

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **22 JANUARY 2020**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **CRAIG WATSON**
TEAM LEADER DEVELOPMENT ASSESSMENT

ATTACHMENTS: **1. LOCALITY PLAN**
2. PLANS AND SUPPORTING INFORMATION
3. REPRESENTATION
4. APPLICANT'S RESPONSE TO REPRESENTATION

HEARING OF REPRESENTORS **PETER COVE**
 HEARING OF APPLICANT **TO BE ADVISED**

DA NO.	:	<u>110/00719/19</u>
APPLICANT	:	<u>SWANBURY PENGLASE ARCHITECTS</u>
LOCATION	:	<u>8 COLTON AVENUE, HOVE</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE INSITUATION POLICY AREA 4</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>PYLON SIGNAGE ADJACENT KING GEORGE AVENUE ASSOCIATED WITH MCCAULEY COMMUNITY SCHOOL (NON-COMPLYING)</u>
EXISTING USE	:	<u>EDUCATIONAL ESTABLISHMENT</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>THREE</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO SCAP CONCURRENCE</u>

1. Site and Locality

The subject site extends between King George Avenue and Colton Avenue south of Wattle Avenue and comprises new school buildings currently under construction and nearing completion.

Adjoining the school site to the south and west is the Holdfast Bay Community Centre comprising a number of single storey buildings and two separately accessed car parks. Also to the south but accessed from Colton Street are 10 single storey group dwellings. To the east of Colton Street and north of Wattle Avenue are predominantly single storey detached dwellings with some residential flat buildings. On the western side of King George Avenue is the Townsend Park Village comprising the State Heritage listed Townsend House and more recent single storey residential development.

Refer to Attachment 1

2. Background and Development Assessment Process

Except where located within the Minda Brighton Campus advertisements and/or advertising hoardings are listed as non-complying within the Residential Zone. Pursuant to Regulation 17 (3) (b) of the Development Regulations 2008 it has been deemed that the application has merit to proceed with an assessment. If the Panel grants consent the concurrence of SCAP is required.

3. Proposed Development

The proposed sign will be sited adjacent the King George Avenue carpark entrance and set back approximately 2.5 metres from King George Avenue.

The sign will comprise the primary identification and logos for the McCauley School and Alive Early Learning Centre and a small LED screen. The applicant advises that the LED screen will display messages relating to on-site activities including local educational and community events being held on-site and provide an opportunity to be more actively involved in community events. Specific items might include information about term dates, special events, welcoming special visitors, well wishes to students including accolades and achievements.

The sign will have a total height of 4.55 metres with varying width but at its widest 2.875 metres. Colours will match those of the school buildings.

Refer to Attachment 2

4. Public Consultation

The application was subject to a category 3 notification. Two representations were received and are summarised below:

Peter Cove, owner of 2D Colton Avenue, Hove

- No need for pylon sign;
- Will distract from neighbourhood;
- Illumination and moving and/or still graphics will distract motorists and endanger pedestrians;
- LED screen is large, misleading and a target for vandalism; and
- Little control over enforcement of hours of operation.

Alan Lucas, 2B Colton Avenue, Hove

- Additional lighting provided by the sign will be invasive to nearby residences; and
- Is a residential zone, not commercial.

Refer to Attachment 3

The applicant's response has been received.

Refer to Attachment 4

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – COUNCIL WIDE – ADVERTISEMENTS – PRINCIPLES OF DEVELOPMENT CONTROL

Objectives	
1. Urban landscapes that are not disfigured by advertisements and/or advertising hoardings.	Complies
2. Advertising and/or advertising hoardings that do not create a hazard	Complies.
3. Advertising and/or advertising hoardings designed to enhance the appearance of the building and locality	Complies. Design and colours compliment the associated buildings.
4. Outdoor advertising displays that are designed to provide clearly visible property and business identification without dominating the appearance of the site upon which it is located or the streetscape.	Complies. The site is large with a substantial frontage to the street and the design and colours of the sign compliment the associated buildings.
5. Outdoor advertising displays that are specifically designed to have an overall co-ordinated appearance with all other advertisements associated with the building or site.	Complies. Existing temporary signage adjacent King George Avenue will be removed.
Principles of Development Control	
1. The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be: (a) consistent with the predominant character of the urban or rural landscape (b) in harmony with any buildings or sites of historic significance or heritage value in the area (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.	Complies. The sign is appropriately located and its appearance matches the design of the school buildings.
2. The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid: (a) clutter (b) disorder (c) untidiness of buildings and their surrounds (d) driver distraction	Complies.
4. The content of advertisements should be limited to information relating to the legitimate use of the associated land.	Complies.
5. Advertisements and/or advertising hoardings should: (a) be completely contained within the boundaries of the subject allotment (b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees (c) not obscure views to vistas or objects of high amenity value.	Complies.
6. Advertisements and/or advertising hoardings should not be erected on: (a) a public footpath or verandah post (b) a road, median strip or traffic island (c) a vehicle adapted and exhibited primarily as an advertisement (d) residential land.	Complies.
9. Advertisements should be designed to conceal their supporting advertising hoarding from view.	The supporting structures are designed as a feature of the sign.
10. Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.	Complies. The sign incorporates the primary use identification and messages associated with activities taking place on the site.
11. Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.	Complies.

Principles of Development Control (Cont)					
12. Advertisements and/or advertising hoardings should not create a hazard by: (a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road (b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals. (c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high (d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices.		Complies. Light sensors and dimmer controls can be used and conditioned to control illumination levels.			
13. Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.		Complies.			
14. Freestanding advertisements and/or advertising hoardings should be: (a) limited to only one primary advertisement per site or complex, except where a site has multiple road frontages, in which case, a maximum of one freestanding advertising hoarding per road frontage (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.		Complies.			
INSTITUTION POLICY AREA 4					
Objectives					
1. A policy area accommodating educational, community or institutional land uses, dwellings, residential flat buildings and housing for aged persons.		The sign is associated with the existing educational use.			
4. A transition in the scale and intensity of development along any interface with the Residential Zone and Residential Character Zone .		Although the sign is large it is compatible with and lower in scale than the associated buildings and contains an LED screen which needs to be a suitable height above ground to minimise vandalism.			
7. Development should be setback a minimum of 6 metres from the primary road frontage and 3 metres from a secondary road frontage where an adjoining dwelling is setback 8 metres or more. Otherwise, the following minimum distances apply:		The relevant setback is 4.5 metres, however it is considered this requirement relates to buildings. The proposed sign requires closer proximity to the street for identification and the proposed setback is considered satisfactory.			
Parameter	Primary road frontage (metres)	Secondary road frontage (metres)	Rear boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)	Side boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)	
Single storey development or single storey components of a development	4.5	2	1	1	

INSTITUTION POLICY AREA 4 (Cont)					
Objectives					
Two storey development, or two storey components of a development	4.5	2	3	3	
Three storey development, or three storey components of a development	6	3	6 metres where: (i) the adjacent side or rear wall of that development contains windows (ii) the southern boundary (being the boundary oriented between 45 degrees and 135 degrees of true north and incorporating the southern extremity of the site, as illustrated by 'Figure 3' within <i>Table HoB/2 - Design Principles</i>) of the site adjoins another dwelling site. 3 metres in all other cases.	6 metres where: (i) the adjacent side or rear wall of that development contains windows (ii) the southern boundary (being the boundary oriented between 45 degrees and 135 degrees of true north and incorporating the southern extremity of the site, as illustrated by 'Figure 3' within <i>Table HoB/2 - Design Principles</i>) of the site adjoins another dwelling site. 3 metres in all other cases.	
12. An advertisement and/or advertising hoarding should be limited to a message content of only the name and nature of the business conducted on the land on which the advertisement and/or advertisement hoarding will be erected.			Considered to comply – main component comprises the school identification but also includes messages relating to the nature of the use.		

7. Summary of Assessment

The representors own properties at 2B and 2D Colton Avenue and will not be impacted by the sign, which is adjacent to King George Avenue. While one of the representations refers to invasive impacts on the housing retirement estate, presumably that at the Townsend House estate, no representations have been received from those residents.

Although within a Residential Zone, where signs are listed as non-complying, the subject policy area comprises substantial non-residential development including the school, Mawson Oval and Holdfast Bay Community Centre. Signage associated with those uses can be reasonably anticipated. The proposed sign comprises the primary identification of the school and messages related to on-site functions and events. The LED message component is similar to those on the Brighton Secondary School and Brighton Primary School adjacent Brighton Road. The sign is considered to be consistent with Advertisements Principles 4 and 10 and Institution Policy Area 4 Principle 12 of the Development Plan.

The proposed sign is large, standing 4.5 metres high, however compared with the size of the site, its frontage to King George Avenue and the scale of the associated buildings it is considered reasonable.

The geometric design and colours will match those of the school buildings. Its location will not interfere with on-site landscaping and regulated trees or traffic sightlines. The sign will not contribute to clutter and will reduce the need for separate signage that normally is associated with schools. An existing temporary project sign adjacent King George Avenue is conditioned to be removed on 31/01/2020. The sign is considered to be consistent with Advertisements Objectives 4 and 5 and Principles 1, 2, 5 and 14.

Concerns regarding illumination brightness can be controlled through appropriate conditions if approved. The applicant advises that the LED displays contain a light sensor that dims the display according to the brightness of the ambient light. At night the sign auto-dims to a level of brightness that will not exceed 300 nits (300 cd/m²). It is proposed to switch off the display between 8pm and 7am. Conditions that DPTI have recommended for LED signs adjoining arterial roads, which include a night luminance of 200 cd/m²) have been incorporated into the recommended conditions if approved. The sign is considered to be consistent with Advertisements Objective 2 and Principles 12 and 13.

Having regard to the above it is considered that the development is not seriously at variance with the Development Plan and has sufficient merit for approval.

8. RECOMMENDATION

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent subject to concurrence of the State Commission Assessment Panel to Development Application 110/00719/19 comprising the erection of a pylon sign, subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That at all times, the sign (including its structure and advertising material thereon) shall be maintained in good condition to the reasonable satisfaction of Council.**
- 3. That the LED screen be turned off between the hours of 8:00 pm and 7:00 am daily.**
- 4. The LED sign shall not contain any element that flashes, scrolls or moves.**

5. The sign shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of the sign shall be limited to the following stepped luminance levels:

Ambient conditions	Sign Illuminance Vertical Component	Sign Luminance (Cd/m ²) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	200

6. All messages displayed upon the sign shall be directly related to the activities undertaken upon the subject land and shall not include third-party advertising.
7. The operational system for the signs shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.