

18<sup>th</sup> June 2016

The General Manager  
Warringah Council  
Civic Centre  
725 Pittwater Road  
DEE WHY NSW 2099

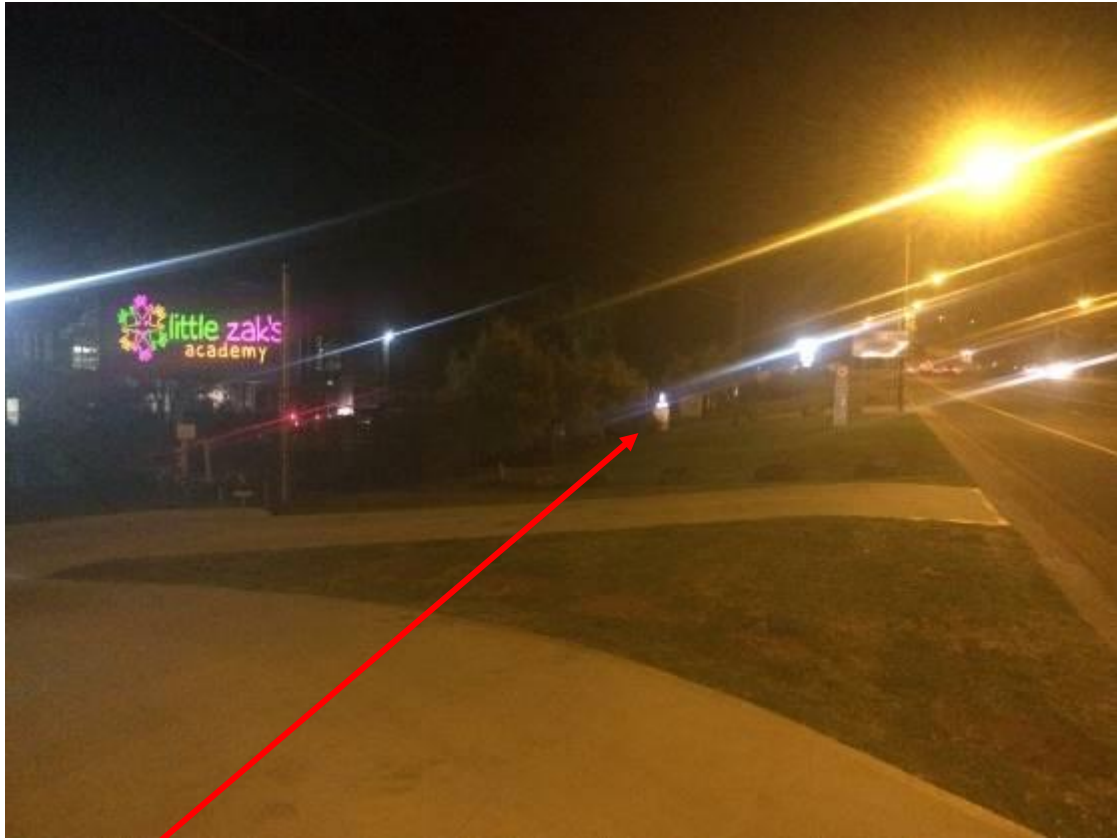
Dear Sir,

**Modification of Development Consent DA 2014/0427  
Alterations and Additions to Existing Premises and Use  
For Emergency Veterinary Service and Associated Signage  
Lot 27, DP 752017, 335 Mona Vale Road, Terrey Hills**

Reference is made to the subject development consent granted by Warringah Council on 22<sup>nd</sup> July 2014. Condition 17 was modified on 1<sup>st</sup> April 2015 to enable the approved business identification signage to be illuminated to enable an appropriate level of visibility at night for afterhours emergency clients.

We have again been engaged to prepare an application pursuant to section 96(1A) of the Act seeking modifications to the approved signage to change height, orientation and design in response to concerns raised by a majority of clients over the poor visibility of the signage as viewed from Mona Vale Road. Having inspected the site both during the day and at night it is clear that the setback of the property boundary and associated signage relative to the road alignment and its relative height which places it well below street and eye level, makes visual sign identification extremely difficult.

This submission is accompanied by a petition signed by over 450 clients of the Veterinary Hospital raising concern over way finding, particularly at night, given the height and alignment of the of the signage relative to Mona Vale Road. A photograph showing the poor signage visibility at night is at Figure 1 over page with a copy of the 450 signature petition at Attachment 1.



**Figure 1** - Existing approved sign as viewed from southern approach along Mona Vale Road at night

Section 96(1A) of the Act provides the appropriate statutory mechanism to facilitate such modification provided that Council is satisfied that the proposed modification is of minimal environmental impact, and it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

Whilst there are a number of authorities in relation to what represents substantially the same it is clear in this instance that an increase in the height of the signage and its re-orientation and improved graphics and illumination would not prevent the application from being deemed materially or substantially the same to that originally approved. Accordingly, the application is appropriately dealt with by way of Section 96 (1A) of the Act.

Photographs of the existing and proposed signage are at Figures 2 to 5 over page with the marked up proposed photographs demonstrating that the signage will not be perceived as inappropriate or jarring in a streetscape context. The proposed signage will however afford the level of visibility considered necessary for an emergency veterinary hospital use.



**Figure 1** – Relative height and alignment of existing sign to Mona Vale Road



**Figure 2** – Proposed 4 metre high sign relative to Mona Vale Road



**Figure 4** – Relative height and alignment of existing sign to Mona Vale Road



**Figure 5** – Proposed 4 metre high sign relative to level of Mona Vale Road (in red)

Having regard to the nature of the approved use and the objectives of the signage control it is considered that strict compliance with the signage height provisions is both unreasonable and unnecessary given the following:

- The afterhours emergency nature of the use dictates that the veterinary hospital use is readily identifiable particularly at night and given the inability to turn around on Mona Vale Road;
- This is particularly important given that the hospital is only accessible from Mona Vale Road which has an 80km speed limit and the fact that the hospital building is setback some 30 metres from the front boundary and screened by existing dense vegetation at the front of the property;
- If a member of the public who is likely transporting a sick or injured animal to the hospital at night misses the driveway entrance they will need to drive a further 3KM's to loop back to the property along Myoora Road.
- Readily identifiable illuminated business identification signage is extremely important given the nature of the use which does not in any way rely on passing trade.
- The property is not heritage listed or located within proximity of any residential receiver. As such there will be no adverse residential amenity or streetscape consequences.
- The relative height of the signage to Mona Vale Road will ensure that it remains predominately below the level of the road with the bottom 1 metre of the sign open and able to be landscaped.

Having regard to the assessment criteria contained within Schedule 1 of State Environmental Planning Policy No. 64 – Advertising and Signage we have formed the considered opinion that:

- The signage is compatible with the existing and desired future character of this precinct;
- The signage will not detract from the amenity or visual quality of any environmentally sensitive or residential area;
- The signage will not impact any scenic views or vistas;
- There will be no adverse or jarring streetscape consequences; and

- The illuminated signage will not give rise to unacceptable glare or impact the safety of vehicles or pedestrians.

Accordingly, we have formed the considered opinion that under such circumstances an increase in the height of the sign to 4 metres is acceptable, consistent with the objectives of the DCP and the assessment criteria contained within SEPP 64 and therefore strict compliance is both unreasonable and unnecessary under the circumstances.

Such variation succeeds pursuant to section 79C(3A)(b) of the Act which requires Council to be flexible in applying such provisions and allow reasonable alternative solutions that achieve the objects of DCP standards for dealing with that aspect of the development.

Whilst consideration has been given to the matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act, such considerations have not been detailed in the submission due to the minor nature of the works proposed and the paucity of associated impacts.

We trust that Council will give careful consideration to this request which will afford the level of visibility considered necessary for an emergency veterinary hospital use. Please do not hesitate to contact me to discuss any aspect of this submission.

Yours sincerely

**BOSTON BLYTH FLEMING PTY LTD**



**Greg Boston**  
B Urb & Reg Plan (UNE) CPP  
Director

**Attachment 1**      Petition for increased signage height and visibility