

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0756
Proposed development:	Illuminated Advertising Sign associated with 7-Eleven Store
Property address:	2 Christie Street, ST MARYS NSW 2760
Property description:	Lot 51 DP 774585
Date received:	6 August 2018
Assessing officer	Jacqueline Klincke
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the replacement of an existing sign through the installation of 1 x digital display sign (LCD screen) at 2 Christie Street, St Marys.

Under the Penrith Local Environmental Plan 2010, the proposal is defined as business identification signage. The subject site is zoned IN1 General Industrial and signage is a permissible land use in this zone with Council consent. In addition, the proposal is ancillary to the existing use of the site as a service station.

An assessment under Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to the recommended conditions.

Site & Surrounds

The subject site is identified as Lot 51 in DP 774585 and is located on the south-west side of the roundabout connecting Forrester Road, Boronia Road, and Christie Street at 2 Christie Street, St Marys.

The site is predominately characterised by commercial properties and parking facilities, and is currently occupied by a 7-Eleven service station.

The surrounding land uses include a number of industrial properties and commercial premises with residential lands to the east across Forrester Road.

Proposal

The proposed development includes the:

- removal of 1 x existing wall mounted advertisement board
- installation of 1 x LCD screen advertisement board

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (Formerly Section 49C) of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the *State Environmental Planning Policy (Infrastructure) 2007* outlines the requirements for development with frontage to a Classified Road. The subject site has direct frontage to both Forrester Road and Christie Road which have been zoned as Classified Roads.

An assessment has been undertaken of the application against relevant criteria with the *State Environmental Planning Policy (Infrastructure) 2007* and the application is satisfactory subject to the recommended conditions of consent.

State Environmental Planning Policy No 64—Advertising and Signage

An assessment has been undertaken of the proposal against the relevant criteria within the *State Environment Planning Policy No. 64 - Advertising and Signage*.

The proposed sign is consistent with the aims and objectives of SEPP 64. An assessment of the proposal under Schedule 1 has been undertaken below:

Assessment Criteria		Comment	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?	The replacement LCD screen is compatible with the scale of the existing building and signage on site and is also consistent with the character of the area.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No. There is no apparent advertising theme within the area.	N/A

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 sign does not detract from any environmentally sensitive areas, and there are no heritage items or conservation areas in close proximity to the site. However, there is concern for potential spill lighting effects into nearby residential properties.	Y
3. Views and vistas	Does the proposal obscure or compromise important views?	The proposed digital sign is to be wall mounted to the existing building and does not compromise important views.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The sign is well below surrounding buildings and will not dominate the skyline or reduce the quality of vistas.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed sign does not obscure any other advertising.	Y
4. Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the new sign is proportionate to the building and of similar proportions to the existing sign it is replacing and is considered appropriate for the setting. The streetscape will not be affected by the change.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign will contribute to the visual interest of the site in a similar manner to the existing advertisement board.	Y
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No, the proposal represents a replacement sign resulting in no additional clutter.	Y
	Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area of the locality?	No, the proposed sign is to be located on the front elevation of the existing building. It does not extend beyond the built form.	Y
	Does the proposal require ongoing vegetation management?	No, there is no vegetation at the base of the sign.	N/A

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 sign has been designed to be compatible with the existing built form of the 7-Eleven service station and site characteristics.	Y
	Does the proposal respect important features of the site or building, or both?	The proposed sign does not detract in any way from important features of the building or site.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed digital LCD screen unit is sophisticated, innovative technology in accordance with new design specifications.	Y
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 LCD screen will be of an appropriate level of brightness for outdoor, daytime and night-time display.	Y
7. Illumination	Would illumination result in unacceptable glare?	No, the digital screen will not result in excessive flare as the screen has a built-in ambient light sensor that adjusts the brightness of the screen based on the environmental light.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The sign will be partially obstructed from adjoining roads and setback into the site resulting in minimal safety concerns relating to illumination and light spill.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	There is slight concern regarding illumination and light spill to neighbouring residential properties.	Y
	Can the intensity of the illumination be adjusted, if necessary?	The brightness level of the screen is flexible and adjustable and the LUX output can be controlled manually or automatically.	Y
	Is the illumination subject to a curfew?	No, the sign to operate within business hours.	Y
8. Safety	Would the proposal reduce the safety for any public road?	The sign will not affect road safety on Forrester Road or Christie Street.	Y
	Would the proposal reduce the safety for pedestrian and cyclists?	No, the sign will not affect pedestrians or cyclists. It is to be affixed to the building away from the pedestrian footpath.	Y

	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, sightlines are not affected by the proposal as the signage is located on the building.	Y
--	---	--	---

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria with Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and the proposal is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies

Clause 2.3 Permissibility

The subject site is zoned IN1 General Industrial under the Penrith Local Environmental Plan 2010. The proposed development has been defined as business identification signage which is ancillary to the existing use of the site as a service station and is permissible with Council consent.

It was debated as to whether the proposal would be more appropriately defined as an advertisement sign. However, it was concluded that in this instance, logos and signage that identify the business, including the advertising of brands and products or services that relate to the carrying out of business on the premises, are included as business identification signage.

Therefore, the proposed development is considered to meet the definition of business identification signage.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A

Section 79C(1)(b)The likely impacts of the development

Context and Setting:

The proposal conforms to the aims of the LEP in relation to supporting and promoting developments that integrate with the surrounding areas and achieve a balanced environmental, social and economic outcome. It is also consistent with the objectives for the IN1 Zone (General Industrial) as set out in the Land Use Table of Penrith LEP 2010 which states that developments in the zone shall be primarily used for a wide range of industrial and warehouses uses.

Access, Transport and Traffic:

Access is provided to the site from Forrester Road and Christie Street. The proposed sign will not have an impact on the access, transport and traffic to, from, and within the site.

Noise and Vibration:

The proposed development is not expected to create an acoustic nuisance during the erection of the sign. The ongoing use of the sign is also not anticipated to create an acoustic nuisance. The setbacks of the sign from residential properties and along Forrester Road for road users is expected to ensure there is minimal visual impact.

Site Design:

The design and location of the proposed sign is appropriate for the locality.

Water, Soil, Air and Microclimate:

The proposed sign will have minimal or no impact on water, soil or air quality. Erosion and sediment control measures will be required where appropriate.

Social and Economic Impacts:

The proposed signage will have minimal adverse impacts, and will maintain the current social and economic conditions of the site and surrounding area. There is concern for potential spill lighting effects from the brightness of the sign into nearby residential dwellings.

Section 79C(1)(c)The suitability of the site for the development

The site is suitable in light of the above assessment. Council can therefore be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of the Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining property owners/occupiers and publicly exhibited for a period of 14 days. No submissions were received in response.

Section 79C(1)(e) The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this proposal against the relevant planning instruments being the State Environmental Planning Policy No. 64 - Advertising and Signage, State Environmental Planning Policy (Infrastructure) 2007, Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. It does not contravene any development standards and will not have any significant impacts on the surrounding/immediate natural, social or economic environments.

The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to the recommended conditions.

Recommendation

That DA18/0756 for the replacement of an existing sign at 2 Christie Street, St Marys, be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the following stamped approved plans issued by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Description	Reference	Prepared By	Date
Site and Signage Location Plan	1 of 2	KDC	16/7/2018
Signage Detail Plan	2 of 2	KDC	16/7/2018
Waste Management Plan	-	KDC	16/7/2018

2 A039 - Graffiti

The finishes of the approved sign are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

3 A Special (BLANK)

the sign shall be erected strictly in accordance with the manufacture's or engineer's specifications, and relevant Australian Standards. Any installation fixtures associated with the sign or internal illumination shall be wholly contained within the body of the unit and not be visible from the public domain.

4 A Special (BLANK)

Erection of the sign shall not unduly reduce or compromise the structural integrity of the existing building.

5 A Special (BLANK)

The ambient light sensor adjusting the level of brightness of the screen shall be operational at all times. The sign must not flash or have any moving components, and shall comply with AS 4282 - 1997, *Control of the obtrusive effects of outdoor lighting*.

6 A Special (BLANK)

The approved sign shall only promote products and services relating to the use of the site as a service station

Environmental Matters

7 D009 - Covering of waste storage area

All construction waste materials stored onsite shall be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

BCA Issues

8 E001 - BCA compliance

All aspects of the sign shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Construction

9 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance within approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

A condition of consent has been provided to ensure that the approved sign shall only promote logos or brands of products or services related to the use of the authorised site (service station) as per C9.1 of the Penrith Development Control Plan.