

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2021/0885
Responsible Officer:	Phil Lane
Land to be developed (Address):	Lot 1 DP 588603, 33 Oaks Avenue DEE WHY NSW 2099 Lot A DP 326907, 33 Oaks Avenue DEE WHY NSW 2099 Lot B DP 326907, 33 Oaks Avenue DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2021/1314 granted for Construction of business identification signage
Zoning:	Warringah LEP2011 - Land zoned B4 Mixed Use
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Jinyan Dee Why Pty Ltd
Applicant:	Y Squared Pty Ltd
Application Lodged:	18/11/2021
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	30/11/2021 to 14/12/2021
Advertised:	Not Advertised
Submissions Received:	2
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

"The purpose of this modification is to amend the following:

- Invert the colour scheme of Sign 1, delete the blue background, and maintain the colour of the building façade proper; and*
- Amend the hours of illumination to correlate to the approved hours of operation of the existing medical centre."*

DA2022/2487 - Use of Premises as a medical centre has been approved by Council on 4 March 2022 which sought an extension of the approved hours under the original approved Complying Development Certificate - CDC2021/0607 First use and internal fitout to tenancy 1 as a medical centre on 25 June 2021 as follows:-

Existing (approved hours via CDC):

- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 7.00 am to 8.00 pm

Approved hours by Council via DA2022/2487:

- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 8.00 am to 10.00 pm

Given the above the signage will be conditioned to correlate with the DA approved hours via DA2022/2487.

Existing:

- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 7.00 am to 8.00 pm

Proposed:

- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 8.00 am to 10.00 pm

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 - D12 Glare and Reflection

Warringah Development Control Plan - D23 Signs

SITE DESCRIPTION

Property Description:	Lot 1 DP 588603 , 33 Oaks Avenue DEE WHY NSW 2099 Lot A DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099 Lot B DP 326907 , 33 Oaks Avenue DEE WHY NSW 2099

Detailed Site Description:

The subject site is identified as 33 Oaks Avenue, Dee Why, and is legally described as Lots A & B DP 326907 and Lot 1 DP588603.

The site is irregular in shape and exhibits an area of approximately 5,854sqm. The subject site is zoned B4 Mixed Use and is subject to the applicable provisions of the Warringah Local Environmental Plan (WLEP2011). The proposed works relate to Tenancy 9C which forms part of the larger Dee Why Market Shopping Centre.

The current site comprises a single level neighbourhood shopping centre with dual street frontage of approximately 79m to Oaks Avenue on the north boundary and 31m to Pacific Parade to the south boundary.

Map:



- Monday to Friday – 7.00 am to 10.00 pm
- Saturday, Sunday and public Holidays – 8.00 am to 10.00 pm"

The above Development Application was approved on 4 March 2022.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

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

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

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2021/1314, in full, with amendments detailed and assessed as follows:

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

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons: The proposed modifications to the Sign 1 (background) and modification of hours are considered to be of minimal environmental impact.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2021/1314 for the following reasons: It is considered that proposed works and modification to the hours are substantially the same as approved under DA2021/1314 as they alter the background of Sign 1 and seek to align the hours of operations of the sign in line with the approved hours of operation of the medical centre.
(c) it has notified the application in	The application has been publicly exhibited in

Section 4.55(1A) - Other Modifications	Comments
accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Notification & Submissions Received" in this report.

Section 4.15 Assessment

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

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

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	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 retail/business purposes for an extended period of time. The proposed development retains the business use of the site, and is not considered a contamination risk.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.

Section 4.15 'Matters for Consideration'	Comments
Regulation 2000)	Clauses 54 and 109 of the EP&A Regulation 2000 allow Council to request additional information. No additional information was requested in this case. Clause 92 of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition in the original consent. Clause 98 of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.
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	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (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.
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 30/11/2021 to 14/12/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and

Assessment Regulation 2000 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 2 submission/s from:

Name:	Address:
Wyndham Fitzgerald Cramer	257 / 28 Oaks Avenue DEE WHY NSW 2099
Ms Shirley Hedy Taylor	259 / 28 Oaks Avenue DEE WHY NSW 2099

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

- Illumination (hours & intensity)
- Health and well being (sleep deprivation)/amenity
- SEPP 64 and Streetview/streetscape
- Signage out of character
- Devaluation

The matters raised within the submissions are addressed as follows:

- Illumination (hours & intensity)

Comment: A number of concerns were raised about the hours of illumination outside the hours of consent (until 11pm) and the intensity of illumination (glare) from the recently installed sign (sign 1).

The applicant has stated there was an issue with the timer set for sign 1 which now has been rectified. It is noted that DA2021/2487 - Use of Premises as a medical centre which sought to extension the hours of operations for Saturday, Sunday and public holidays from 8am to 10pm has now been approved by Council.

Given the above the hours of illumination will be conditioned to the hours of operations of the medical centre to maintain amenity. Additionally Condition 9 of the original consent (DA2021/1314) will be amended to ensure that the level of illumination and/or lighting intensity is in accordance with AS4282.2019 - Control of the Obtrusive Effects of Outdoor Lighting to ensure that excessive light spill or nuisance is not caused to any nearby premises.

It is considered that these issues/concerns have been adequate addressed and do not warrant refusal and/or further amendment via condition(s).

- Health and well being (sleep deprivation)/amenity

Comment: A number of submissions was raised relating to health (well being) including sleep deprivation and amenity. It is noted that the proposed signage will be over 30m at the closest point from the Lighthouse Development (northern side of Oaks Avenue) which is considered to be of adequate spatial separation to ensure reasonable amenity. Additionally, the above conditioning for the hour operations of illumination and the level intensity (illumination) condition will be amended to ensure that reasonable levels of amenity (including health/well being).

It is considered that these issues/concerns have been adequate addressed and do not warrant refusal and subject amendment via condition(s).

- SEPP 64 and Streetview/streetscape

Comment: One submission raised that issue that the proposal was inconsistent with SEPP 64 - Advertising and Signage stating that the signage was incompatible with the surrounding signage and visually unappealing.

The amended sign 1 has altered the background from the approved blue and maintained the white background of the building façade which is considered to will further visual reduce the signage and ensure a better streetscape outcome. Additionally, an ongoing condition will be modified to ensure that this outcome (no painting of the front façade outside the red dotted line on the original approved plans and the bubble around so the whole façade does not appear as signage).

It is considered that these issues/concerns have been adequate addressed and do not warrant refusal and/or further amendment via condition(s).

- Signage out of character

Comment: Council concurred that the original proposal (signage) was out of character. Council requested a number of reductions on the original submitted plans with the Development Application which saw two (2) additional revisions from the applicant. Conditions were added to further reduce the signage and ensure a better streetscape outcome.

It is considered that these issues/concerns have been adequate addressed and does not warrant refusal subject to further amendment via condition(s).

- Reject modification request

Comment: Issues were raised by an objector about the proposed modification of Condition 8 below:-

The applicant proposed to modify Condition 8 Hours of Illumination as follows:-

*"Illumination of signage at the subject premises shall cease ~~between 10:00pm and 7:00am~~
~~Monday to Saturday and 8:00pm and 7:00am on a Sunday or a public holiday~~ outside the
approved hours of operation.*

Signs must not flash, move or be constructed of neon materials."

Council believes that the hours of the operations for the sign(s) should be consistent with the hours of operations of the medical centre and therefore must be conditioned separately as the hours of the signage can not be tied to another Development Application Consent.

The condition will be amend as follows:-

"Hours of Illumination

*Illumination of signage at the subject premises shall cease between 10:00pm and 7:00am
Monday to Friday and 10:00pm and 8am Saturday, Sunday or a public holiday.*

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination. (DACPLG11)"

Given the above it is considered that this issue has been adequately addressed and does not warrant refusal of this application subject to condition(s).

REFERRALS

No referrals were sent in relation to this application

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

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

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

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

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

SEPP 55 - Remediation of Land

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 residential purposes for an extended period of time. The proposed development retains the residential use of the site, and is not considered a contamination risk.

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
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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 compatible with the existing and desired future character of the area considering the mixed use nature of the area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the signs and other signage within this established mixed use area.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage will not detract from any environmentally sensitive areas, natural or other conservation areas, open space, rural landscapes or residential areas.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	The proposed sign will not obscure or hinder any views or vistas.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign will not dominate the skyline or reduce the quality of vistas, given the siting and the modest heights of the signs.	YES
Does the proposal respect the viewing rights of other advertisers?	The signage is solely intended to represent and advertise the approved land use of the building only i.e. Our Medical Dee Why	YES
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of the signage is largely as existing, and considered appropriate and consistent with the established mixed use nature of the surrounding area.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The digital nature of certain sign is contemporary in design and will contribute to the visual interest of the streetscape and store setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage will not create visual clutter and will improve the overall appearance of the building as a result of the modern design features.	YES
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The modified sign is appropriate in height and scale, remaining comfortably below the maximum allowable height of 16m & 24m.	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 modified sign is considered compatible with the streetscape and surrounding development in regard to scale and proportion.	YES
Does the proposal respect important features of the site or building, or both?	The modified sign 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 are a contemporary advanced signage, having regard to the electronic nature of certain signs.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The modified sign consists of Our Medical Dee Why logo, which is an integral part of the signage scheme. The sign also entails lighting, safety structures and cabling. These features are not proposed or intended to be integral to the main signage message and are to support the signage content itself.	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 is located over 30m away from residential properties which is considered adequate spatial separation. Coupled with the background changes from the original proposal and maintaining suitable conditions it is considered that proposal will not create unacceptable glare or detract from the amenity of residential properties.	YES
Can the intensity of the illumination be adjusted, if necessary?	A condition will be maintained to ensure that the intensity of illumination to be adjusted (if necessary).	YES
Is the illumination subject to a curfew?	The hours of illumination will be conditioned to be in accordance with the hours of operations of the medical centre therefore ensuring reasonable amenity for surrounding residential properties.	YES
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The modified proposal is not considered likely to affect the safety of any public road, pedestrians or cyclists.	YES
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The modified proposal would not obscure sightlines from public areas.	YES

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

Warringah Local Environmental Plan 2011

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

Principal Development Standards

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Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Height of Buildings:	16m & 24m	9.3m	9.3m	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
Part 1 Preliminary	Yes
Land Use Table	Yes
Part 4 Principal development standards	Yes
4.3 Height of buildings	Yes
Part 5 Miscellaneous provisions	Yes
5.21 Flood planning	Yes
Part 6 Additional Local Provisions	Yes
6.4 Development on sloping land	Yes
Part 7 Dee Why Town Centre	Yes
7.3 Objectives for development within Dee Why Town Centre	Yes
7.4 Development must be consistent with objectives for development and design excellence	Yes
7.5 Design excellence within Dee Why Town Centre	Yes
7.6 Height of buildings	Yes
7.10 Allowance for external ancillary plant and roof access	Yes
7.11 Town Square and pedestrian connections	Yes
7.12 Provisions promoting retail activity	Yes

Warringah Development Control Plan

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part A Introduction	Yes	Yes
A.5 Objectives	Yes	Yes
Part C Siting Factors	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
Part D Design	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D23 Signs	Yes	Yes
Part E The Natural Environment	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
Part G Special Area Controls	Yes	Yes
Notes	Yes	Yes

Detailed Assessment

D12 Glare and Reflection

The level of illumination has been raised by two (2) residents within the Lighthouse Residential Development during the notification of this application. It is noted that Condition 9 of the original Development Application Consent (DA2021/1314) stated:-

"9. 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. (DACPLG12)"

This condition will remain unaltered by this proposed modification to ensure that reasonable amenity for nearby and surrounding properties.

D23 Signs

The application proposes a modification to the background of Sign 1 from blue to white. The following assessment of this sign remains unaltered from the original assessment below:

Sign	Requirement		Width	Height	M ²	Complies
Wall sign (painted onto a wall of a building or attached to the wall of a building, not being a sign elsewhere listed in this table)	Shall not extend within 200mm of the top and sides of the wall. Shall not cover any window or architectural projections; Must be of a size and shape that relates to the architectural design of the building to which it is attached; Where illuminated, shall not be less than 2.7 metres above the existing natural ground level ground; and Shall not project more than 300mm from the wall.	Sign1	10m	2.6m	26sqm	Yes

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

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

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.

CONCLUSION

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2021/0885 for Modification of Development Consent DA2021/1314 granted for Construction of business identification signage on land at Lot 1 DP 588603,33 Oaks Avenue, DEE WHY, Lot A DP 326907,33 Oaks Avenue, DEE WHY, Lot B DP 326907,33 Oaks Avenue, DEE WHY, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

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

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
802-90.21 (Issue No. 5)	5 November 2021	Y Squared Architects

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

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

B. Modify Condition 8 - Hours of Illumination to read as follows:

Illumination of signage at the subject premises shall cease between 10:00pm and 7:00am Monday to Friday and 10:00pm and 8:00am on a Saturday, Sunday or a public holiday.

Signs must not flash, move or be constructed of neon materials.

Reason: To ensure residential premises are not affected by inappropriate or excessive illumination and ensure consistency with the approved hours of operations of the medical centre. (DACPLG11)

C. Modify Condition 9 - Illumination Intensity and design

The level of illumination and/or lighting intensity used to illuminate the signage is to demonstrate compliance with the requirements of AS4282.2019 - Control of the Obtrusive Effects of Outdoor Lighting to ensure that excessive light spill or nuisance is not caused to any nearby premises.

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

D. Modify Condition 10 - Existing Façade and existing slats to read as follows:

Approval is only granted for Sign 1 and Sign 3 within the red dotted rectangles demonstrated on the original approved plan and on the modified plan. Sign 2 for the above door sign is also approved. The existing façade surrounding Sign 1 is to be maintained in accordance with the finish of the building proper and not be a blue colour to avoid the whole facade appearing as signage.

Additionally, the slats surrounding Sign 3 are to maintained with the finish of the building proper and not

be a blue colour to avoid the whole facade appearing as signage.

Reason: Streetscape, amenity and compliance with SEPP 64 Advertising and Signage.

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

Signed



Phil Lane, Principal Planner

The application is determined on 04/03/2022, under the delegated authority of:



Rodney Piggott, Manager Development Assessments