



Report to Sydney Central City Planning Panel

Panel Reference	2018SWC051
DA No.	DA/712/2016/D
LGA	City of Parramatta
Proposed Development	Section 4.55 (1A) Modification application to an approved 2 x 5 storey Residential Flat Building comprising of 130 units with 2 levels of basement car parking.
	The modifications include retrospective approval for the use of the 2 x signage structures for the purposes of 'building identification' (located on Cliff Road and Carlingford Road) and 4 signs and changes to conditions of consent.
Street address	1 Cliff Road, Epping
Applicant / Owner	Gordon HLHS Epping Pty Ltd / Gordon HLHS Epping Pty Ltd
Date of DA	1 March 2018
Lodgement	
No. of Submissions	15 submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP) State and Regional Development 2011	The parent application was determined by the former Sydney West Joint Regional Panel.
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No. 64 – Signage and Advertising • Hornsby Local Environmental Plan 2013 • Hornsby Development Control Plan 2013
Report prepared by	Denise Fernandez. Senior Development Assessment Officer
Report Date	14 May 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard has been received, has it been attached to the assessment report? N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? No

Conditions

Have draft conditions been provided to the applicant for comment?

N/A

Refusal

1. Executive summary

This report considers modifications to an approved 2 x 5 storey Residential Flat Buildings. The modifications seek retrospective approval for the use of signage structures as 'building identification' signs, provision of 4 signs as well as changes to conditions of consent as a result of the proposed modifications.

Assessment of the application against the relevant planning framework has identified fundamental issues, in particular that the signs do not provide identification of a building which is contrary to the purpose of a building identification sign. The application is therefore unsatisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel refuse the application and support the reasons for refusal.

2. Key issues

- a. The application proposes 4 signs, 2 of which were constructed without Council approval. The signs are located on 2 signage structures that are existing which were constructed either without a Construction Certificate or a Council consent.
- b. There is insufficient information received that demonstrates which of the building signs relate to the residential flat buildings. This is contrary to the purpose of a building identification sign and is therefore not permissible.
- c. The signs create cluttering in the streetscape and are contrary to the provisions under SEPP 64.
- d. As the modifications are not permissible and does not comply with the requirements under SEPP 64 and HDCP 2013, the modification application cannot be supported.

3. Site context

The subject site is located within the Cliff Road, Epping Precinct.

Hornsby DCP 2013 notes the key development principles for the precinct as providing residential flat buildings of varying heights in garden settings with parking in basement. The precinct should also:

- Promote access from local streets.
- Sites are subject to amalgamation and maintain pedestrian access from Hazlewood Place to Kent Street Reserve.
- Provide broad setbacks along street frontages and locate communal open spaces to retain existing trees that are prominent streetscape features
- Maintain the significant vegetation adjoining Kent Street reserve to the north of the precinct
- Surround / screen new buildings with canopy trees and shrubs
- Limit the width of new facades visible from the street and divide new buildings in well-articulated pavilion forms

- Adjoining heritage items and conservation areas: ensure garden setbacks, heights, building forms and design features are compatible with values.



Figure 1: Cliff Road, Epping Precinct

4. Site description and location

4.1 The Site

As noted above, the site is located within the Cliff Road, Epping Precinct.

The subject site is known as 1 Cliff Road, Epping in SP 96568. The site is generally rectangular in shape with 3 street frontages. Cliff Road bounds the site to the north and east and Carlingford Road to the south.

The site currently contains 2 x 5 storey residential flat buildings comprising 130 units with 2 levels of basement car parking. Vehicle access is located to the east of the site. The site area is 5571m².

The site is opposite the Epping Baptist Church to the east, Epping train station to the south-east and Boronia Park to the south. The site is also within proximity to the Rosebank Avenue Conservation Area to the north and Epping Town Centre to the south.

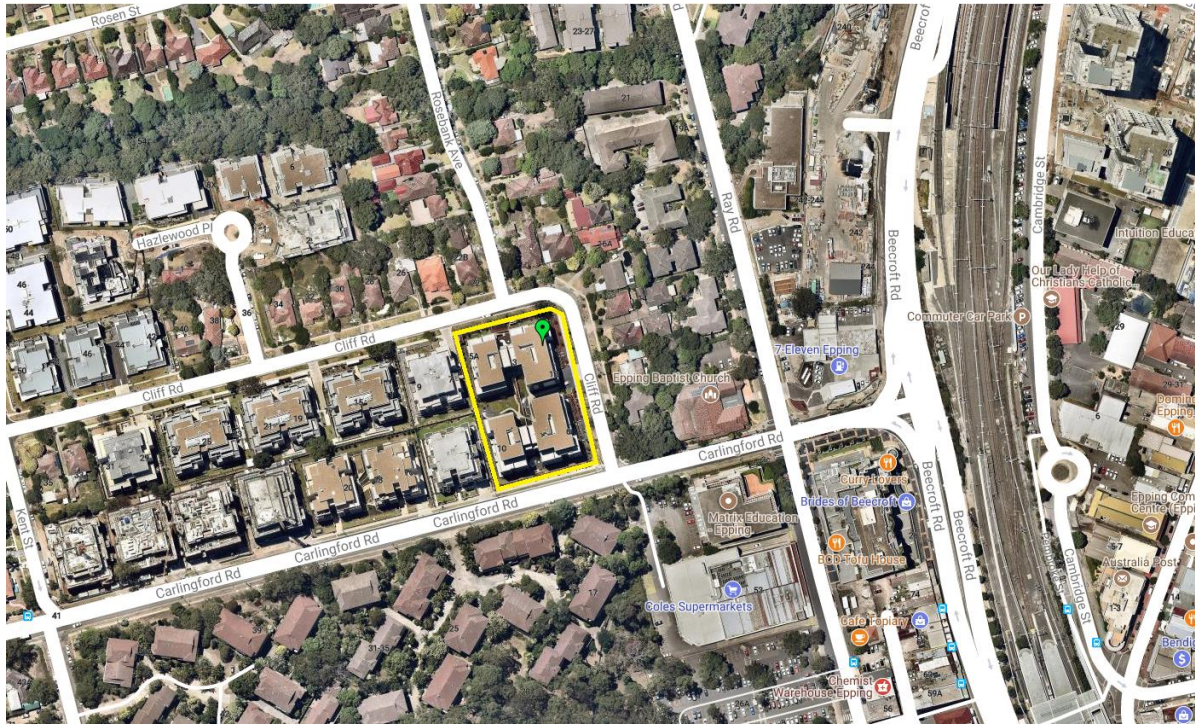


Figure 2: Land the subject of DA/712/2016/D outlined in yellow.

4.2 Examples of Building Identification signs in the area

The following images are examples of existing building identification signs in the area. These signs are legible which can be understood by the wider community as well as demonstrating design and form similarities to the building to which it relates.



Figure 3: Building identification sign on 7 – 9 Cliff Road.



Figure 4: Building identification sign on 11-27 Cliff Road.

5. Development Application History

5.1 Determination of Parent Application

The subject site was formerly under the Hornsby LGA until Council amalgamations in May 2016 when part of Epping became part of the City of Parramatta LGA.

The application for the demolition of existing structures and construction of 2 x 5 storey residential flat buildings comprising of 130 units and two levels of basement car parking was lodged with Hornsby Council as DA/625/2015 and determined by the former Sydney West Joint Regional Panel, at its meeting of 4 November 2015.



Figure 5: Carlingford Road (southern elevation) Elevation as approved under the parent application.

The first modification application associated with the parent application (DA/625/2015/A) was under assessment with Hornsby Council and following the Council amalgamations on May 2016, was then transferred to City of Parramatta Council for determination and given a new DA reference number being DA/712/2016.

It is noted that the parent approval did not include building identifications signs for the development.

5.2 Related Applications

Since the parent application was determined by the former Sydney West Joint Regional Panel, a series of modification applications have been determined by City of Parramatta Council. The details of these applications are as follows.

Table 1: Related applications table

Application	Details
DA/712/2016 (Under CoP) & DA/625/2015/A (under Hornsby Council)	<p>Section 96 (1A) modification application to an approved 2 x 5 storey RFB containing 130 units with 2 levels of basement car parking.</p> <p>The modifications include changes to Condition 20 which relates to an increase in basement car parking and storage spaces as well as the modification to finished floor levels.</p> <p>This application was determined under delegation on 11 August 2016.</p>
DA/712/2016/A	<p>Section 96 (1A) modification application to an approved 2 x 5 storey RFB containing 130 units with 2 levels of basement car parking.</p> <p>The modifications included changes to Condition 31 which relates to an increase in construction work hours. The application was refused under delegation on 17 February 2017.</p>
DA/712/2016/B	<p>Section 96 (1A) modification application to an approved 2 x 5 storey RFB containing 130 units with 2 levels of basement car parking.</p> <p>The modifications included changes to the Level 4 balcony areas and Level 4 mezzanine balcony areas including privacy screen locations. The application was approved under delegation on 31 March 2017.</p>
DA/712/2016/C	<p>Section 96 (1A) modification application to an approved 2 x 5 storey RFB containing 130 units with 2 levels of basement car parking.</p> <p>The modifications included the construction of a fishpond, building identification signs and modification to a boundary fence on Cliff Road.</p> <p>Under this application, the structure which forms the fishpond that is internal facing is the same structure which provides a platform for a sign (Sign 1 - written in Chinese characters) and addresses the Cliff Road frontage. In addition, above the fishpond is another sign (Sign 2) which states, "Gordon Elysee Epping". Refer below.</p>

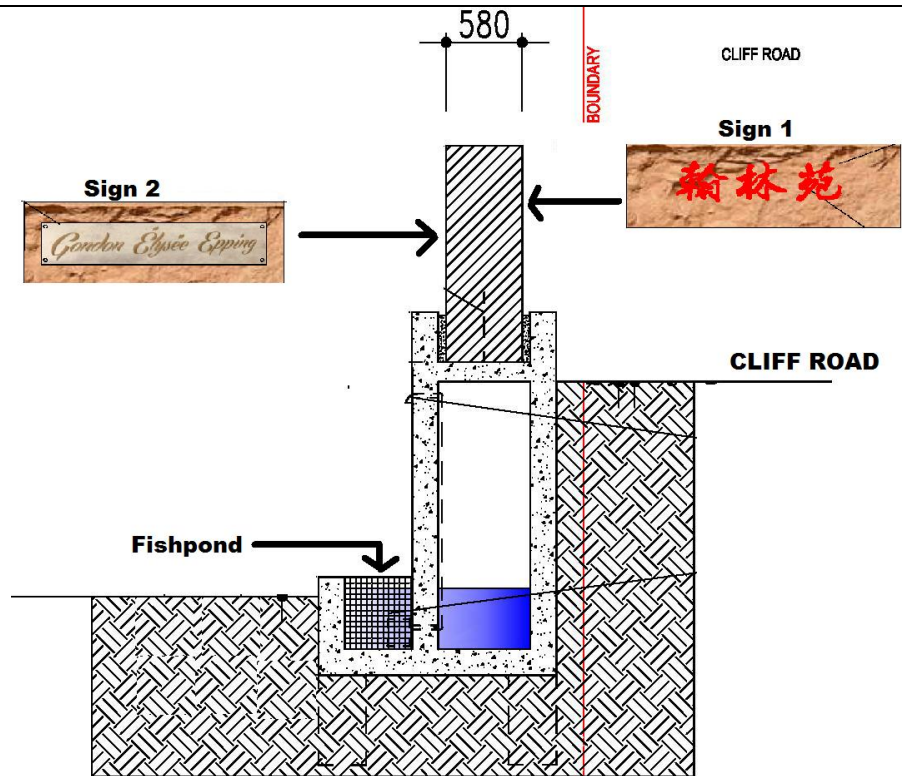


Figure 6: Location of Sign 1 and 2 and fishpond under DA/712/2016/C

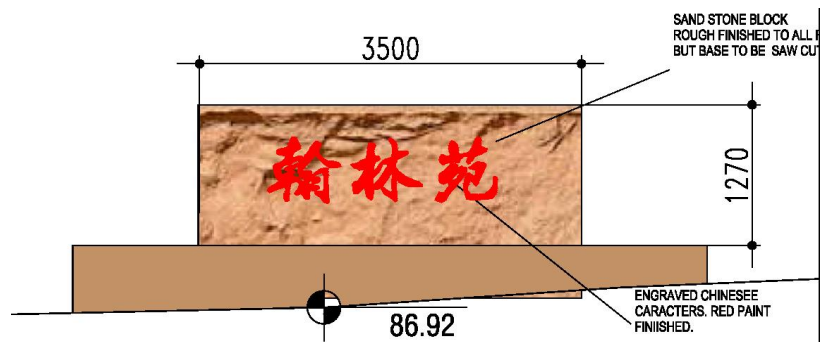


Figure 7: Location of Sign 1 facing Cliff Road (elevation view from Cliff Road).

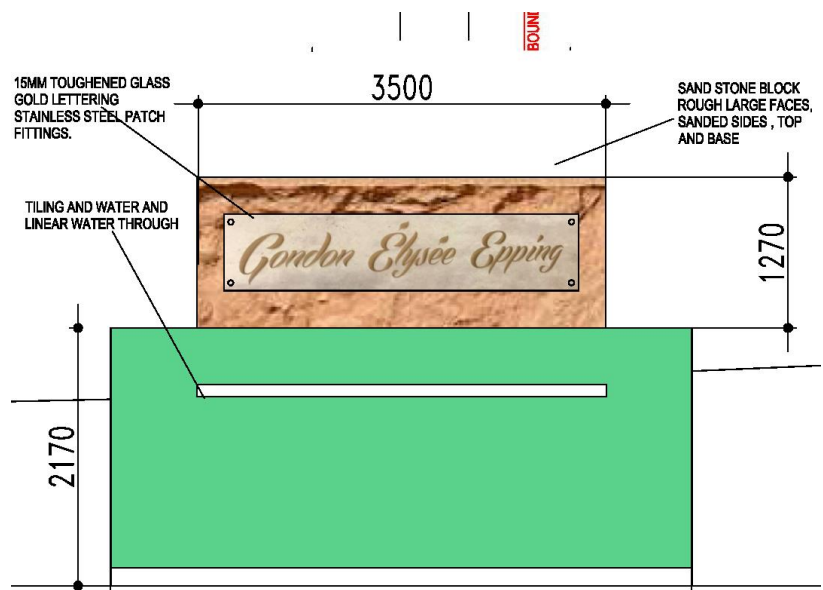


Figure 8: Location of Sign 2 above the fishpond (elevation view from within the site).

	<p>It is noted that Sign 1 which contains the Chinese characters was not supported under the modification application. Accordingly, Condition 3A was imposed to delete the sign from the plans and to reinstate the lapped and capped fencing along Cliff Road to screen the sandstone structure from the streetscape.</p>
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5.3 Unauthorised Works

As a result of Council investigations, it was observed that Sign 1 (which was not an approved element under DA/712/2016/C) was constructed. A review of the images from NearMaps indicate that the structure was constructed circa July 2017. See image below.

The signage structure that addresses Cliff Road has a maximum height of 1.8 metres with a width of 4 metres and is made of sandstone. It does not appear that a Construction Certificate was issued for this signage structure and as previously mentioned, is subject to a separate application under BC/22/2018.



Figure 9: Sign 1 as built (viewed from Cliff Road).



Figure 10: Sign 2 as built (viewed from within the site).

Another signage structure was also constructed along Carlingford Road, which reads “Gordon Elysse”. This signage (Sign 3) and structure does not have Council approval.



Figure 11: Unauthorised sign (Sign 3) and structure on Carlingford Road.

It is noted that Building Certificate (BC/22/2018) also includes the as-built signage structure on Carlingford Road.

6. The Proposal

The proposed modifications comprise of:

- Retrospective approval for the use of the existing sandstone structure for the purposes of a 'building sign' that addresses Cliff Road (Sign 1). The sign reads:

翰林苑

The Chinese characters are in red and measure approximately 500mm in height. A statement by a Certified Translator has been submitted which translates to English to read 'Imperial Academy Park'.

- Installation of an additional sign (Sign 4) that is to be located below Sign 1. The sign measures 1519mm x 327mm and contains, 'Gordon Elysee Epping'.
- Installation of a smaller sign (Sign 5) on the Cliff Road signage structure to be located alongside Sign 4 and is to be 200mm x 200mm in dimension. This sign is to contain the English translation and meaning behind Sign 1. This sign is to contain the following explanation:

The Chinese language name of these apartments that appears to the right. A literal translation of these character is 'Imperial Academy Park'. This phrase describes an academy housing intellectuals in the service of ancient Chinese emperors. In the present context, the Chinese name signifies that the residential apartments are part of a community that values and respects education.

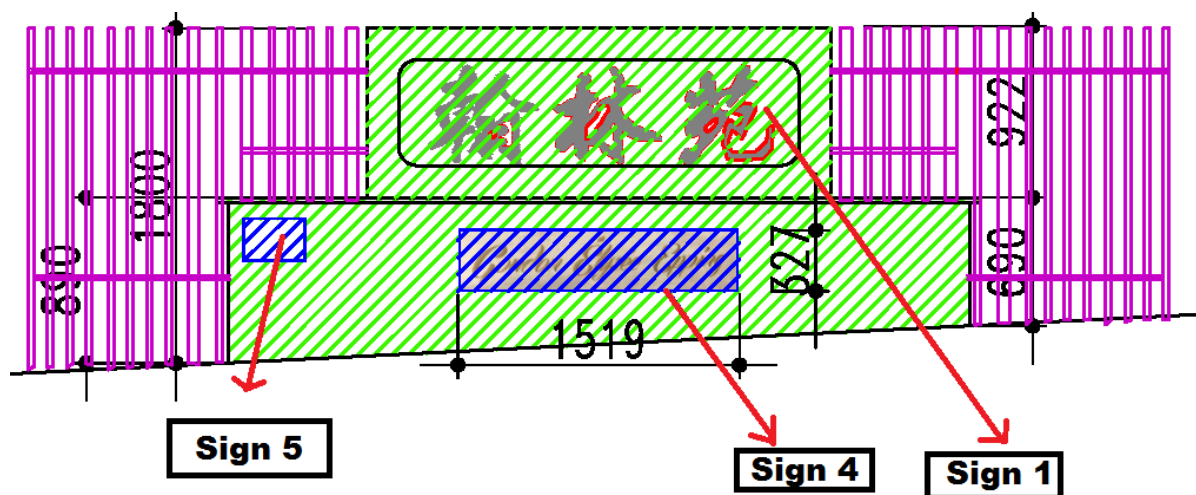


Figure 12: Proposed signs on Cliff Road frontage.

- Retrospective approval for the use of the sandstone structure on the Carlingford Road frontage for signage (Sign 3). The sign contains a logo 'G' with 'Gordon Elysee' located beneath the letter 'G'. Sign 3 is approximately 2063mm x 1300mm in dimension.

It is noted that the as-built Sign 3 is currently black in colour. However, the submitted plans appear to change the colour of 'Gordon Elysee' to red.

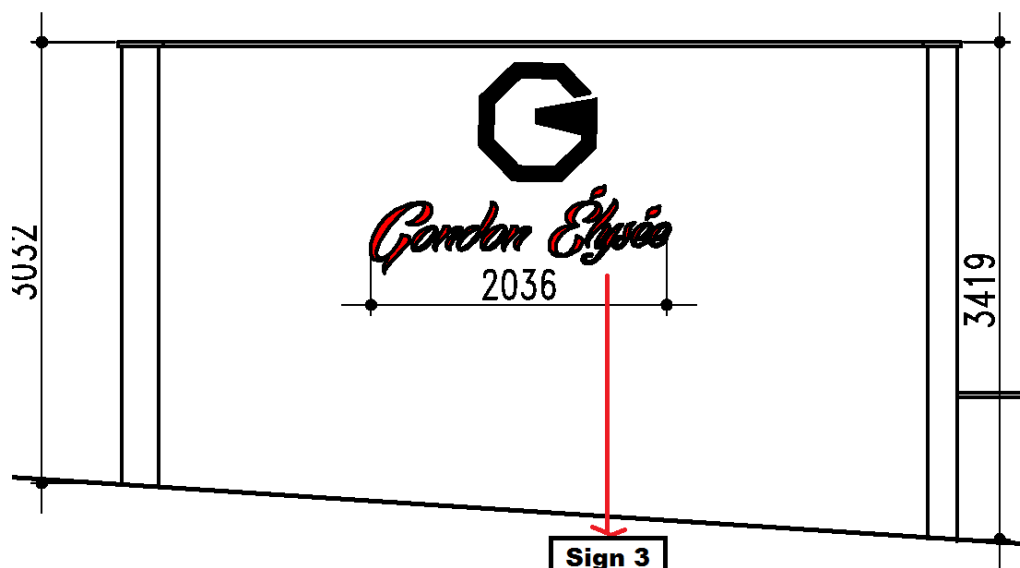


Figure 13: Proposed sign (Sign 3) on Carlingford Road frontage.

- The signage structure on Carlingford Road is constructed from sandstone and solid in nature. The structure has a maximum height of 3.419 metres with a width of 5.7 metres. This structure was constructed without Council consent.

As a result of the abovementioned modifications, the following conditions are also to be modified.

Table 2: Proposed modification to conditions of consent

Condition No.	Condition
Amend Condition 1	<p>Amend Condition 1 to reflect the amended plans approved under the subject application and delete redundant plans superseded by the amended plans.</p> <p>The plan to be deleted include:</p> <ul style="list-style-type: none"> - 1610S96L – Rev B, 'Proposed Fountain and Rock – Elevations, views and Section A-A', Drawn By: Atelier One. Dated 20 March 2017. <p>The plans to be included:</p> <ul style="list-style-type: none"> - Building Identification sign details. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 26 February 2018. - Cliff Road Elevation. Drawing No. 1610S96BC01. Revision C. Drawn By Atelier One. 22 February 2018. - Proposed Site Plan. Drawing No. 1610S96BC01. Revision C. Drawn By Atelier One. 22 February 2018. - Floor Plans, Elevation, Section. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 22 February 2018. - Site Plan (1). Drawing No. 1610S96BC06. Revision B. Drawn By Atelier One. 26 February 2018. - Proposed Site Plan (2). Drawing No. 1610S96BC01. Revision B. Drawn By Atelier One. 21 February 2018. <p>Amend Condition 1 to omit "...and endorsement with the Council's stamp".</p> <p>Amend Condition 1 to omit "...by Council and/or"</p>

Insert Condition 1A	<p>Without limiting the generality of other provisions of this development consent, this development consent authorises (from the date that this condition is inserted into the development consent) the use - for the purposes of the residential flat buildings -of the works identified as:</p> <p>a) 'Works as executed that are unauthorised under DA/712/2016/C'; and b) 'Works as executed that are authorised under DA /712/2016/C but built without Construction Certificate', in the drawings listed in Condition 1.</p>
Delete Condition 3A	<p>Condition 3A states:</p> <p>The approved plans are to be amended as follows:</p> <p>a) The sandstone block and signage with Chinese characters is not to be visible from the street. The proposed Street Elevation plan shall be amended to reinstate the timber lapped and capped fence.</p> <p>Please note: <i>As amended by modification C (DA/712/2017/C)</i></p>
Amend Condition 4	<p>Condition 4 states:</p> <p>a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.</p> <p>b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.</p> <p>The above condition is to be amended to include the following:</p> <p>c) A Construction Certificate is to be obtained for the additional wall signs on Cliff Road (ie. Signs 4 and 5) as illustrated on Floor Plans, Elevation, Section. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 22 February 2018 despite any preconditions set out in this development consent.</p>

7. Permissibility

Zoning and permissibility

The site is zoned R4 High Density Residential under the provisions of HLEP 2013. The modifications relate to an approved residential flat building. The modification application considers the signs to be 'building identification signs'.

HLEP 2013 defines a **building identification sign** as *a sign that identifies or names a building and that may include the name of a building, the street name and number of building and a logo or other symbol but does not include general advertising of products, goods or services.*

Whilst all the signs (with the exception of Sign 5) refer to 'names' as per the above definition, the application has failed to demonstrate how these signs identify or relate to the building on the site.

Sign 1 in isolation cannot be understood by the public without an understanding of the Chinese language. As such, the building on the site cannot be identified by all users and is therefore not a "building identification sign". This is further highlighted by the introduction of Sign 5 which is not a translation of the Chinese sign, but rather a philosophical statement of

the sentiment of Sign 1. For this reason, both Sign 1 and Sign 5 are not permissible on the site as they are not 'building identification signs'.

The application has also not demonstrated how the remaining signs (Sign 4 and 5) relate to the approved residential flat building notwithstanding that they contain similar content. These signs are not located in a location such as an entrance that readily identifies the specific residential flat buildings. There is ambiguity to their purpose and meaning when viewed by the wider public.

Due to the lack of clarity at how each of the signs relate to the approved residential flat buildings, it is considered that insufficient information has been received to demonstrate how these signs are "building identification signs" and are therefore not permissible on the site.

Zone objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining an application. The objectives for the R4 zone are:

- *To enable for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Planning Comment

As the modifications to the signage fails to demonstrate how they relate to the building and that they are intelligible to the wider public, it is not considered to be assisting in the provision of housing needs (ie. the approved residential flat building to which the sign relates) of the community within a high density residential environment.

8. Referrals

Table 3: Referrals

Building Surveyor	Council's Building Surveyor confirmed that a Building Certificate for the as-built sandstone structures has been lodged with Council which is currently under assessment.
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9. Section 4.55 (1A) Modifications involving minimal environmental impact

SECTION 4.55(1A) MATTERS OF CONSIDERATION

Has the consent lapsed?

No – Consent 625/2015 (Hornsby Reference Number) is valid until 11 August 2021 had physical works not commenced.

Section 4.55(1A) Modification Minimal Environmental Impact

The proposed modifications are of minimal environmental impact. The modifications relate only to the as-built signage structures and signs affixed to the structures and conditions of consent relating to the signs and impacts are localised.

Substantially the same development

The parent application approved the construction of 2 x 5 storey Residential Flat Building. The proposed modifications relate to the signage and structure associated with the RFBs. The modifications in this instance do not change the approved RFB given that:

- The RFB maintains the approved height, FSR and building setbacks as originally approved.
- The design excellence of the RFB is maintained.
- The changes sought under the subject application relates to ancillary signage structures and therefore do not alter the bulk and scale of the RFB or change any amenity impacts to adjoining development.

Notification & Submissions

The application has been notified in accordance with Section 1B.5 – Notification and Exhibition of HDCP 2013. Owners and occupiers of surrounding properties were given notice of the application for a 14 day period between 3 April 2018 and 17 April 2018.

Fifteen submissions were received.

It is noted that no amended plans were submitted.

The issues raised in the submissions are as follows.

Table 4: Submissions

Issue	Comment
Heritage	
<ul style="list-style-type: none">- Impact on Heritage Conservation area- Signs should be consistent with the heritage conservation area streetscape- View of sign (Sign 1) from Rosebank Avenue is contrary to the neighbourhood character	The number of signs that does not relate to the building on the site results in a cluttered appearance on the streetscape which does not contribute positively to the interface between Cliff Road and the Rosebank Heritage Conservation Area. For this reason, the modifications to the signs cannot be supported.
Signage (Content)	
<ul style="list-style-type: none">- Non-English language signage excludes wider population- Concern raised with the use of a non-English sign in the locality.	The provision of an English translation for a building identification sign would not be unreasonable to allow for the wider community to identify the building on the site. However on this instance, the Chinese character signage cannot be considered as a building identification sign as defined under the LEP for the reasons expressed under 'Permissibility' above.
Signage (Misleading/Advertising)	
<ul style="list-style-type: none">- Signage is advertising- Not easily understandable	Sign 1 is not legible to the wider public and via translation of Sign 5 does not name or identify the buildings and

<ul style="list-style-type: none"> - Signage refers to a 'school district' - The RFB is not an academy - The interpretation of the Chinese sign is not of a suitable size or located appropriately for the purposes of translating the sign. 	<p>expresses a philosophy or sentiment and therefore cannot be considered a building identification sign.</p>
<p>Signage (Character and Aesthetics)</p> <ul style="list-style-type: none"> - Chinese sign is dominant - Signs are inconsistent with character - Inappropriate scale - Colour of sign is inappropriate - Inconsistent with other signs in the locality - A Chinese sign is not appropriate on a residential street. - Signs are inconsistent with the signage controls pursuant to HDCP 2013. 	
<p>Unauthorised Works</p> <ul style="list-style-type: none"> - Signs are illegally constructed - Signs are contrary to conditions of consent - Signs will set a precedence that approval conditions can be ignored. 	
<p>Social Impacts</p> <ul style="list-style-type: none"> - The sign, particularly Sign 1 is exclusionary. - Non-English sign is a target for vandalism 	
<p>Precedent</p> <p>Non-English signs would set an unacceptable precedent</p>	

translations for non-English signs both under SEPP 64 and HDCP 2013 suggest that non-English signs are acceptable.

Notwithstanding, for the purposes of a building identification sign, it is not that unreasonable to provide an English translation to allow all users to easily identify the building to which it relates.

9.1 Conciliation Conference

On 11 December 2017, Council resolved that:

“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices”.

As stated above, the modification application received 15 unique submissions during the notification period and in accordance with the Council resolution, a Conciliation conference was required to be held.

However, the applicant has since lodged an appeal with the Land and Environment Court pursuant to Section 8.7 of the EP&A Act and as a result, a Conciliation conference was not held.

10. Section 4.15 Assessment

10.1 State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)

The proposal involves the use of as-built structures for the display of signage and the installation of new signage in association with existing residential flat buildings.

The details of the signs are as follows:

Sign 1

Sign 1 contains 3 Chinese characters coloured in red which is mounted on a sandstone structure. The dimensions are 2053mm x 500mm. The sign translates to ‘Imperial Academy Park’. The as-built sign is mounted on a sandstone structure that addresses Cliff Road.

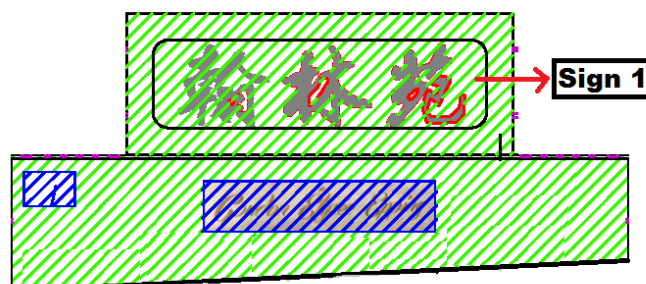


Figure 14: As-built sign on Cliff Road frontage.

Sign 4

Sign 4 is a sign proposed on the sandstone structure located on Cliff Road. Sign 4 is to be located below Sign 1 and measures 1519mm x 327mm and contains the words, 'Gordon Elysee Epping'.

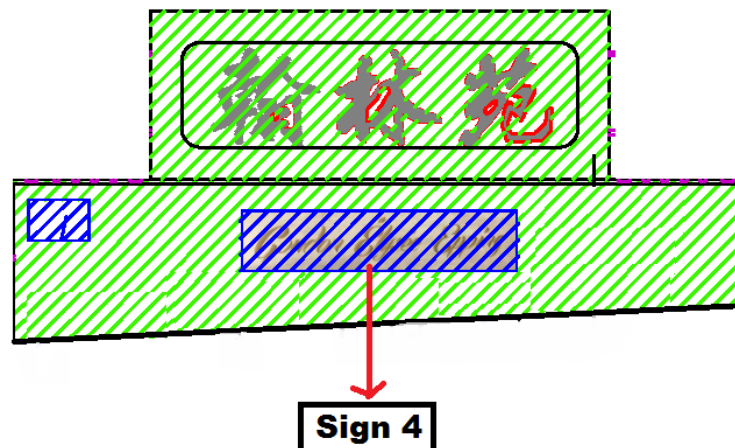


Figure 15: Proposed Sign 4 on Cliff Road frontage.

Sign 5

Sign 5 is a sign also proposed on the sandstone structure located on Cliff Road. The sign is located to the left of Sign 4 and below Sign 1. The dimensions of the sign are 200mm x 200mm. This sign is to contain the English translation and meaning behind Sign 1. This sign is to contain the following explanation:

The Chinese language name of these apartments that appears to the right. A literal translation of these characters is 'Imperial Academy Park'. This phrase describes an academy housing intellectuals in the service of ancient Chinese emperors. In the present context, the Chinese name signifies that the residential apartments are part of a community that values and respects education.

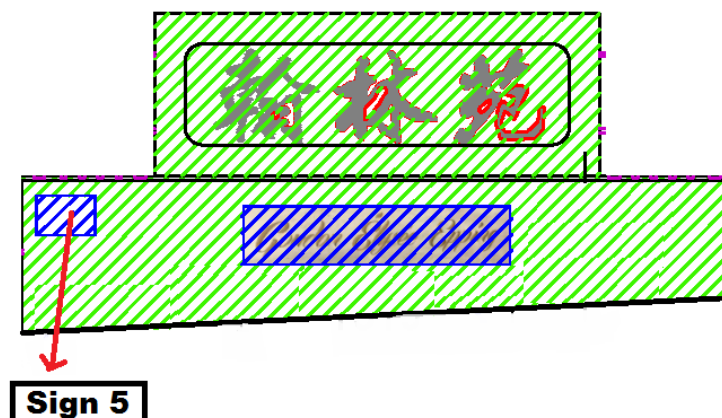


Figure 16: Proposed Sign 5 on Cliff Road frontage.

Sign 3

Sign 3 is an as-built free-standing sign located on a sandstone structure on Carlingford Road. The sign contains a logo 'G' and below 'Gordon Elysee'. The dimension of this sign is approximately 2063mm x 1300mm.

It is noted that the as-built Sign 3 is currently black in colour. However, the submitted plans appear to change the colour of 'Gordon Elysee' to red.

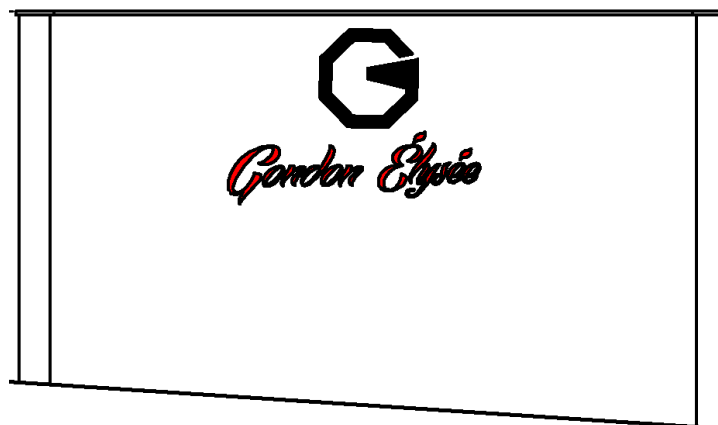


Figure 17: As built Sign 3 on Carlingford Road.

The word 'Gordon' and 'G' are a registered trademarks and the name of the applicant of the subject application.

"Elysee" is a reference to the French palace which is the official residence of the president of France or the French Government.

10.1.1 Considerations under SEPP 64

The following table provides an assessment of the considerations under SEPP 64 with regards to the signs subject of this application.

Table 5: SEPP 64 compliance table

Consideration	Compliance
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>No</p> <p>Cliff Road is generally residential in nature and is undergoing a change from low density to high density developments.</p> <p>Insufficient information has been received that demonstrates how each of the signs relate to the building on the site, which is contrary to the purpose of a building identification sign. Sign 1 does not allow the wider community to identify the building. Sign 5 is not a 'name' that is compliant with the definition of a "building identification sign". The remaining signs (4 and 5) whilst referring to a "name" and are similar in content have not demonstrated how it relates to the building. Not only do these issues raise an issue with permissibility, but that the number of signage with different content results in incompatibility with the existing and future character of the area.</p> <p>Concern is also raised that the signage structures on both frontages have no sympathy to the building in material and form or to the landscape setting therefore exacerbating its incompatibility with the character of the area.</p>

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>N/A</p> <p>The signs subject of this application are not advertising in nature.</p>
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>Yes</p> <p>Due to the number of signs located on Cliff Road that do not relate to the building on the site, there is an adverse impact to the streetscape appearance and interface with the heritage conservation area on Rosebank Avenue.</p>
3 Views and vistas	
Does the proposal obscure or compromise important views?	<p>No</p> <p>The signs do not obscure or compromise important views.</p>
Does the proposal dominate the skyline and reduce the quality of vistas?	<p>No</p> <p>The proposal does not dominate the skyline.</p>
Does the proposal respect the viewing rights of other advertisers?	<p>N/A</p> <p>This is not a zone where advertising is permissible.</p>
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>No</p> <p>The subject site benefits from ample street frontages both on Carlingford Road and Cliff Road.</p> <p>The material of the signage structures (on which the signage is attached to) on both Cliff Road and Carlingford Road do not appear to be sympathetic to the amenity of the streetscape or to the constructed residential flat building.</p> <p>The signage structures on both street frontages are not considered in proportion or in sympathetic in form with the fencing material nor with the landscaping within the front setback. As a result, the scale of the signage structures and signs are exacerbated despite the ample street frontages.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p>No</p> <p>As above, the signage structures and therefore the signs appear out of context with the constructed residential flat building and the streetscape as it is not sympathetic in design, colour or materials. As such, the signage and structures detract from the visual interest of the streetscape.</p>

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No In respect of Cliff Road, the signage number within the residential zoned interface is considered excessive, particularly as the signs have no coherent purpose or design consistency which creates clutter.
Does the proposal screen unsightliness?	No The proposal does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
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?	No The materiality and design of the signs / structures do not appear to be complimentary to the characteristics of the site or building. Further, it does not relate to the fencing or landscaping existing on the site, increasing the perception of a 'bulky' signage structure at a pedestrian level.
Does the proposal respect important features of the site or building, or both?	No As a result of the inconsistent material and signage content, the scale of the signs are exacerbated, reducing any features of the site and existing building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No The signage structures are inconsistent in form and design with the residential flat building on the site and therefore does not demonstrate an innovative relationship with the site or 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?	N/A The proposal does not require safety devices.
7 Illumination	
Would illumination result in unacceptable glare?	No The proposal will not result in unacceptable glare as the signs are not illuminated.

Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A The signs will not be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A
8 Safety	
Would the proposal reduce the safety for any public road?	No The proposal will not reduce the safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	No The proposal will not reduce the safety for any pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No The proposal will not obscure sightlines from public areas.

10.2 Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines (Guidelines) 2007 are guidelines which *'outline best practice for the planning and design of outdoor advertisements' in transport corridors, such as along or adjacent to classified roads, freeways, tollways, transitways and railway corridors, or on bridges or road and rail overpasses'*. These guidelines complement the provisions of SEPP 64.

Carlingford Road is identified as a classified road. The signage subject of this modification application relates to signage on Carlingford Road. However, the signage covered under the guidelines relate only to outdoor advertising and signage which *"....promote a product, service, event or any other activity or charity or business that would derive a benefit from the display of the advertising"*. The signs subject of this application however, do not contain advertising. As such, the guidelines are not applicable to the modifications.

10.3 Hornsby Local Environmental Plan 2013

It is noted that the following table relates only to the as-built signage structures. There are no changes under the subject modification application to the constructed residential flat building that would otherwise alter the approved height, FSR or impacts on heritage and earthworks in accordance with Consent No. 625/2015.

Table 6: HLEP 2013 compliance table

Standard	Proposal	Compliance
Height – Max. 17.5m	Structure on Cliff Road – Max. 1.8 metres Structure on Carlingford Road – Max. 3.419m	Yes

FSR	The signage structures do not result in additional gross floor area / FSR.	N/A
Acid Sulphate	The signage structures are existing and no further changes to the soil conditions are proposed.	N/A
Earthworks	No further earthworks are proposed under the subject application.	N/A

10.4 Hornsby Development Control Plan 2013

Compliance tables are provided below as it relates to the proposed modifications only:

Table 7: DCP 2013 compliance table

Part 1 – General		Complies
1C.1.4 Earthworks and slope	No further earthworks are proposed under the subject application.	N/A
1C.2.1 Transport and Parking	No changes are proposed under the modification application that would otherwise change the approved parking arrangements under Consent No. 625/2015.	Yes
1C.2.3 Waste Management	Apart from additional signage, no other works are proposed that would generate unreasonable waste that was not considered under the parent application.	Yes
1C.2.5 Noise and Vibration	The proposed modifications do not increase the noise and vibration currently experienced on the site.	N/A
1C.2.7 Crime Prevention	The signs with multiple names do not allow for identification of the building on the site which can result in safety risks for the user when trying to locate the building.	No
1C.2.9 Landscaping	The signs and structures do not appear to be cohesive or contribute to the landscape setting.	No
1C.2.11 Signage (Desired Outcomes)	The multiple signs as well as the materiality of the signage structures are considered to be incompatible with the character of the locality as it exacerbates the scale of the signs.	No
Signage (Prescriptive Measures – General)	<ul style="list-style-type: none"> - As previously stated elsewhere in this report, the signs subject of this application does not provide clarity to the name of the residential flat buildings it relates due to the different content on each sign. - The signs are not integrated with the architecture of the building. - The multiple signs on the structure on Cliff Road results in visual clutter. - The signage structure on the Carlingford Road frontage exceeds 2.6 metres which is the maximum height (above a footpath) where the sign is not flush with the wall. This further contributes to the visual bulk of the sign. 	No

3.4.4 Height	See LEP discussion.	Yes
3.4.5 Setbacks	<p>For buildings with a corner frontage –</p> <ul style="list-style-type: none"> - Front boundary setbacks (10m can be reduced to 8m for a max of 1/3 of the building width). - Side boundary setbacks to apply to all other boundaries (6m and can be reduced to 1/3 of the building width). <p>The signage structures are located on the boundary of either Cliff Road or Carlingford Road. These structures do not have a setback.</p> <p>It is noted that the subject modifications do not change the building setbacks of the constructed residential flat building on the site.</p>	N/A
3.4.6 Building Form and Separation	No changes are proposed to the form and separation of the approved residential flat buildings.	Yes
3.4.7 Landscaping	<p>Whilst the modifications with regards to the signs do not significantly reduce the amount of landscaping on the site, the application has not demonstrated that the signs contribute to the landscape setting within the front setbacks.</p> <p>It is noted that Control 3.4.7 – Landscaping (f) – Retention of Landscape Features specifically requires that ancillary structures should be setback to allow for the provision of a landscape setting.</p>	No
3.4.14 Key Development Principles - Cliff Road Precinct	The only relevant principle to the proposed modifications relate to the landscape setting. This has been discussed elsewhere in this report. See 3.4.7 – Landscaping discussion.	No

Part 9 – Heritage

Complies

9.4 Development in the Vicinity of heritage items	See Consideration 2 – Special Areas of SEPP 64 for detailed discussion.	Yes
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The modifications which relate to the conditions of consent as a result of the proposed changes to the signs and their assessment are as follows:

Table 8: Assessment of proposed conditions of consent

Condition No.	Condition
Amend Condition 1	<ul style="list-style-type: none"> • Amend Condition 1 to reflect the amended plans approved under the subject application and delete redundant plans superseded by the amended plans. <p>The plan to be deleted include:</p> <ul style="list-style-type: none"> - 1610S96L – Rev B, 'Proposed Fountain and Rock – Elevations, views and Section A-A', Drawn By: Atelier One. Dated 20 March 2017.

	<p>The plans to be included:</p> <ul style="list-style-type: none"> - Building Identification sign details. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 26 February 2018. - Cliff Road Elevation. Drawing No. 1610S96BC01. Revision C. Drawn By Atelier One. 22 February 2018. - Proposed Site Plan. Drawing No. 1610S96BC01. Revision C. Drawn By Atelier One. 22 February 2018. - Floor Plans, Elevation, Section. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 22 February 2018. - Site Plan (1). Drawing No. 1610S96BC06. Revision B. Drawn By Atelier One. 26 February 2018. - Proposed Site Plan (2). Drawing No. 1610S96BC01. Revision B. Drawn By Atelier One. 21 February 2018. <ul style="list-style-type: none"> • Amend Condition 1 to omit “...and endorsement with the Council's stamp”. • Amend Condition 1 to omit “...by Council and/or”
<p><u>Planning Comment</u></p> <p>Had the application been recommended for approval, Condition 1 would have been updated to reflect the amended plans submitted with the modification application.</p> <p>With regards to the omission of references to Council's stamp and Council, the application has not provided reasons for the deletion of these words to the condition. And as the proposed modifications are not supported, the changes to Condition 1 by omitting references to Council, is also not supported.</p>	
<p>Insert Condition 1A</p>	<p>Without limiting the generality of other provisions of this development consent, this development consent authorises (from the date that this condition is inserted into the development consent) the use - for the purposes of the residential flat buildings -of the works identified as:</p> <p>a) 'Works as executed that are unauthorised under DA/712/2016/C'; and</p> <p>b) 'Works as executed that are authorised under DA /712/2016/C but built without Construction Certificate', in the drawings listed in Condition 1.</p>
<p><u>Planning Comment:</u></p> <p>The documentation submitted with the modification application gives no justification or reason for the inclusion of the above condition.</p> <p>Notwithstanding, the modification application is to be refused as discussed elsewhere in this report. As such, any changes in the conditions of consent are also not supported.</p>	
<p>Delete Condition 3A</p>	<p>Condition 3A states:</p> <p>The approved plans are to be amended as follows:</p> <p>a) The sandstone block and signage with Chinese characters is not to be visible from the street. The proposed Street Elevation plan shall be amended to reinstate the timber lapped and capped fence.</p> <p>Please note: <i>As amended by modification C (DA/712/2017/C)</i></p>
<p><u>Planning Comment</u></p>	

The modifications subject of this application, for reasons stated elsewhere in this report cannot be supported. Accordingly, the abovementioned condition is to remain.

**Amend
Condition 4**

Condition 4 states:

- d) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- e) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

The above condition is to be amended to include the following:

- f) A Construction Certificate is to be obtained for the additional wall signs on Cliff Road (ie. Signs 4 and 5) as illustrated on Floor Plans, Elevation, Section. Drawing No. 1610S96BC07. Revision B. Drawn By Atelier One. 22 February 2018 despite any preconditions set out in this development consent.

Planning Comment

As the modifications to the signs are not supported for reasons stated throughout this report, the above amendment to Condition 4 is not supported.

11. Other plans and Policies

Parramatta Section 94 Contributions Plan (Former Hornsby LGA Land and Epping Town Centre)

The changes subject of this application had it been recommended for approval would not have required the additional payment of Section 94 contributions.

12. Likely impacts

12.1 Context and setting

The Land and Environment Court planning principle on “compatibility with context” as established in *Project Venture Developments v Pittwater Council* provides the following test to determine whether a proposal is compatible with its context:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites?

Response

The signage structures on both frontages result in adverse physical impacts on the surrounding development. The materiality of the structures is not sympathetic in form, materials or colours to the building or its landscape setting.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

Response

Due to materiality of the signage structures and that multiple signs are attached to these structures, the structures and the signs are not considered as contributing to the harmony of the residential flat building on the site or to the character of the street, noting the low density zone interface along Cliff Road.

12.2 Amenity considerations

Streetscape

A common theme with building identification signage elsewhere in the locality is that they typically employ a similar colour palette, material and streamlined content to allow for easy navigation and identification for all users. Further, as these signs are sympathetic to the buildings on the site, the signs contribute to the amenity of the streetscape.

The signage structures and the signs mounted on these structures subject of this application neither utilises a similar colour palette and materials or simple/consistent content that would allow a user to easily identify the buildings on the site. As a result, the visual amenity on the streetscape is adversely impacted.

12.3 Public domain

The inconsistency in form, materials and context of the signs does not result in a positive relationship with the public domain.

12.4 Safety, security and crime prevention

Due to the lack of clarity as to which building identification sign relates to the residential flat building on the site, concern is raised that this does not provide a safe identification of entries from the frontages by users.

12.5 Social and economic impacts

Whilst there are no controls or requirements under SEPP 64 or Hornsby DCP 2013 that requires the Chinese sign to provide an English translation, it is not unreasonable to provide an English translation for building identification signs, in particular as not all users of the building can translate nor understand a sign entirely in Chinese. Failure to do so undermines the very purpose of identifying a property to the wider public.

It is also does not benefit the wider public that there are multiple signs with different content to identify the residential buildings on the site, resulting in confusion.

13. Site suitability

The potential constraints of the site have been assessed and it is considered that while the site is suitable for the proposed modifications, the nature of the modifications fail on permissibility and merit.

Conclusion

On balance the proposal has not demonstrated that the modifications satisfactorily responds to the objectives and controls of the applicable planning instruments and in this regard, cannot be supported.

RECOMMENDATION

- A. That pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 the Sydney Central City Planning Panel refuse Development Application DA/712/2016/D and endorse the following reasons for **refusal**.

1. The signs are not permissible on the site as they fail to comply with the definition of “building identification sign” in accordance with HELP 2013. The modification application has not demonstrated how the signs relate and identify the building on the site and that it is accessible to the wider public, being the purpose of identification signage.
 2. The modifications are not considered to be compatible with the existing or desired future character of the area or locality pursuant to Consideration 1 – Character of the Area of State Environmental Planning Policy 64 - Advertising and Signage.
 3. The modifications to the signs do not comply with the controls under Consideration 2 – Special Areas of the State Environmental Planning Policy 64.
 4. The modifications, in particular the materiality of the signage structures are not sympathetic to the streetscape which is contrary to Consideration 3 – Streetscape, setting or landscape of SEPP 64.
 5. The modifications are considered to be incompatible with the scale, proportion and other characteristics of the site and building in accordance with Consideration 5 – Site and Building of SEPP 64.
 6. As the modifications fails to comply with a number of considerations under SEPP 64 and that it is not permissible on the site, it is not considered that the signs as modified assist in the provision of housing needs of the community within a high density residential environment, pursuant to the objectives of the R4 High Density Residential zone.
 7. The proposed modifications fail to comply with controls under Hornsby DCP 2013 relating to crime and prevention, landscaping, signage, setbacks and Key development principles (Cliff Road) and heritage.
 8. The proposed modifications result in adverse impacts with regards to context and setting, streetscape amenity, public domain, safety and crime prevention and social and economic impacts.
 9. The proposed modifications are unsuitable for the site.
 10. The proposed modifications are not in the public interest.
- B.** That all the objectors be advised of the Sydney Central City Planning Panel's decision.

