

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2023/0310
Responsible Officer:	Jordan Howard
Land to be developed (Address):	Lot 6 DP 31806, 38 Frenchs Forest Road SEAFORTH NSW 2092 Lot 4 DP 31806, 38 Frenchs Forest Road SEAFORTH NSW 2092
Proposed Development:	Modification of Development Consent DA2022/1254 granted for Installation of two (2) advertising panels.
Zoning:	Manly LEP2013 - Land zoned E1 Local Centre OLDManly LEP2013 - Land zoned B1 Neighbourhood Centre
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jameson Family Investments NSW Pty Ltd
Applicant:	The Trustee For Jameson Family Trust

Application Lodged:	07/06/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	16/06/2023 to 30/06/2023
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks modification of Development Consent DA2022/1254 granted for installation of two (2) advertising panels.

The approved panels are to the western and south-eastern facades of the existing building and are digital advertising signs.

The modification application seeks the alteration of Condition 8, which imposes a curfew on sign illumination. The condition is proposed to be altered to allow illumination of signage between the following hours:

- From 7am to 6pm Monday to Saturday (inclusive), modified to 7am to 11pm.
- From 8am to 6pm Sundays and public holidays, modified to 8am to 11pm.

Following the assessment outlined in this report, it is considered appropriate to modify the hours of illumination to be extended to 10pm.

ASSESSMENT INTRODUCTION

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

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

SUMMARY OF ASSESSMENT ISSUES

Assessment - Concurrence - Roads and Maritime Service - SEPP (Transport and Infrastructure) 2021, s2.118

Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	<p>Lot 6 DP 31806 , 38 Frenchs Forest Road SEAFORTH NSW 2092</p> <p>Lot 4 DP 31806 , 38 Frenchs Forest Road SEAFORTH NSW 2092</p>
Detailed Site Description:	<p>The subject site consists of three allotments located on the northern side of Frenchs Forest Road, Seaforth.</p> <p>The site is irregular in shape with frontages of 16.46 metres along Frenchs Forest Road and 12.575 metres to Brook Road. The site has a surveyed area of 655m².</p> <p>The site is located within the E1 Local Centre zone (formally B1 Neighbourhood Centre) and contains a two-storey commercial development.</p>

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by commercial premises, low density residential development, and Seaforth Public School.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed a number of development applications, modification applications and complying development certificates relating to commercial works, changes of use and signage.

Signage in similar locations was approved under DA0173/2017 and is currently installed on site.

The parent DA of this modification (DA2022/1254) was approved on 12 October 2022.

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 DA2022/1254, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(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	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> No change is proposed to the built form of the signage, only changes to the hours of illumination.
(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	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2022/1254 for the following reasons:</p> <ul style="list-style-type: none"> No change is proposed to the built form of the signage, only changes to the hours of illumination.
(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	<p>The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.</p>
(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.	<p>See discussion on "Notification & Submissions Received" in this report.</p>

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	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition of consent.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been</p>

Section 4.15 'Matters for Consideration'	Comments
	addressed via a condition of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly 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 “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 16/06/2023 to 30/06/2023 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Kate Elizabeth Sheringham	46 Frenchs Forest Road SEAFORTH NSW 2092

The following issues were raised in the submission:

- Change to hours of illumination**

The submission raised concerns that the extension of sign illumination until 11pm is out of character with the area and will effect the nature, feel and aesthetics of the locality.

Comment:

DA2022/1254 limited hours of illumination through a condition of consent. This imposed a 6pm cut off on illumination across all days. This was based on the definition of day time within the *NSW Environmental Protection Authority Noise Policy for Industry 2017*, restricting the sign to only be illuminated during these defined hours of day time.

The applicant seeks to extend the hours of illumination up to 11pm.

Considering that the 6pm curfew is before sunset during parts of the year, it is considered acceptable for the illumination hours to be extended. Evening time within the *NSW Environmental Protection Authority Noise Policy for Industry 2017*, is defined as 6pm to 10pm, with night after this time. MDCP Clause 4.4.3.1(h) regarding signage illumination provides that "Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 10pm and 6am, or as appropriate in the circumstances".

Given the circumstances of the signage, located within an E1 Local Centre and oriented away from the closest residential development, however, still visible from neighbouring residential areas, it is considered appropriate for the curfew to be extended to 10pm. This allows illumination during the evening hours whilst maintaining character and amenity for residential neighbours.

Consideration of the signage in respect to the character, nature, feel and aesthetics of the locality can be found in the section of this report on SEPP (Industry and Employment) 2021. In summary, the proposal is deemed to be consistent with the provisions of the relevant sections concerning signage.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.
Environmental Health (Industrial)	<p>General Comments</p> <p>Proposed increase in illumination of sign hours and modification to Conditions.</p> <p>Applicant advises.</p> <p>Proposed Modification (shown in 'red') to Condition of Consent No.8</p> <p>"8. Signage Illumination</p> <p>The proposed signage is to be illuminated only between the hours of:</p> <ul style="list-style-type: none"> • 7am to (delete 6pm) 11pm Monday to Saturday inclusive; and • 8am to (delete 6pm) 11pm Sundays and public holidays. <p>The following maximum output illuminances of the signage board shall not exceed the following thresholds:</p> <ul style="list-style-type: none"> • Full sun directed to the face of signage: 6,000 cd/m² • Daytime (between sunrise and sunset daily): 6000 cd/m² • Dawn and twilight periods and inclement / cloudy weather: 700 cd/m²

Internal Referral Body	Comments
	<ul style="list-style-type: none"> • Nighttime: 350 cd/m2 • 4 LUX to habitable rooms of adjacent residential development (including mixed use) where they may occur to comply with AS4282. • The level of reflectance is not to exceed the 'Minimum coefficients of luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007 <p>The signs shall be fitted with an electronic sensor that adjusts the intensity of illumination as conditions change."</p> <p>Environmental Health looks at potential breaches to legislation and quantifiable nuisances, we do not consider "look "or industrialisation or visual amenity or attractiveness of developments in a residential area.</p> <p>The intensity of illumination is not likely to impact on residential receivers and is adjustable. At this time we are not aware of any objections by residents.</p> <p>Environmental Health therefore would support the proposal without further conditions to the existing DA</p>

External Referral Body	Comments
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ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Transport and Infrastructure) 2021

Transport for NSW (TfNSW)

Section 2.118 - Development with frontage to classified road states:

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

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

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

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

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

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

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

Comment:

The proposed development was referred to Transport for NSW (TfNSW) under Section 2.118 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, with reference to the the effective and ongoing operation and function of Frenchs Forest Road, being a classified road.

TfNSW returned this request with the following comment:

"It is noted that the amendment relates to changing the hours of illumination, which is not related to transport impacts. This amendment does not require referral to TfNSW."

SEPP (Industry and Employment) 2021

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

The objectives of this chapter aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 5 of Chapter 3, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with existing signage on site and surrounding/nearby commercial premises.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No consistent theme for outdoor signage exists in the locality.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not dominate the streetscape and does not detract from the amenity or visual quality of the site. The subject site is not within an environmentally sensitive area, heritage area, conservation area, open space area, waterway area, rural area, or residential zoned area. The	YES

	site is located across the road from residential zoned land, though the illuminated signs are not oriented towards those properties, and the hours of illumination are restricted (as discussed further in regards to illumination later in this report).	
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise important views.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not dominate the skyline or reduce the quality of vistas.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the site and surrounds.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed in a clear and modern manner, and therefore creates visual interest.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is simplified in that it is for advertisement purposes only.	YES
Does the proposal screen unsightliness?	The subject site does not contain unreasonable unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above any buildings, structures or tree canopies on site.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale, proportion and form of the proposed signage is consistent with and complementary to the use of the site.	YES
Does the proposal respect important features of the site or building, or both?	The proposed signage is ancillary to the building on site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is for advertisement only, so does not require innovation or imagination. However, the proposed signage is located logically to achieve an adequate level of exposure, while remaining visually compatible with the building.	YES
6. Associated devices and logos with advertisements and advertising structures	The proposed signage does not require any lighting or safety devices or	YES

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?	platforms.	
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 illumination of the signage will not result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, or detract from the amenity of any residence, subject to imposed conditions of DA2022/1254.	YES
Can the intensity of the illumination be adjusted, if necessary?	The illumination of the signage can be adjusted if necessary.	YES
Is the illumination subject to a curfew?	<p>DA2022/1254 limited hours of illumination through a condition of consent. This imposed a 6pm cut off on illumination across all days. This was based on the definition of day time within the <i>NSW Environmental Protection Authority Noise Policy for Industry 2017</i>, restricting the sign to only be illuminated during these defined hours of day time.</p> <p>The applicant seeks to extend the hours of illumination up to 11pm.</p> <p>Considering that the 6pm curfew is before sunset during parts of the year, it is considered acceptable for the illumination hours to be extended. Evening time within the <i>NSW Environmental Protection Authority Noise Policy for Industry 2017</i>, is defined as 6pm to 10pm, with night after this time. MDCP Clause 4.4.3.1(h) regarding signage illumination provides that "Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 10pm and 6am, or as appropriate in the circumstances".</p> <p>Given the circumstances of the signage, located within an E1 Local Centre and oriented away from the closest residential development, however, still visible from neighbouring residential areas, it considered appropriate for the curfew to be extended to 10pm. This allows illumination during the evening hours whilst maintaining character and</p>	YES

	amenity for residential neighbours.	
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposed signage would not reduce safety on any public road, or for pedestrians or bicyclists, subject to imposed conditions of DA2022/1254.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines.	YES

Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of this chapter and its underlying objectives.

SEPP (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the land use.

Manly Local Environmental Plan 2013

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

Principal Development Standards

Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	8.5m	Max. 5.8m	No change	-	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 655sqm	Requirement	Approved	Proposed	Complies
4.1.1.1 Residential Density and	Max. 2 signs per frontage	1 sign per	No change	Yes

Dwelling Size		frontage		
	Flush to wall	Flush to wall	No change	Yes
	Proportionate to wall	Proportionate	No change	Yes
	Consistent with architectural style	Consistent	No change	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.1.3 Townscape (Local and Neighbourhood Centres)	Yes	Yes
4.2.8 Neighbourhood Centres (LEP Zone B1)	Yes	Yes
4.2.8.1 Height	Yes	Yes
4.2.8.9 Signage	Yes	Yes
4.2.8.10 Local Character provisions	Yes	Yes
4.4.3 Signage	Yes	Yes

Detailed Assessment

4.4.3 Signage

DA2022/1254 limited hours of illumination through a condition of consent. This imposed a 6pm cut off on illumination across all days. This was based on the definition of day time within the *NSW Environmental Protection Authority Noise Policy for Industry 2017*, restricting the sign to only be illuminated during these defined hours of day time.

The applicant seeks to extend the hours of illumination up to 11pm.

Considering that the 6pm curfew is before sunset during parts of the year, it is considered acceptable for the illumination hours to be extended. Evening time within the *NSW Environmental Protection Authority Noise Policy for Industry 2017*, is defined as 6pm to 10pm, with night after this time. MDCP Clause 4.4.3.1(h) regarding signage illumination provides that "Council may require that illumination be controlled by automatic time clocks extinguishing illumination between 10pm and 6am, or as appropriate in the circumstances".

Given the circumstances of the signage, located within an E1 Local Centre and oriented away from the closest residential development, however, still visible from neighbouring residential areas, it considered appropriate for the curfew to be extended to 10pm. This allows illumination during the evening hours whilst maintaining character and amenity for residential neighbours.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

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 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly 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. Mod2023/0310 for Modification of Development Consent DA2022/1254 granted for Installation of two (2) advertising panels. on land at Lot 6 DP 31806,38 Frenchs Forest Road, SEAFORTH, Lot 4 DP 31806,38 Frenchs Forest Road, SEAFORTH, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-338586 Mod2023/0310	The date of this notice of determination	<u>Modification Summary</u> Change hours of signage illumination. <u>Conditions Summary</u> A. Modify Condition 8 - Signage Illumination

Modified conditions

A. Modify Condition 8 - Signage Illumination - to read as follows:

Signage Illumination

The proposed signage is to be illuminated only between the hours of:

- 7am to 10pm Monday to Saturday inclusive; and
- 8am to 10pm Sundays and public holidays.

The following maximum output illuminances of the signage board shall not exceed the following thresholds:

- Full sun directed to the face of signage: 6,000 cd/m²
- Daytime (between sunrise and sunset daily): 6000 cd/m²
- Dawn and twilight periods and inclement / cloudy weather: 700 cd/m²
- Nighttime: 350 cd/m²
- 4 LUX to habitable rooms of adjacent residential development (including mixed use) where they may occur to comply with AS4282.
- The level of reflectance is not to exceed the 'Minimum coefficients of luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007

The signs shall be fitted with an electronic sensor that adjusts the intensity of illumination as conditions change.

Reason: To prevent excessive illumination.

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

Signed



Jordan Howard, Planner

The application is determined on 02/08/2023, under the delegated authority of:



Rodney Piggott, Manager Development Assessments