

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2018/0417
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Responsible Officer:	Catriona Shirley
Land to be developed (Address):	Lot 100 DP 1235895, 884 - 896 Pittwater Road DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent No. DA2018/1996 granted for Alterations to a business premises and new business identification signage
Zoning:	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:	Milestone (Aus) Pty Ltd

Application lodged:	09/08/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	16/08/2018 to 03/09/2018
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 - C2 Traffic, Access and Safety

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 100 DP 1235895 , 884 - 896 Pittwater Road DEE WHY NSW 2099
Detailed Site Description:	<p>The land that is the subject of this application is known as Tenancy 2 at 884 - 896 Pittwater Road, Dee Why.</p> <p>The ground floor portion of the tenancy is 293sqm in the area, located at the western corner of the approved development under DA2016/0705. This space will be used as a customer service branch by Commonwealth.</p> <p>The tenancy forms a small portion of the larger Site which occupies a number of allotments fronting Pittwater Road, Howard Avenue and Oaks Avenue. This land is known as 'Site B' under the Warringah Local Environmental Plan 2014 (WLEP 2014).</p>

Map:



SITE HISTORY

The site (known as Site B) was approved for the redevelopment as a mixed development under Development Consent No.DA2016/0705 by the Sydney Planning Panel on 10 May 2017. The consent allows for:

- Two (2) buildings;
- 350 residential apartments;
- Three (3) basement car parking levels to accommodate 1,035 car parking spaces;
- Ground and first-floor level retail and commercial floor space including a supermarket tenancy;
- Child care centre for 130 children at first-floor level; and
- New publicly accessible plaza and pedestrian link Construction has commenced and is at an advanced stage.

Application DA2018/1006 for Alterations to a business premises and new business identification signage was received for Tenancy 2. The application was determined by Council on the 31 July 2018.

PROPOSED DEVELOPMENT IN DETAIL

The proposed modification seeks to amend the design of the approved signage and shop front works, approved in DA2018/1006.

Proposed modification to the signage includes:

- Removal of the top hamper sign;
- Removal of the cantilevered logo sign;
- A new wall non illuminated sign along the northern side of the shop front measuring 2.63m (h) x 0.435m (w) and will sit flush with the wall (no protrusion);
- A new Commonwealth Bank illuminated logo sign will be placed on a new wall panel with dimensions of 1.2m x 1.2m;
- A new disabled sticker will be added to the shopfront with dimensions of 0.195m x 0.195m; and
- Information regarding the bank “street level locator” will be moved to the entrance doors and measures 0.4m x 0.78m.

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 DA2018/1006, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.15(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15(1A) - Other Modifications	Comments
A consent authority may, on 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	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact.
(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 DA2018/1006.
(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 concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 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)	<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> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition in the original consent.</p> <p><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 in the original consent.</p>
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 the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 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 “Public Exhibition” in this report.

Section 4.15 'Matters for Consideration'	Comments
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 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

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>	The proposed signage is consistent with other signage within Dee Why Town Centre.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal complements the approved signage for the site without being visually dominant.	YES
<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>	The proposed signage has been designed to minimise potential impacts sensitive receptors including residential areas, public open space and heritage items	YES
<p>3. Views and vistas Does the proposal obscure or compromise important views?</p>	No views will be obstructed by the proposed signage.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the signage changes do not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	Yes, the changes in the signage respect the viewing rights of other advertisers.	YES
<p>4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</p>	The signage is appropriate for the setting provided on the site and the location of the site in the Dee Why town centre.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is to be used to provide an identity with the site and is integrated with the built form without becoming a visually dominant feature.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No, there is currently no signage on the tenancy.	YES
Does the proposal screen unsightliness?	No, there is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposed changes in the signage do not protrude above the buildings, structures or tree canopies in the area.	YES
<p>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?</p>	The signage is of suitable scale and design for its intended purpose. The signage will only occupy a small proportion of the overall site area.	YES

Does the proposal respect important features of the site or building, or both?	The changes in the signs will not become the dominant visual feature of the building. The design, position and colours integrate with the building structure.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The changes in the signage will be logically positioned to identify the site, to develop its profile and integrate with the façade treatments.	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?	Internal illumination is proposed on one of the signage to be erected under this application.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed internal illumination on the signage do not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation	YES
Can the intensity of the illumination be adjusted, if necessary?	No, the illumination cannot be adjusted.	YES
Is the illumination subject to a curfew?	No, the proposed illumination is not subject to a curfew.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	There is no impact on the safety of pedestrians, vehicles or aircraft is to result from changes in the signage.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The changes in the signage will not cause disruption of any sightlines from public areas.	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.

Warringah Local Environmental Plan 2011

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

Compliance Assessment

Clause	Compliance with Requirements

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
6.3 Flood planning	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

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
C3 Parking Facilities	Yes	Yes
Part D Design	Yes	Yes
D23 Signs	No	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

C2 Traffic, Access and Safety

There is no change to existing Site access, traffic generation or movement safety is to result from the proposed signage alterations. No change to the use or any operational matters are proposed under this application.

C3 Parking Facilities

As the proposal relates to signage alterations, there is no additional parking requirement for the proposed development.

D23 Signs

Description of non-compliance and/or inconsistency

The application proposes four (4) pieces of signage consisting of the following:

Sign	Requirement	Width	Height	Complies

Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	0.435m	2.63m	Yes (Entry sign)
		1.2m	1.2m	No (Logo)
Window sign (painted or letters stuck onto the inside or outside of a display window)	Must occupy less than 50% of the window area so as to not obstruct natural light; and Shall only be permitted on ground floor windows, below awning level or equivalent.	0.195m	0.195m	Yes (Accessible)
		0.4m	0.4m	Yes (Street Level)

Merit consideration

A merit assessment has been undertaken as the proposed illuminated Logo Sign is located less than 2.7m above the existing ground level.

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- *To encourage well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates.*

Comment:

The logo signage is of a scale, design and location that allows for the identification of the business to which the sign relates.

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

Comment:

The logo signage proposed is to be constructed of durable materials to withstand both natural and anthropogenic impacts.

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

Comment:

The logo signage proposed is consistent with that of the general character of the streetscape and surrounding locality.

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

properties.

Comment:

The signage proposed will not be readily visible from residential properties and fronts Pittwater Road which, currently, is proliferated by signage of varying scale, quality and design.

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

Comment:

The subject site and signage is not considered to have an impact up any provision of open space or heritage items.

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

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

POLICY CONTROLS

Northern Beaches Council Contributions Plan 2018

Section 7.12 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 to Modification Application No. Mod2018/0417 for Modification of Development Consent No. DA2018/1996 granted for Alterations to a business premises and new business identification signage on land at Lot 100 DP 1235895,884 - 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
Proposed Floor Plan DA-02 Issue B	08/07/2018	A & P Parkes Construction Pty Ltd
Proposed Pittwater Road Elevation DA-03 Issue B	08/07/2018	A & P Parkes Construction Pty Ltd
External Signage Details DA-04 Issue B	08/07/2018	A & P Parkes Construction 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. Add Condition 5a- Illumination Intensity and design to read as follows:

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised and the design is to be such to ensure that excessive light spill or nuisance is not caused to any nearby premises.

Reason: To ensure appropriate forms of signage that are consistent with Council’s controls and those that are desired for the locality, and do not interfere with amenity of nearby properties. (DACPLG12)

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

Signed




Catriona Shirley, Planner

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



Steven Findlay, Manager Development Assessments
















ATTACHMENT A

Notification Plan	Title	Date
 2018/506015	Plan - Notification	09/08/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/521201	Notification Map	15/08/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/506019	Report - SEPP 64 Assessment	08/08/2018
 2018/506026	Report - Notice of Determination and Stamped Plans	08/08/2018
 2018/506031	Plans - Master Set	08/08/2018
 2018/506015	Plan - Notification	09/08/2018
 2018/506008	Land Owners Consent	09/08/2018
 2018/506011	Report - Statement of Environmental Effects	09/08/2018
 2018/506006	ASIC Company Extract	09/08/2018
 MOD2018/0417	884-896 Pittwater Road DEE WHY NSW 2099 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	09/08/2018
 2018/503642	DA Acknowledgement Letter - Milestone (Aust) Pty Ltd	09/08/2018
 2018/505996	Modification Application Form	09/08/2018
 2018/505997	Applicant Details	09/08/2018
 2018/520952	DA Acknowledgement Letter (not integrated) - Milestone (Aust) Pty Ltd	15/08/2018
 2018/521133	Notification Letters - Mod	15/08/2018
 2018/521197	ARP Notification Map	15/08/2018
 2018/521201	Notification Map	15/08/2018