

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2020/0079
Responsible Officer:	Gareth David
Land to be developed (Address):	Lot A DP 347673, 18 Boyle Street BALGOWLAH NSW 2093 Lot B DP 347673, 18 Boyle Street BALGOWLAH NSW 2093
Proposed Development:	Installation of Signage associated with an existing Place of Public Worship (All Saints Anglican Church)
Zoning:	Manly LEP2013 - Land zoned SP2 Infrastructure
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	All Saints Anglican Church Balgowlah
Applicant:	The Wetton Group Pty Ltd
Application Lodged:	30/01/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	21/02/2020 to 06/03/2020
Advertised:	Not Advertised
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval
Estimated Cost of Works:	\$ 22,784.00

PROPOSED DEVELOPMENT IN DETAIL

Development consent is sought for the installation of a free standing business/building identification sign. The sign would consist of:

- An internally illuminated sign stating the church name (All Saints Anglican Church Balgowlah)
- A LED screen capable of variable messaging
- A non illuminated sign providing details of service, minister names and contact details

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

Manly Local Environmental Plan 2013 - 6.9 Foreshore scenic protection area

Manly Development Control Plan - 4.1.4 Setbacks (front, side and rear) and Building Separation

Manly Development Control Plan - 4.4.3 Signage

SITE DESCRIPTION

Property Description:	<p>Lot A DP 347673 , 18 Boyle Street BALGOWLAH NSW 2093</p> <p>Lot B DP 347673 , 18 Boyle Street BALGOWLAH NSW 2093</p>
Detailed Site Description:	<p>The subject site consists of two allotments located on the south-eastern corner of Boyle Street and Sydney Road.</p> <p>The site is regular in shape other than the corner splay with a frontage of 46.785m along Boyle Street and a secondary frontage of 25.605m to Sydney Road. The site has a surveyed area of 1538m².</p> <p>The site is located within the SP2 Infrastructure zone and accommodates three buildings, being a church (All Saints Anglican Church, an attached two-storey church hall and a two-storey rectory).</p> <p>The site is generally flat.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by detached and semi-detached dwellings, dual occupancies and residential flat buildings. The Balgowlah commercial</p>

centre is located to the west along Sydney Road.

Map:



SITE HISTORY

The land has been used for religious purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

DA0300/2012 - Alterations and additions to an existing All Saints Anglican Church including extensions to the ground floor and first floor - Approved 6 March 2013.

DA0300/2012 - Part 2 - Section 96 to modify approved Alterations and additions to the existing All Saints Anglican Church including extensions to the ground floor and first floor – Approved 14 June 2016.

Mod2018/0137 - Modification of Development Consent DA300/2012 granted for Alterations and Additions to an existing place of public worship (All Saints Anglican Church) - Approved 01 June 2018

DA2019/0947 - Construction of a business identification sign - Rejected due to lack of sufficient Information - 05 September 2019

DA2019/1213 - Construction of Signage - Rejected due to lack of sufficient Information - 06 November 2019

REV2019/0066 - Review of Rejection of DA2019/1213 Erection of pylon sign - Rejected due to lack of sufficient Information - 11 December 2019

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for a place of worship for an extended period of time. The proposed development retains the use of the site, and is not considered a contamination risk.
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)(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 of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</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 clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 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 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on	<p>(i) Environmental Impact</p> <p>The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly</p>

Section 4.15 Matters for Consideration'	Comments
the natural and built environment and social and economic impacts in the locality	<p>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 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 process council is in receipt of 1 submission/s from:

Name:	Address:
Ms Maureen Dorothy Faulkner	109 Shamley Heath Road KUREELPA NSW 4560

The following issues were raised in the submissions and each have been addressed below:

- *Too large and out of proportion*

Comment

A submission was raised concerned that the proposed sign is too large and out of proportion with the building and the surrounding area. As discussed within clause 4.4.3 below, it is agreed that the proposed sign would be out of proportion and excessive for the residential character of the area. Therefore, a condition is to be imposed to reduce the overall size of the sign and ensure is of a scale

compatible with the surrounding area. Subject to this condition the proposal is considered acceptable.

- *Distraction to drivers*

Comment

The proposal has been referred to Transport NSW who have raised no objection to the proposal in terms of safety subject to conditions. The proposed sign will be conditioned to be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (luminance level, dwell times, image requirements) to ensure adequate safety measures are met.

- *Light impacts to surrounding properties*

Comment

The sign would be located adjacent to a classified road with a medium level of off-street ambient lighting. It is considered that the illumination would be acceptable subject to a condition to be no brighter than 200cd/sqm at nighttime which would be inline with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017. The sign would not be illuminated between 10.00pm and 6.00am. This will also be conditioned on any consent.

- *Impact to environment due to energy use*

Comment

The proposed use of LED and Illumination is not considered to have an excessive energy usage.

- *Impact upon the streetscape*

Comment

It is considered that the proposed sign is an appropriate addition to the site and be an improvement to the temporary nature of the banner signage currently on site. It would be suitably located and designed, identifying the church's corner location. As above, a condition is to be imposed to reduce the overall size of the sign and ensure is of a scale compatible with the surrounding area. Subject to this condition the proposal is considered acceptable and is not considered to harm the streetscape.

REFERRALS

Internal Referral Body	Comments
Landscape Officer	<p>The application is for the installation of a sign incorporating business/building identification.</p> <p>No significant vegetation is impacted by the proposal. General tree protection measures conditions shall be imposed to ensure protection of trees and vegetation during construction activity.</p> <p>Council's Landscape section have assessed the application against the landscape controls of Manly DCP 2013, section 3: General Principles of Development, and section 4: Development Controls and</p>

Internal Referral Body	Comments		
	Development Types.		
Strategic and Place Planning (Heritage Officer)	HERITAGE COMMENTS		
	Discussion of reason for referral		
	<p>The proposal has been referred to Heritage as it is within proximity of a heritage item:</p> <p><i>Item I24 - Group of houses</i> - 303–307 Sydney Road</p>		
	Details of heritage items affected		
	<p>Details of the item as contained within the Manly Heritage inventory is as follows:</p> <p><u>Statement of significance:</u> Major significance as a fine example of thirties modern style architecture. Example of P&O style and moderne functionalist style.</p> <p><u>Physical description:</u> Generally intact example of modern style architecture in rendered brick with flat roof. Significant and typical elements include the strong horizontal elements, notably bands of render; original glazing in fine leadlight; curvilinear form; entry porch and low front fence.</p>		
	Other relevant heritage listings		
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	
	Australian Heritage Register	No	
	NSW State Heritage Register	No	
	National Trust of Aust (NSW) Register	No	
RAIA Register of 20th Century Buildings of Significance	No		
Other	No		
Consideration of Application			
<p>The proposal seeks consent for the installation of a 4 metre high x 2.4 metre wide structure, 730mm set back from the boundary, containing 3 signage panels with an illuminated signage and a digital screen. Given the separation between the heritage item and the subject proposal, as well as the low profile of the development, there is considered to be no impact upon the heritage item.</p>			

Internal Referral Body	Comments
	<p>Therefore Heritage raises no objections and requires no conditions.</p> <p>Consider against the provisions of CL5.10 of MLEP.</p> <p>Is a Conservation Management Plan (CMP) Required? No Has a CMP been provided? No Is a Heritage Impact Statement required? No Has a Heritage Impact Statement been provided? No</p> <p>Further Comments</p> <p>COMPLETED BY: Oya Guner, Heritage Advisor</p> <p>DATE: 27 February 2020</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to the Ausgrid, who have raised no objections to the development subject to compliance with the recommended conditions.
NSW Roads and Maritime Services - (SEPP 64 signage)	The proposal was referred to the Transport for NSW, who have raised no objections to the development subject to compliance with the recommended conditions.

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)*

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

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

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

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

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for a Place of Worship for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the Infrastructure (Place of Worship) land use.

SEPP 64 - Advertising and Signage

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

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

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
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>There is no objection to the location or purpose of the proposed sign, as identification for the associated place of worship. It is considered however, that the proposed sign would be of a scale that would be out of proportion and excessive for the residential character of the area.</p> <p>A condition is to be imposed to reduce the overall size of the sign and ensure is of a scale compatible with the surrounding area. Subject to this condition the proposal is considered acceptable.</p>	YES (subject to condition)
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is consistent with other building identification signs in the area and wider locality for similar building such as other places of worship and schools.	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?	<p>The proposed sign would not detract from any the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes. It is considered however, that the proposed sign would be of a scale that would be out of proportion and excessive for the residential character of the area and would detract from the place of worship in which it is associated.</p> <p>A condition is to be imposed to reduce the overall size of the sign and ensure is of a scale compatible with the surrounding area. Subject to this condition the proposal is considered acceptable.</p>	YES (subject to condition)
3. Views and vistas Does the proposal obscure or compromise important views?	The proposal would not compromise any important views	YES
Does the proposal dominate the skyline	The proposal would not dominate the skyline or	YES

and reduce the quality of vistas?	reduce the quality of vistas	
Does the proposal respect the viewing rights of other advertisers?	The proposal would not have an impact on other advertisers	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	It is considered that the proposed sign would be of a scale that would be out of proportion and excessive for the residential character of the area and the place of worship setting it is located. The size of the sign would not appropriately correspond with the size of the church it is identifying, as the church is not considered to be visually dominant when viewed from the street. A condition is to be imposed to reduce the overall size of the sign and ensure is of a scale compatible with the surrounding area. Subject to this condition the proposal is considered acceptable.	YES (subject to condition)
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is intended to replace the existing site signs. The location is considered suitable and the digital nature of the sign enables variable messaging to allow the church to engage more fully with the local community. The sign would add visual interest to the streetscape.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It is considered the signs messaging is appropriately integrated. The use of variable LED messaging would facilitate this.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened on the site or in the area.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures or tree canopies in the area or locality.	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?	As above, it is considered that the proposed sign would be of a scale that would be out of proportion and excessive for the residential character of the area and the place of worship setting it is located. The size of the sign would not appropriately correspond with the size of the church it is identifying, as the church is not considered to be visually dominant when viewed from the street. A condition is to be imposed to reduce the overall size of the sign and ensure is of a scale compatible with the surrounding area. Subject to this condition the proposal is considered acceptable.	YES (subject to condition)
Does the proposal respect important features of the site or building, or both?	The proposal is not considered likely to affect any important features within the site.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is a contemporary advancement to the temporary banner sign which currently exists on site. The use of digital messaging will allow for the church to provide current messaging to the	YES

	community.	
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?	The sign is intended for the purpose of building identification. Lighting is proposed internally and as such does not require external devices. The sign does not require any associated safety devices.	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 sign would be located adjacent to a classified road with a medium level of off-street ambient lighting. It is considered that the illumination would be acceptable if it was conditioned to be no brighter than 200cd/sqm at nighttime which would be inline with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017. The proposal has been referred to Transport NSW who have raised no objection to the proposal in terms of safety subject to conditions.	YES (subject to condition)
Can the intensity of the illumination be adjusted, if necessary?	The sign would allow the intensity of the illumination to be adjusted if necessary. This will also be conditioned on any consent.	YES
Is the illumination subject to a curfew?	The sign would not be illuminated between 10.00pm and 6.00am. This will also be conditioned on any consent.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The proposal has been referred to Transport NSW who have raised no objection to the proposal in terms of safety subject to conditions. The proposed sign will be conditioned to be in accordance with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (luminance level, dwell times, image requirements) to ensure adequate safety measures.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal would not obscure sightlines from public areas.	YES

Accordingly, subject to a condition to reduce its overall size, 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.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the

- electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to the Ausgrid, who have raised no objections to the development subject to compliance with the recommended conditions.

Transport NSW

Comment:

The application was referred to the Transport NSW who did not raise any objection to the proposal subject to compliance with the recommended conditions.

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	Proposed	Complies
Height of Buildings:	8.5m	4.0m	Yes

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.1 Acid sulfate soils	Yes
6.9 Foreshore scenic protection area	Yes

Detailed Assessment

6.9 Foreshore scenic protection area

Under this clause, development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following matters:

- (a) impacts that are of detriment to the visual amenity of harbour or coastal foreshore, including overshadowing of the foreshore and any loss of views from a public place to the foreshore,
- (b) measures to protect and improve scenic qualities of the coastline,

- (c) suitability of development given its type, location and design and its relationship with and impact on the foreshore,
- (d) measures to reduce the potential for conflict between land-based and water-based coastal activities.

Comment:

The proposed sign would have no unreasonable impact on visual aesthetic amenity or views to and from Sydney Harbour.

Manly Development Control Plan

Built Form Controls

Built Form Controls - Site Area: 1538 sqm	Requirement	Proposed	% Variation*	Complies
4.1.4.1 Street Front Setbacks	6.0m	0.73m	88%	No
4.4.3 Signage	N/A	1	N/A	See comments

***Note:** The percentage variation is calculated on the *overall* numerical variation (ie: for LOS - Divide the proposed area by the numerical requirement then multiply the proposed area by 100 to equal X, then 100 minus X will equal the percentage variation. Example: $38/40 \times 100 = 95$ then $100 - 95 = 5\%$ variation)

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	Yes	Yes
3.3.1 Landscaping Design	Yes	Yes
3.3.2 Preservation of Trees or Bushland Vegetation	Yes	Yes
3.3.3 Footpath Tree Planting	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.4.1 Sunlight Access and Overshadowing	Yes	Yes
3.4.2 Privacy and Security	Yes	Yes
3.4.3 Maintenance of Views	Yes	Yes
3.4.4 Other Nuisance (Odour, Fumes etc.)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	Yes	Yes
3.5.4 Energy Efficient Appliances and Demand Reduction and Efficient Lighting (non-residential buildings)	Yes	Yes
3.8 Waste Management	Yes	Yes
3.9 Mechanical Plant Equipment	Yes	Yes
3.10 Safety and Security	Yes	Yes
4.1.2 Height of Buildings (Incorporating Wall Height, Number of Storeys & Roof Height)	Yes	Yes
4.1.4 Setbacks (front, side and rear) and Building Separation	No	Yes
4.1.8 Development on Sloping Sites	Yes	Yes
4.4.3 Signage	No	Yes
4.4.5 Earthworks (Excavation and Filling)	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
5.4.1 Foreshore Scenic Protection Area	Yes	Yes
Schedule 1 – Maps accompanying the DCP	Yes	Yes

Detailed Assessment

4.1.4 Setbacks (front, side and rear) and Building Separation

Description of non-compliance

Clause 4.1.4.1 of the Manly DCP requires development be setback 6.0m from the front boundary.

The development proposes the following:

Front setback- 0.73m, (88% variation to the numeric control).

Merit consideration:

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

Objective 1) To maintain and enhance the existing streetscape including the desired spatial proportions of the street, the street edge and the landscape character of the street.

Comment:

The development proposes a new freestanding building identification sign. The location of the sign along the front boundary is considered suitable for its intended purpose. The proposal would not involve the removal of any trees or vegetation and would therefore, not impact upon the landscape character of the street. The height of the proposed sign, at 4.0m directly adjacent to the front boundary is considered excessive and out of proportion with the desired spatial proportions of the street and residential area. To reduce the visual dominance of the sign, a recommended condition of consent has been imposed to reduce the overall size of the sign to be no greater than 3.0m in height, 1.8m in width and have a total signage area of 4sqm.

Objective 2) To ensure and enhance local amenity by:

- *providing privacy;*
- *providing equitable access to light, sunshine and air movement; and*
- *facilitating view sharing and maintaining adequate space between buildings to limit impacts on views and vistas from private and public spaces.*
- *defining and adding character to the streetscape including the provision of adequate space between buildings to create a rhythm or pattern of spaces; and*
- *facilitating safe and adequate traffic conditions including levels of visibility around corner lots at the street intersection.*

Comment:

The proposed sign would not impact local amenity in terms of privacy, access to light or impact to views. Subject to condition of consent included above, it is considered the proposal would be a

suitable addition to the character of the streetscape. The proposal has been referred to Transport NSW who have raised no objection to the proposal in terms of traffic safety subject to conditions.

Objective 3) To promote flexibility in the siting of buildings.

Comment:

The proposed sign is suitably sited in order to adequately serve its function as a building identification sign whilst providing appropriate level of amenity to the subject site and adjacent sites.

Objective 4) To enhance and maintain natural features by:

- *accommodating planting, including deep soil zones, vegetation consolidated across sites, native vegetation and native trees;*
- *ensuring the nature of development does not unduly detract from the context of the site and particularly in relation to the nature of any adjoining Open Space lands and National Parks; and*
- *ensuring the provisions of State Environmental Planning Policy No 19 - Urban Bushland are satisfied.*

Comment:

The proposal would not involve the removal of any trees or vegetation and would therefore, not impact upon the natural features of the site.

Objective 5) To assist in appropriate bush fire asset protection zones.

Comment:

The subject site is not located in a bush fire asset protection zone.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of MDCP and the objectives specified in section 1.3(a) of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

4.4.3 Signage

Description of non-compliance:

Clause 4.4.3.1(e) specifies that signs must not have an adverse impact on streetscape and be of a height, size and scale in proportion to building and other urban elements. The proposed sign would extend 4.0m in height from ground level and have an overall width of 2.4m. It is considered that this size would be of a scale that would be out of proportion and excessive for the residential character of the area and the place of worship setting it is located. The size of the sign would not appropriately correspond with the size of the church it is identifying, as the church is relatively modest in size and does not warrant such a large and imposing sign.

To reduce the visual dominance of the sign, a recommended condition of consent has been imposed to reduce the overall size of the sign to be no greater than 3.0m in height above natural ground level, 1.8m in width and have a total signage area of 4.0sqm. Subject to compliance with this condition the proposal is considered to meet the objectives of this clause, as discussed below.

Merit consideration:

With regard to the consideration for a variation, the development is considered against the underlying

Objectives of the Control as follows:

Objective 1) To ensure that advertising does not detract from the scenic beauty and amenity of the Municipality; harmonises with its surroundings and the buildings to which they are attached.

Comment:

Subject to compliance with the above condition, it is considered that the proposed sign would be appropriate for its setting and harmonise with the surrounding area.

Objective 2) To minimise the visual impact by encouraging fewer more effective signs that may otherwise degrade the existing and likely future quality of residential environments or result in excessive, unnecessary signage, visual clutter and confusion in local and neighbourhood centres.

Comment:

Only one sign is proposed for the site. It is considered the sign's messaging is appropriately integrated. The use of variable LED messaging would facilitate this.

Objective 3) To permit building and business identification signs which communicate the facilities (including tourist facilities), amenities, goods and services in local and neighbourhood centres which do not interfere with the streetscape or amenity of residents.

Comment:

The signage would clearly identify and communicates the church use and activities.

Objective 4) Signs should enhance the distinctive urban character and scenic amenity of the Municipality and contribute to the atmosphere of the streets in local and neighbourhood centres and should be designed in sympathy with both the building to which it is attached and any adjoining buildings, taking into account the architectural styles and finishes of buildings in local and neighbourhood centres.

Comment:

Subject to compliance with the above condition, it is considered that the sign would be an appropriate addition to the site and be an improvement to the temporary nature of the banner signage currently on site. It would be suitably located and designed, identifying the church's corner location.

Objective 5) To prevent signage from impacting on the presentation of the heritage item or area to the general public on heritage items and conservation areas.

Comment:

The sign has been referred to Council's Heritage Officer who has raised no objection with the proposal.

Objective 6) To ensure all signage is of high standards of graphic and textural content.

Comment:

The proposed signage is of a high quality design, is clear, and assists in identifying the use of the site.

Objective 7) To encourage co-ordinated advertising in the Industrial Zone by the use of appropriately sized street numbers and complex names, and the use of directory boards to identify multiple unit complexes, so as to reduce adverse impact on the streetscape and confusion to traffic.

Comment:

The subject site is not located within an Industrial Zone.

Having regard to the above assessment, it is concluded that subject to compliance with the above condition, the proposed development is consistent with the relevant objectives of this clause and is therefore supported in this particular circumstance.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

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

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2019

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- 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 Development Consent to DA2020/0079 for Installation of Signage associated with an existing Place of Public Worship (All Saints Anglican Church) on land at Lot A DP 347673, 18 Boyle Street, BALGOWLAH, Lot B DP 347673, 18 Boyle Street, BALGOWLAH, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

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

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
W0509 - Sheet 2 Issue E	23/01/2020	Wettons signage Group
W0509 - Sheet 3 Issue E	23/01/2020	Wettons signage Group
W0509 - Sheet 4 Issue E	23/01/2020	Wettons signage Group
W0509 - Sheet 5 Issue E	23/01/2020	Wettons signage Group

Engineering Plans		
Drawing No.	Dated	Prepared By
2019-ST-106-1	07/11/2019	SLN Consulting Structural Engineers
2019-ST-106-2	07/11/2019	SLN Consulting Structural Engineers

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

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

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

2. Compliance with Other Department, Authority or Service Requirements

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

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Response Ausgrid Referral (Ref: CNR-4859)	03/03/2020
Transport for NSW	Response Transport for NSW Referral (Ref: SYD20/00300/01)	30/03/2020

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

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

3. **Luminance Level**

The luminance levels of the sign shall comply with the values in the table below:

Lighting condition	Maximum luminance level (cd/sqm)
Daytime luminance	6000
Morning and evening twilight and inclement weather	500
Nighttime	200

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

4. **Messaging dwell time**

Advertisements and messaging displayed on the sign shall:

- a) be displayed in a completely static manner, without any motion, for the approved dwell time as per criterion (b)
- b) be changed no more frequently than once per day
- c) the transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen

Reason: To ensure traffic safety and maintain amenity to surrounding neighbours

5. **Sign maintenance**

Construction and maintenance activities shall be undertaken wholly within the private property of the site.

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

6. **Sign messaging**

Advertisements and messaging displayed on the sign shall not contain/use:

- a) Flashing lights
- b) Electronically changeable messages
- c) Animated display, moving parts or simulated movement
- d) Complex displays that hold a drivers attention beyond "glance appreciation"
- e) Displays resembling a prescribed traffic control device, for example red, amber or green circles, octagons or other shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device.
- f) Words that can be construed as giving instruction to traffic (ie by using words such as 'halt' or 'stop').
- g) A method of illumination that unreasonably distracts or dazzles.

Reason: To ensure traffic safety

7. Prescribed Conditions

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - A. the name and licence number of the principal contractor, and
 - B. the name of the insurer by which the work is insured under Part 6 of that Act,
 - (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative requirement.

8. General Requirements

(a) Unless authorised by Council:

Building construction and delivery of material hours are restricted to:

- 7.00 am to 5.00 pm inclusive Monday to Friday,
- 8.00 am to 1.00 pm inclusive on Saturday,
- No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) At all times after the submission the Notice of Commencement to Council, a copy of the Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.
- (d) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (e) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (f) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged

during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.

(k) Prior to the commencement of any development onsite for:

- i) Building/s that are to be erected
- ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
- iii) Building/s that are to be demolished
- iv) For any work/s that is to be carried out
- v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

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

(m) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992
 - (ii) Swimming Pools Amendment Act 2009
 - (iii) Swimming Pools Regulation 2008
 - (iv) Australian Standard AS1926 Swimming Pool Safety
 - (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
 - (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
 - (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
 - (4) Swimming pools and spas must be registered with the Division of Local Government.

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

9. **Adjustment of Illumination levels**

The sign shall be designed so that the intensity of the illumination be adjusted.

Reason: To ensure traffic safety and maintain amenity to surrounding neighbours

10. **Signage location**

All buildings and structures (including signage), together with any improvements integral to the future use of the site are wholly within the freehold property, along the Sydney Road and Boyle Street boundaries.

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

11. **Public utility adjustments/relocation works**

The developer shall be responsible for all public utility adjustments/relocation works, necessitated by the above work and as required by the various utility authorities and/or their agents.

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

FEES / CHARGES / CONTRIBUTIONS

12. **Security Bond**

A bond (determined from cost of works) of \$1,000 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

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

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

13. **Amendments to the approved plans**

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

a) The proposed sign shall have a maximum overall height of 3.0m above existing ground level

b) The proposed sign shall have a maximum overall width of 1.8m

c) The total area of the signage face shall not exceed 4.0m²

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

Reason: To ensure development minimises unreasonable impacts upon surrounding land.

14. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

15. **Tree and vegetation protection - General**

a) Existing trees and vegetation shall be retained and protected, including:

- i) all trees and vegetation within the site, excluding exempt vegetation under the relevant planning instruments of legislation,
- ii) all trees and vegetation located on adjoining properties,
- iii) all road reserve trees and vegetation.

b) Tree protection shall be generally undertaken as follows:

- i) all tree protection shall be in accordance with AS4970- 2009 Protection of Trees on Development Sites, including the provision of temporary fencing to protect existing trees within 5 metres of development,
- ii) removal of existing tree roots greater than 25mm is not permitted without consultation with a AQF Level 5 minimum qualification Arborist,
- iii) existing ground levels shall remain under the tree protection zone of trees to be retained, unless authorised by AQF Level 5 minimum qualification Arborist,
- iv) any tree roots exposed during excavation with a diameter greater than 25mm within the tree protection zone must be assessed by an AQF Level 5 minimum qualification Arborist. Details including photographic evidence of works undertaken shall be submitted to the Certifying Authority,
- v) to minimise the impact on trees and vegetation to be retained and protected, no excavated material, building material storage, site facilities, nor landscape materials are to be placed within the canopy dripline of trees and other vegetation required to be retained,
- vi) no tree roots greater than 25mm diameter are to be cut from protected trees unless authorised by a AQF Level 5 minimum qualification Project Arborist on site,
- vii) all structures are to bridge tree roots greater than 25mm diameter unless directed by a AQF Level 5 minimum qualification Arborist on site,
- viii) excavation for stormwater lines and all other utility services is not permitted within the tree protection zone, without consultation with a AQF Level 5 minimum qualification Arborist, including advice on root protection measures,
- ix) should either or all of vi), vii) and viii) occur during site establishment and construction works, a AQF Level 5 minimum qualification Arborist shall provide recommendations for tree protection measures. Details including photographic evidence of works undertaken shall be submitted by the Arborist to the Certifying Authority,
- x) any temporary access to, or location of scaffolding within the tree protection zone of a

protected tree or any other tree to be retained during the construction works, is to be undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of AS 4970-2009, xi) tree pruning to enable construction shall not exceed 10% of any tree canopy, and shall be in accordance with AS4373-2009 Pruning of Amenity Trees.

c) All protected trees are to be retained for the life of the development, or for their safe natural life. Trees that die or are removed by approval must be replaced with a locally native canopy tree.

Reason: to retain and protect significant planting on development and adjoining sites.

16. **Demolition and construction vehicles**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Sydney Road.

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

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

17. **Times of use**

The sign shall not be illuminated or display digital messaging between the times of 10.00pm and 6.00am.

Reason: To ensure traffic safety and maintain amenity to surrounding neighbours

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

Signed



Gareth David, Planner

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



Steven Findlay, Manager Development Assessments