

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2023/1493
Responsible Officer:	Brittany Harrison
Land to be developed (Address):	Lot 1 DP 1068612, 776 - 780 Pittwater Road BROOKVALE NSW 2100
Proposed Development:	Replacement of an existing pylon sign and the installation of associated business identification signage
Zoning:	Warringah LEP2011 - Land zoned E3 Productivity Support
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	AMHA Properties Pty Ltd
Applicant:	Em Signs (Vic) Pty Limited

Application Lodged:	20/10/2023
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	30/10/2023 to 13/11/2023
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

Estimated Cost of Works:	\$ 119,538.65
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PROPOSED DEVELOPMENT IN DETAIL

This development application seeks consent for the replacement of an existing pylon sign and the installation of associated business identification signage.

A re-development of the existing business (Mitsubishi Motors) located at 776-780 Pittwater Road, Brookvale requires the erection of the following signage:

Signage 1: Double Side (black cladding) - LED Illuminated Pylon Sign

- Height: 7.0m
- Width: 2.03m

- Red and White Illuminated Logo and red illuminated side strips.

Signage 2A: Fascia Signage, LED Illuminated (North West Elevation)

- Height: 1.5m
- Length: 25.29m
- Red and White Illuminated Logo and red illuminated side strips.

Signage 2B: Fascia Signage, LED Illuminated (North East Elevation)

- Height: 1.5m
- Length: 17.5m
- Red and White Illuminated Logo and red illuminated side strips.

Signage 3: Dynamic Slope, LED Illuminated

- Height: 4.2m
- Width: 2.25m - 5.54m
- Steel Frame clad with 4mm Black Perforated ACM Panels. Free Standing Signage fixed to building structure.

Signage 4 and 5: Entry Portal, LED Illuminated

- Black ACM Clad around Internal Aluminum Frame with red illuminated strips, located around entry doors.

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 - B6 Merit Assessment of Side Boundary Setbacks

Warringah Development Control Plan - B7 Front Boundary Setbacks

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 1068612 , 776 - 780 Pittwater Road BROOKVALE NSW 2100
Detailed Site Description:	<p>The subject allotment is located on the south eastern side of Pittwater Road on land zoned E3 Productivity Support under the provisions of the Warringah Local Environment Plan 2011.</p> <p>The subject site is legally identified as Lot 1 in Deposited Plan No. 1068612, No. 776-780 Pittwater Road, Brookvale.</p> <p>The site has a surveyed area of 6,871m² with a frontage to Pittwater Road of 115.58 metres and 146.04 metres to Carter Road.</p> <p>The site has limited vegetation and no significant topographical features.</p> <p>Surrounding development generally consists of other vehicle sale premises, commercial and/or industrial uses.</p>

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 the following relevant history:

DA2005/0536

Development Application for new signage.
Determined on 2 November 2005.

MOD2005/0536/1

Section 4.55 Modification Application to relocate Monolith Sign.
Determined on

PLM2012/0086

Pre-lodgement Meeting held on 10 December 2012 for the construction of a vehicle sales and hire premises.

DA2013/0594

Development Application for the construction of a vehicle sales showroom.
Determined on 17 July 2013.

DA2016/0994

Development Application for the installation of new signage.
Determined on 8 November 2016.

Mod2016/0107

Section 4.55 (1) Misdescription - Modification of development consent DA2013/0594 granted for the construction of a vehicle sales showroom
Determined on 8 June 2016.

Mod2016/0133

Section 4.55 (1a) Minor Environmental Impact - Modification of Development Consent DA2013/0594 granted for Construction of a vehicle sales showroom .
Determined on 8 August 2016.

DA2021/1399

Development Application for the construction of business identification signage.
Determined on 18 October 2021.

DA2022/0127

Development Application for the erection of signage including alterations and additions to the main showroom.
Determined on 29 April 2022.

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 Matters for Consideration	Comments
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	Warringah Development Control Plan 2011 applies to this proposal.
Section 4.15 (1) (a)(iiiia) – 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 documentation has been submitted.</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 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 insurance requirements under the Home Building Act 1989. 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 the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of 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 2011 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</p>

Section 4.15 Matters for Consideration	Comments
	The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
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 30/10/2023 to 13/11/2023 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p><i>Supported, no conditions required.</i></p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no concerns with the application.</p> <p><u>Note:</u> The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Traffic Engineer	<i>Supported, no conditions required.</i>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	<i>Supported, subject to conditions.</i> The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
Roads and Maritime Service - Roads Act 1993, s138 (Non-integrated)	<i>Referral not required.</i> The proposed business identification signs are proposed wholly within the freehold property boundary of the subject site. As such, the proposed signs don't require referral to TfNSW under the Roads Act, 1993.

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

Ausgrid

Section 2.48 of Chapter 2 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 Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

Transport for NSW (TfNSW)

Section 2.119 - 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 signage is consistent with signage in the surrounding area. The proposed signage is not considered to impact the classified road or any users of the road. The application was referred to TfNSW but was sent back with the following statement *"The proposed business identification signs are proposed wholly within the freehold property boundary of the subject site. As such, the proposed signs don't require referral to TfNSW under the Roads Act, 1993."*

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 other fascia and pylon signage within the surrounding area. The surrounding area consists of industrial and commercial development , including vehicle sales.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the theme of outdoor advertising within the area. The replacement and refurbishment of the signage on site is consistent with the locality.	YES
2. Special areas Does the proposal detract from the amenity or	The proposed signage will not impact the amenity, heritage or environmental	YES

visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	areas. The proposed signage improves the existing signage which could be considered an improvement to the visual quality of the area.	
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed fascia signs are located on the existing building, and will not impact any important views. The new pylon sign will replace an existing pylon sign in the same location with generally the same height and dimensions.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	Several pylon signs existing within the immediate area for vehicle car sale development. An existing pylon sign exists but will be replaced, and is not considered to dominate the skyline.	YES
Does the proposal respect the viewing rights of other advertisers?	The proposal does not impact 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 and proportions of the signage are similar to that of the existing signage to be replaced and is consistent with the signage of the surrounding area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The updated signage includes a slight colour theme change that is considered to provide visual interest and enhance the character of the industrial setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is considered to be of a simplified design and will reduce clutter.	YES
Does the proposal screen unsightliness?	The subject site is not considered to consist of any unsightliness.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The fascia signs are located in the existing building. The existing pylon sign protrudes above the existing building, but is situated below majority of buildings within the area. The new pylon sign will be the same. No tree canopies are located within the immediate area.	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 signage is similar to that of the existing (with slight upgrades and colour changes etc.). It is considered that the proposal compatible with the scale, proportion and other characteristics of the site and building.	YES
Does the proposal respect important features of the site or building, or both?	The site does not consist of any important features.	YES
Does the proposal show innovation and imagination in its relationship to the site or	The signage demonstrates innovation and imagination in its relationship to	YES

building, or both?	the site and building.	
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 signage includes the Mitsubishi Motors Logo, as does the existing signage to be replaced.	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 signage include LED Illumination. The illumination is not considered to result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence. The SEE states that the Illumination complies with AS 1158 Lighting for Roads and Public Spaces and AS 4282 Control of the Obtrusive Effects of Outdoor Lighting as all Lighting is internal Low Intensity LED	YES
Can the intensity of the illumination be adjusted, if necessary?	No the illumination cannot be adjusted, but is considered to be low intensity illumination.	YES
Is the illumination subject to a curfew?	All Illuminated Signage hours strictly between Dusk and Midnight as stated within the SEE.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The signage is not considered to reduce the safety for any public road, pedestrians or bicyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is not considered to reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.	YES

3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground

- (1) *This section applies to an advertisement—*
 (a) *that has a display area greater than 20 square metres, or*
 (b) *that is higher than 8 metres above the ground.*

Comment

All proposed signage is less than 8.0 metres in height; the wall/fascia signs approximately 5.7 metres and the pylon sign approximately 7.9 metres. The proposed signage does not consists of any advertising with a display area that is in excess of 20 square metres. Therefore, this section does not apply.

3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

- (1) *This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible from the classified road.*

Comment

The proposed development is within 250.0 metres within a classified road, however as section 3.15 does not apply to the proposed development, therefore, neither will section 3.16.

3.20 Wall advertisements

(1) Only one wall advertisement may be displayed per building elevation.

Comment

The proposed signage is not defined as advertising but rather business identification signage. Therefore, this section does not apply.

3.21 Freestanding advertisements

(1) The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.

Comment

The proposed signage is not defined as advertising but rather business identification signage. The pylon sign is 7.0 metres in height, similar to that of the existing pylon sign to be replaced. The pylon sign does not dominate the skyline. The existing pylon sign protrudes above the existing building, but is situated below majority of buildings within the area.

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 commercial land use.

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
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Height of Buildings	11.0m	Pylon Signage: 7.0m Fascia Signage (on existing building): \approx 5.7m (from ground level) (All works located below 11.0m - no change to existing building height)	-	Yes
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Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.21 Flood planning	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Warringah Development Control Plan

Built Form Controls

Built Form Control	Requirement	Proposed	% Variation*	Complies
B5 Side Boundary Setbacks	Merit Assessment	Signage: 1.76m (closest point)	-	Yes
B7 Front Boundary Setbacks	Pittwater Road: 20.0m	Pylon Sign (Signage 1): 0.77m Fascia Sign (Signage 2A + 2B): 12.1m Dynamic Slope (Signage 3): 12.1m Entry Illumination Signs (Signage 4 + 5): 12.1m - 17.5m	96.15% 39.5% " "	No
	Carter Road: 20.0m	All Signage: > 20.0m	-	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	No	Yes
C2 Traffic, Access and Safety	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D7 Views	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D23 Signs	No	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Detailed Assessment

B6 Merit Assessment of Side Boundary Setbacks

Merit Consideration

The site is subject to a merit based assessment in relation to side setbacks.

The proposed signage is either located on the existing building with a side setback of 1.76m (closest point) or in the location of the existing pylon sign.

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

- ***To provide ample opportunities for deep soil landscape areas.***

Comment

The proposed signage will not alter any existing landscaping on site.

- ***To ensure that development does not become visually dominant.***

Comment

The proposed signage is attached to the existing building and includes a replacement pylon sign of generally the same height and dimensions. The signage is consistent with the surrounding area and other vehicle sales development signage and is not considered to be visually dominant.

- ***To ensure that the scale and bulk of buildings is minimised.***

Comment

The existing building height will remain the same, however with added signage. The signage will provide for visual interest and an upgrade to that of the existing signage.

- ***To provide adequate separation between buildings to ensure a reasonable level of amenity and solar access is maintained.***

Comment

No impacts in relation to unacceptable solar access or amenity will occur to surrounding

properties. The setbacks will remain consistent with that of existing development on site.

- ***To provide reasonable sharing of views to and from public and private properties.***

Comment

It is not considered that the proposal will result in unacceptable view loss.

Accordingly, this assessment finds that the proposal is supported on a merit basis, in this particular circumstance.

B7 Front Boundary Setbacks

Description of Non-Compliance

Clause D7 Front Boundary Setbacks stipulate that all structures should maintain a minimum setback of 20.0m to the road frontage.

The proposed signage exhibits the below front setbacks:

- Pylon Sign (Signage 1): 0.77m
- Fascia Sign (Signage 2A + 2B): 12.1m
- Dynamic Slope (Signage 3): 12.1m
- Entry Illumination Signs (Signage 4 + 5): 12.1m - 17.5m

The proposed signage is considered to exhibit front setbacks similar to that of the existing signage to be replaced.

Merit Consideration

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

- ***To create a sense of openness.***

Comment

The proposed signage will not impact the existing sense of openness on site, as the signage is generally located in the areas of existing signage to be replaced.

- ***To maintain the visual continuity and pattern of buildings and landscape elements.***

Comment

The signage is consistent with the visual continuity and pattern of buildings and landscape elements of the surrounding area and other vehicle sales development.

- ***To protect and enhance the visual quality of streetscapes and public spaces.***

Comment

The proposed signage is to upgrade the existing signage on site, which will provide for visual interest and enhance the visual quality of the streetscape.

- **To achieve reasonable view sharing.**

Comment

It is not considered that the proposed signage will result in unreasonable view sharing.

Accordingly, this assessment finds that the proposal is supported on a merit basis, in this particular circumstance.

D23 Signs

The application proposes six (6) pieces of signage consisting of the following:

Sign	Requirement	Width	Height	M ²	Complies
Signage 2A and 2B Awning fascia sign (attached to the fascia or return end of an awning)	Shall not project above, below or beyond the fascia or return end of the awning to which it is attached.	2A: 25.29m 2B: 17.5m	2A: 1.5m 2B: 1.5m	37.94m ² 26.25m ²	Yes
Signage 1 Pole or pylon sign (erected on a pole or pylon independent of any building or other structure)	Shall not be less than 2.6 metres above ground level; Shall not exceed 6 metres in height above the existing natural ground level; Must have a maximum area of no more than 4sqm on any single face; Shall not project beyond the boundary of the premises; and No more than one pole/pylon sign per site is permitted.	1: 2.03m	1: 7.0m	14.21m ²	No (Exceeds 6.0m in height)
Signage 3, 4 and Signage 5 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	3: 2.25m - 5.54m 4: 4.11m 5: 3.4m	3: 4.2m 4: 2.51m 5: 2.87m	- - -	No

	<p>the building to which it is attached;</p> <p>Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and</p> <p>Shall not project more than 300mm from the wall.</p>				
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Merit Consideration

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 proposed signage include the business identification name and logo (Mitsubishi Motors) which is located atop a fascia sign or pylon sign, and is consistent with the surrounding area. The proposed signage has been well designed and suitably located signs that allow for the identification of a land use, business or activity to which the sign relates. Sign 3 will project out from the wall and will cover part of an existing window, however will not cause any adverse impacts. Sign 4 and 5 are limited to illumination lighting around the entry doors. The proposed signage is of similar area to that of the existing signage being replaced in the same location. The additional structure and signage is Sign 3 - Dynamic Slope. This additional sign will add visual interest and a contemporary element to the existing building.

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

Comment

The materials used for the signage are of high quality/durable materials

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

Comment

The pylon sign is in excess of 6.0m in height (proposed height 7.0m), however, this is consistent with the existing pylon sign height and many other pylon signs within the vicinity, therefore is consistent with the streetscape and locality. The pylon sign is in the same location as the existing pylon sign and is not considered to result in an adverse impact on visual quality of view sight lines.

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

Comment

The signage faces Pittwater Road within an existing commercial/industrial area, and is located a fair distance from surrounding residential areas. The illumination of the signs will occur at dusk - midnight and will be of low Intensity LED.

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

Comment

The signage is not inappropriate and relates to the current business of the site. The signage is not located on, or within a heritage conservation area and will not impact open space areas.

An assessment of the application has also found the development to be consistent with the requirements of *State Environmental Planning Policy (Industry and Employment) 2021*. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

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

The proposal is subject to the application of Northern Beaches Section 7.12 Contributions Plan 2022.

A monetary contribution of \$ 598 is required for the provision of new and augmented public infrastructure. The contribution is calculated as 0.5% of the total development cost of \$ 119,539.

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;
- 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 Development Consent to DA2023/1493 for Replacement of an existing pylon sign and the installation of associated business identification signage on land at Lot 1 DP 1068612, 776 - 780 Pittwater Road, BROOKVALE, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
No. 02/09	Revision 03	Site Plan	EM Signs	13 October 2023
No. 03/09	Revision 03	Sign 1 - 7 MTR Pylon	EM Signs	13 October 2023
No. 06/09	Revision 03	Sign 2A - Fascia - North-West	EM Signs	13 October 2023
No. 07/09	Revision 03	Sign 2B - Fascia - North-East	EM Signs	13 October 2023
No. 08/09	Revision 03	Sign 4 - North-East Entry Portal	EM Signs	13 October 2023

No. 09/09	Revision 03	Sign 5 - North-West Entry Portal	EM Signs	13 October 2023
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Approved Reports and Documentation			
Document Title	Version Number	Prepared By	Date of Document
Waste Management Plan	-	-	-

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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	Ausgrid Referral Response	8 November 2023

(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. 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 Certifier 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 Certifier 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 Certifier 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.

4. 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 an 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 following is required:
 - i) Long Service Levy - Payment should be made to Service NSW (online or in person) or alternatively to Northern Beaches Council in person at a Customer Service Centre. Payment is not required where the value of the works is less than \$250,000. The Long Service Levy is calculated on 0.25% 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.
 - ii) Section 7.11 or Section 7.12 Contributions Plan – Payment must be made to Northern Beaches Council. Where the subject land to which the development is proposed is subject to either a Section 7.11 or 7.12 Contributions Plan, any contribution to which the development is liable under the respective plan that applies is to be paid to Council. The outstanding contribution will be indexed at time of payment in accordance with the relevant Contributions Plan.
 - iii) Housing and Productivity Contribution - Payment must be made on the NSW Planning Portal for development to which this contribution applies. The amount payable is subject to indexation at the time of payment.
- (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.), on the land to be developed, or within adjoining properties, shall be removed or damaged during excavation or 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) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.
- (n) 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 2018
- (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.

FEES / CHARGES / CONTRIBUTIONS

5. **Policy Controls**

Northern Beaches Section 7.12 Contributions Plan 2022

A monetary contribution of \$597.69 is payable to Northern Beaches Council for the provision of local infrastructure and services pursuant to section 7.12 of the Environmental Planning & Assessment Act 1979 and the Northern Beaches Section 7.12 Contributions Plan (as amended).

The monetary contribution is based on a development cost of \$119,538.65.

The total amount payable will be adjusted at the time the payment is made, in accordance with the provisions of the Northern Beaches Section 7.12 Contributions Plan (as amended).

Details demonstrating compliance, by way of written receipts issued by Council, are to be submitted to the Certifier prior to issue of any Construction Certificate or, if relevant, the Subdivision Certificate (whichever occurs first).

A copy of the Contributions Plan is available for inspection at 725 Pittwater Road, Dee Why or on Council's website at Northern Beaches Council - Development Contributions.

Reason: To provide for contributions in accordance with the Contribution Plan to fund the provision of new or augmented local infrastructure and services.

6. **Security Bond**

A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required 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, and details demonstrating payment are to be submitted to the Certifier 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.

BUILDING WORK – BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7. **Boundary Identification Survey**

A boundary identification survey, prepared by a Registered Surveyor, is to be prepared in respect of the subject site.

The plans submitted for the Construction Certificate are to accurately reflect the property boundaries as shown on the boundary identification survey, with setbacks between the

property boundaries and the approved works consistent with those nominated on the Approved Plans of this consent.

Details demonstrating compliance are to be submitted to the Certifier prior to the issue of any Construction Certificate.

Reason: To ensure all approved works are constructed within the subject site and in a manner anticipated by the development consent.

8. 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 Certifier prior to the issue of the Construction Certificate.

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

9. Waste Management Plan

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifier prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

DURING BUILDING WORK

10. Survey Certificate

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

(a) Commencement of perimeter walls columns and or other structural elements to ensure the wall or structure, to boundary setbacks are in accordance with the approved details.

(b) At ground level to ensure the finished floor levels are in accordance with the approved levels, prior to concrete slab being poured/flooring being laid.

(c) At completion of the roof frame confirming the finished roof/ridge height is in accordance with levels indicated on the approved plans.

Details demonstrating compliance are to be submitted to the Principal Certifier.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

11. Waste Management During Development

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifier.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

12. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

BEFORE ISSUE OF THE OCCUPATION CERTIFICATE

13. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To ensure bushland management.

14. Waste Management Confirmation

Prior to the issue of an Occupation Certificate, evidence / documentation must be submitted to the Principal Certifier that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

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

15. Illumination Intensity and design

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.

16. Signage Maintenance

The approved signage is to remain in good condition at all times. If any signage materials/components under this consent fails, they are to be repaired or replaced with similar materials/components.

Reason: To maintain local visual amenity.

17. Sign for business identification purposes

The approved signage is to be used for business identification purposes, with the signage content to relate to the sites use.

Reason: To ensure that the signage is used for its intended purposes.

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

Signed



Brittany Harrison, Planner

The application is determined on 06/12/2023, under the delegated authority of:



Adam Richardson, Manager Development Assessments