

27 June 2025

Water Vista Cafe Pty Ltd
8 Rainforest Street
BOX HILL NSW 2765

Dear Sir/Madam,

Development Application No: Mod2025/0304 for Modification of Development Consent DA2021/1851 granted for Construction of signage at 14 South Steyne MANLY.

An assessment has been undertaken of your application. The assessment has found that it is unsatisfactory in its current form for the reasons identified below:

- **Insufficient information**

The following information/documentation is required to complete the assessment of the application:

- 1. Signage Design**

The signage design submitted does not contain enough information to assess the extent and type of signage proposed. Plans have not been submitted that include scaled plans, font types or construction details of each sign. Regardless of the issues outlined below (see points 3-6), the current details on the plans are not supported as they are insufficient to assess the requested changes.

- 2. Heritage Report**

Council Heritage officer notes that the proposal of modification is not supported with a correctly updated Heritage Impact Statement or heritage advice. Any proposal to make alterations to a Heritage place is required to address the heritage nature of the building and demonstrate how the changes are appropriate from a heritage perspective.

The heritage report submitted is a prior revision that contains additional plans (not to scale – see point 1) and colour palettes that have not been supported by the discussion in the document, and is therefore not supported.



- **Issues**

The following is a list of the issues and concerns identified in the assessment that cannot be supported:

3. Extent of Modifications – s4.55(1a) *Environmental Planning and Assessment Act 1979*

The application seeks to modify the external colour palette and the signage via a modification of Development Consent DA2021/1851 which related solely to the 'Construction of Signage'. The existing colours were approved via consent in a separate consent (DA2021/0318) as annotated on the plans and cannot be modified via a section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Notwithstanding, Council has assessed the proposed Dulux 'Iced Pink' colour detail proposed and this colour is not supported on the Heritage building (see Point 4). A separate application is required for council to formally consider any changes to DA2021/0318.

4. Proposed Sign 1 – Proposed Neon signage facing South Steyne

Under section 4.4.3 Signage of the *Manly Development Control Plan 2013*, signs are required to be integrated into the architectural style and finish of the building and must not have an adverse impact on the streetscape in terms of unobstructive design, colour, height, size and scale.

The existing painted signage facing South Steyne is proposed to be replaced with a wall mounted neon sign with specifications of approx. 1.2m wide x 2.3m high, identified as Sign 1. This is significantly larger and more brightly illuminated than the existing signage.

Sign 1 is not considered appropriate from a heritage perspective due to its prominent location on the heritage item, light illumination, size, scale and colour. Heritage is not supportive of a wall mounted neon sign in this location, however alternative options such as a dimly lit wall mounted light box of an appropriate size and scale could be considered.

In addition, the current signage facing South Steyne only includes a modest wall painted lettering and a small lightbox which matches sympathetically to the adjacent signage of the in South Steyne. This end of South Steyne is largely contained within the R3 Medium Density Residential Zoning, and Business Identification Signage in this location currently is made up of subdued external lighting to the existing SP3 Tourist zoned site. An extension of the character of signage evident in the Manly Local Centre E1 is not supported in this location. Therefore, the proposed external neon signage on the Heritage Building, in the R3 Residential zone is not supported.



5. Proposed Sign 2 & 3 – Flat wall signs

The scope of the proposed works includes the removal of the existing signage located at the rear of the building which will be painted over to match the existing building colour. Removal of the current wall sign to the laneway facing residential units is supported.

The proposal also includes the replacement of two existing hand-painted signs facing Victoria Parade with two new hand-painted signs, identified as Sign 2 and Sign 3.

Signage Colour

The Council Heritage officer considers that the proposed shade of pink is incompatible with the heritage item and would detract from the aesthetic significance of the building. It is recommended that the signage adopt a more muted or earthy tone of pink that is complementary to the primary colour of the building. Further, the design and size of the signs is not clear from the proposal. Sign 2 is of specific concern as it does not specify a finalised design and appears to be much larger than the existing sign in this location.

Sign specifications

The size specification of Sign 2 and Sign 3 are unclear as the size measurements marked on the plans has been re-used from the previous plans of DA2021/1851 and has not been updated with the size specifications of the new signages (see point 1).

As such, Signs 2 and 3 are not supported.

6. Repainting of External Building Elements - Change of approved Colour Palette to 'Iced Pink'

Notwithstanding this application cannot modify this element of the proposal, the following comments have been provided to assist.

The proposal to paint the window sashes, door panels, timber framing of bay windows and acoustic screens with the proposed colour is Dulux 'Iced Pink' is not supported. The colour has been assessed against the requirements of Heritage Places and Council's Heritage officers do not support the use of this colour for the trim details. The colour is considered to detract from the aesthetic cohesion of the building and would have an unacceptable impact on the heritage item and its setting.

Under Section 3.2 Heritage Considerations: Section 3.2.2.2 Retaining Significant Features and Landscape Setting of the *Manly Development Control Plan 2013*, external colour schemes of heritage items are to be in keeping with the original character of the heritage building. Heritage recommends the use of a sympathetic colour with a muted tone that is similar to the existing dark blue colour used on the trim.



- **Objector's concerns**

The previous planning applications on this site have attracted a significant number of submissions. Once the submission period closes, you are encouraged to review the submissions that have been lodged in relation to the application and consider any design solutions that may resolve relevant concerns.

Submissions that are available online in accordance with the Northern Beaches Community Participation Plan can be viewed on Council's website at the following link, using the application number as a reference:

<https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Public/XC.Track/SearchApplication.aspx>

Options available to the Applicant

Council is providing you with two (2) options to progress your application:

1. Prepare and submit further supporting information/amendments to address the above issues. Please carefully read the below advice if you choose this option.
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application.

Please advise of your selected option by responding **within 7 days of the date of this letter** by email sent to council@northernbeaches.nsw.gov.au marked to the attention of the assessment officer. Should Council not receive your response by this date, Council will determine the application in its current form.

Submitting further information/amendments

Council will offer **one** opportunity to provide feedback on conceptual amendments addressing the issues raised in this letter. We strongly request that you contact the assessment officer directly for a 'without prejudice' discussion on your proposed resolution of the issues and the submission requirements **before** lodging any documentation on the NSW Planning Portal.

Conceptual amendments must be provided to Council for feedback **within 14 days of the date of this letter**. If conceptual amendments are deemed sufficient, we will then provide you with a timeframe upon which an amended application is to be lodged on the NSW Planning Portal (generally 14 days).

Please ensure that the amended/additional information submitted on the NSW Planning Portal is a genuine attempt to resolve the issues as Council will generally not seek any further information/amendments after that point. Council will proceed to assess and determine the application based on the submitted information without further consultation. Whilst we will provide feedback on your conceptual amendments in good faith, this cannot guarantee the approval of the amended application.

As part of any amended application, it may be necessary to update your supporting documentation (e.g., BASIX certificate, bushfire report, geotechnical report, etc.). Failure to do so may affect Council's ability to determine the application favourably.



Please ensure that any amendments are accompanied by a summary/schedule of amendments cover sheet.

Council reserves its right under section 37 of the *Environmental Planning and Assessment Regulations 2021* not to accept any information/amendment if it is not considered to be a genuine attempt to resolve the issues. In which case, Council will inform you that the changes have not been accepted and the application will proceed to be determined.

This process has been established to ensure an efficient and responsible level of service which meets the requirements of the Department of Planning and Environment's *23A Guidelines on withdrawal of Development Applications 2023*, Ministerial Orders *Statement of Expectations 2021* and the *Development Assessment Best Practice Guide 2017*.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021*, you are advised that this application was accepted on **16 June 2025** and **11 days** in the assessment period have now elapsed.

This letter will be released on Council's webpage as part of the application's documentation.

Should you wish to discuss any issues raised in this letter, please contact Adriana Bramley on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Adriana Bramley
Principal Planner