building
- relates to a fully developed urban lot
- will not cause any detrimental impacts because of stormwater discharge from the development site – there will not be any change to the type or quantum of stormwater generated at/by the site
- will not have any impacts on or affect the existing sub-surface flow conditions
- will not be constrained or precluded in any manner by landslip

As per the exceptions and the fact that the vast bulk of the subject land is mapped as being Area B, it is submitted that a preliminary assessment of site conditions is not required as the proposal does not involve any site, building or structural works, other than the replacement/refurbishment of the existing front/main door to the building premises.

Further to the above, a Preliminary Geotechnical Assessment and Report was undertaken by Douglas Partners (Project 73653, dated 23<sup>rd</sup> September 2013) in support of Section 8.2(1C) – Review of DA 2013/1052 for alterations and additions to an existing commercial building and signage, which reported inter alia that *“based upon inspection of the subject site, there is no observed evidence or known history of significant slope instability”*.

## 6. Conclusion

The proposed development relates to the replacement of existing business identification signage that relates to an existing lawful business and is permissible with the consent of Council in the R2 zone under the WLEP 2011, the provisions of the WDCP and other applicable SEPPs.

The signage is required to facilitate the re-branding of the liquor store and will effectively replace the existing “branding” with the new “branding”. The signage is ancillary and incidental to the existing approved retail premises and comprises “business identification signage”. There will be a significant reduction in the number of signs on the building (from 11 down to 6) with marginal increase in the total face area of all signs on the building/site (from 24.63m<sup>2</sup> up to 26.26m<sup>2</sup>).

As detailed in this report, the proposed development has been subject to rigorous assessment under all relevant environmental planning instruments and DCPs applying to the land.

This report demonstrates that the proposal is consistent with such planning documents and that the circumstances of the case are such that consent should be granted to the application.

## 7. Scope of Engagement

This report has been prepared by Ardill Payne & Partners (APP) at the request of Mr. Brenden Creed (BRD Group Pty Ltd, on behalf of Coles Liquor) for the purpose of accompanying a Development Application and Statement of Environmental Effects with the Northern Beaches Council, and is not to be used for any other purpose or by any other person or corporation.

This report has been prepared from the information provided to us and from other information obtained as a result of enquiries made by us. APP accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for a purpose other than that described above.

No part of this report may be reproduced, stored or transmitted in any form without the prior consent of APP.

APP declares that it does not have, nor expects to have, a beneficial interest in the subject project.

To avoid this advice being used inappropriately it is recommended that you consult with APP before conveying the information to another who may not fully understand the objectives of the report. This report is meant only for the subject site/project and should not be applied to any other.

## 8. Appendices

<b>Appendix A</b>	Copy of deposited plan
<b>Appendix B</b>	Plans of existing and proposed signage

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## APPENDIX A

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**Appendix A:** Copy of deposited plan

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## APPENDIX B

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