

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0579
Proposed development:	Business Identification Signage x 3 Signs
Property address:	Pyramid Street, EMU PLAINS NSW 2750
Property description:	Lot 1 DP 610862
Date received:	30 May 2014
Assessing officer	Mathew Rawson
Zoning:	GENERAL BUSINESS (IDO 2)
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for Business Identification Signage at Lot 1 Pyramid Street, Emu Plains (Lennox Centro). Under Interim Development Order No. 2 the proposal is a permissible land use with Council consent in the 3(a) zone.

Site & Surrounds

Properties of the site

The subject site is not affected by any significant site constraints. The surrounding development consists of residential development, seniors housing, recreational areas and a school.

History

Previous consents for the site relate to the large commercial and retail complex to which the proposed signage relates. Previous signage consents have imposed an 11pm curfew for the internal lighting of the subject pylon sign.

Proposal

The proposed development involves the removal and replacement of two signs at the primary entrance points of the existing retail complex and part of the existing pylon sign fronting the Great Western Highway.

Plans that apply

- Penrith Interim Development Order No.2
- Development Control Plan 2006
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C 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 No 64—Advertising and Signage

Clause 3 – Aims, Objectives etc.

The proposed development is considered to be consistent with the aims and objectives of the SEPP.

Clause 13 – Matters for Consideration

The development is considered to be consistent with the aims of the Policy and satisfies all relevant requirements of the Policy. It has been assessed against the criteria outlined in Schedule 1 (see below).

Part 3

This part is not applicable as the proposed development is defined as Business Identification Signage.

Schedule 1 Assessment criteria (Clauses 8, 13 and 17)

1 Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

The proposed development results in minimal impact on the character of the locality through its conservative design and minor increase in scale which results in no unacceptable increase to its visual prominence.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

The dominant character of signage in the locality is one of conservative design depicting the business name, logo and little else. Signs are internally illuminated in some cases but in all cases, not moving. The proposed signage is part of a re-branding of the shopping centre and whilst it will be creating a new look for the existing centre the signage is considered to be consistent with the established signage's character.

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 proposal is not located in an area identified subject to any particular conservation or scenic quality controls. The visual quality and scenic amenity of the Emu Plains residential area is not considered to be detracted from by the proposed development due to its minor increase in scale, use of recessive colours and and siting well away from adjoining residential properties and items of heritage significance.

3 Views and vistas

Does the proposal obscure or compromise important views?

No

Does the proposal dominate the skyline and reduce the quality of vistas?

No

Does the proposal respect the viewing rights of other advertisers?

No important views or vistas are to be obscured by the proposed development. Two of the proposed signs are located within the existing building footprint of the shopping centre and the alterations to the pylon sign are of an extremely minor scale relative to the existing development.

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Yes

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

The proposal is considered appropriate for the streetscape due to its minor increase to the development's overall scale and consistency with the existing buildings and signage colour scheme.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?

The proposed signage will reduce the perception of clutter through the removal of the existing white signage which clashed with the recessive coloured buildings and pylon sign. The proposed colour scheme is much more consistent with the existing structures.

Does the proposal screen unsightliness?

No, aside from the requirement that all cables and fixtures associated with the lighting of the pylon sign be concealed internally this matter will be conditioned accordingly.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

The proposed pylon sign is of lesser height than the existing shopping centre, although the separation between these two structures is significant. The potential for pylon sign dominating the skyline is reduced by way of the significant number of mature tall trees in proximity and surrounding the development which tower above the sign.

Does the proposal require ongoing vegetation management?

No significant management practices are proposed nor considered to be required. A Tree Preservation Order exists over the subject allotment.

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?

Yes

Does the proposal respect important features of the site or building, or both?

The signage responds to the important features of the site through its colour selection, placement of wall signs and scale.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Yes, the revised signage does not merely replace the existing business identification signage but also incorporates a more compatible colour scheme. Additionally the location of one of the wall signs is improved by its siting below the existing structure to which it is attached.

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?

Yes, the proposed internal lighting and logos are consistent with the existing signage and considered to be acceptable and appropriate to the area.

7 Illumination

Would illumination result in unacceptable glare?

No

Would illumination affect safety for pedestrians, vehicles or aircraft?

No, no direct light shines towards a public area or adjoining property.

Would illumination detract from the amenity of any residence or other form of accommodation?

No, no direct light shines towards a public area or adjoining property.

Can the intensity of the illumination be adjusted, if necessary?

Yes, however this is not considered to be necessary.

Is the illumination subject to a curfew?

Yes, lighting to be operated no later than 11pm.

8 Safety

Would the proposal reduce the safety for any public road?

No, no glare created nor any reduction in the available sightlines along the Great Western Highway or Pyramid Street.

Would the proposal reduce the safety for pedestrians or bicyclists?

No impact on existing road, pedestrian or bicyclist access ways or amenity as no change to the footprint of the site is proposed by the development.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Interim Development Order No.2

Provision	Compliance
Clause 4 - Permissibility	Complies
Clause 8 - Views, main roads or extractive industries	Complies
Clause 9 - Residential development and flooding	N/A
Clause 10 - Dwelling or residential building	N/A
Clause 10A - Dwelling houses and dual occupancy	N/A
Clause 11 - Hotels or motels	N/A
Clause 12 - Subdivision and road works	N/A
Clause 13 - Building distance from road alignment for specific buildings	N/A
Clause 14 - General advertising structures	N/A
Clause 15 - Zone 3a and Industry	Complies
Clause 16 - Great Western Highway Emu Plains	N/A
Clause 17 - Great Western Highway Emu Plains	N/A
Clause 18 - Tree preservation order	Complies
Clause 19 - Water and sewerage services	N/A
Clause 20 - Development on certain land zoned 3a	N/A
Clause 21 - Additional permitted uses on certain land in Emu Plains	N/A
Clause 22 - Existing use rights	N/A
Clause 23 - Land acquisition	N/A
Clause 24 - Glen Road Emu Plains	N/A
Clause 25 - Dwelling houses and Schedule 3	N/A
Clause 26 - Bromley Road Emu Plains	N/A
Clause 27 - Land zoned 4a or 4b between Old Bathurst Road and Main Western Railway	N/A
Clause 28 - Land identified in the map "amendment no. 15"	N/A
Clause 29 - Land identified in the map " amendment no. 17"	N/A
Clause 30 - Additional permitted uses in certain land in Emu Plains	N/A
Clause 31 - Certain land on Old Bathurst Road Emu Plains	N/A
Clause 32 - Certain land on Bromley Road Emu Plains	N/A

Clause 33 - Certain land on Old Bathurst Road Emu Plains	N/A
Clause 33A - "Union Inn"	N/A
Clause 34 - Certain land on Old Bathurst Road Emu Plains	N/A
Clause 34A - Development and land dedication	N/A
Clause 34B - Community use of school facilities or sites	N/A
Clause 35 - Additional permitted uses on certain land	N/A

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

The draft zoning of the allotment under Stage 2 of the Penrith Local Environmental Plan 2010 is B2 - Local Centre. This zone change is essentially a like-for-like transfer to the standard instrument LEP. The proposal remains consistent with the relevant aims and objectives of the Plan generally, as well as those specific to the B2 zone. There are no clauses of the draft EPI which would have significant implications for the permissibility or design of the proposed development.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	N/A
Chapter 2.4 - Erosion and sediment control	N/A
Chapter 2.5 - Heritage management	Complies
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies
Chapter 3.1 - Advertising signs	Complies
Chapter 3.2 - Baby care rooms	N/A
Chapter 3.4 - Health care consulting rooms	N/A
Chapter 3.6 - Outdoor eating and trading areas - Penrith and St Marys CBD's	N/A
Chapter 3.3 - Child care centres	N/A
Chapter 3.5 - Siting and aesthetics of telecommunication facilities	N/A
Chapter 4.1 - Industrial land	N/A
Chapter 4.2 - Residential (single dwellings)	N/A
Chapter 4.3 - Residential (dual occupancy)	N/A
Chapter 4.7 - Guidelines for subdivision	N/A
Chapter 4.8 - Construction works	N/A
Chapter 4.9 - Rural development	N/A
Chapter 4.10 - Rural Sheds	N/A
Chapter 6 - Area or site with specific controls	N/A

Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, will be imposed as conditions of consent where applicable.

Subject to the recommended conditions of consent, the proposed development complies with the requirements of the Regulations.

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

Subject to the recommended conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural, social or economic environments of the locality due to its scale, location and consistency with the existing uses.

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

The subject site is deemed suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is consistent with the existing use and compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed

Section 79C(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

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

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

Conclusion

Subject to the recommended conditions of consent the proposal is considered to be consistent with the relevant sections of the Environmental Planning and Assessment Act 1979, Interim Development Order No 2, relevant State Environmental Planning Policies as well as the relevant Development Control Plan (DCP 2006) because it does not contravene any development standards and will not result in any significant impacts on the natural, social or economic environments.

The proposal will have a positive impact on the surrounding character of the area through the revision of the existing signage to be less visually intrusive by way of its recessive colour scheme which is considered to be more compatible with the aesthetics of the surrounding built and natural environment.

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. Accordingly, the application is worthy of support and recommended for approval, subject to recommended conditions.

Recommendation

1. That DA14/0579 for 3 Business Identification Signs at Lot 1 DP 610862, be approved subject to the attached conditions.

General

1 [A001](#)

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

Plan Number	Revision	Drawing Title	Drawn	Date Plotted
Lennox Village- 01	-	Lennox Village, NSW Sign Location Plan	Diadem	12.02.2014
PS_3D_01	b	Lennox Village, NSW Sign Type: Pylon Sign - Illuminated	Diadem	18.02.2014
PS_3D_03	d	New 3D Pylon Sign Elevations	Diadem	15.07.2013
PS-3D_04	d	New 3D Pylon Sign Sections	Diadem	20.08.2013
PS-3D_05	d	New 3D Pylon Sign Sections	Diadem	20.08.2013
EIS_3D_PL_01	-	Lennox Village, NSW Sign Type: Entry Identification Sign - Illuminated	Diadem	18.02.2014
EIS_3D_PL_02	-	Lennox Village, NSW Sign Type: Entry Identification Sign - Illuminated	Diadem	18.02.2014
EIS-3D-PL_02	e	New 3D Entrance ID Sign - Panel Elevations	Diadem	15.08.2013
EIS-3D-PL_03	e	New 3D Entrance ID Sign - Panel Sections	Diadem	05.08.2013
EIS-3D-PL_04	d	New 3D Entrance ID Sign - Panel Sections	Diadem	05.08.2013
FINISHES	c	Finishes	Diadem	27.05.2013

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

All works must be carried out in accordance with the requirements of the Building Code of Australia.

3 [A039 - Graffiti](#)

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

4 [A Special \(BLANK\)](#)

All signage to be illuminated during night times shall be switched off by 11.00pm daily. The signage shall not be fitted with flashing or moving lights at any time and illumination shall not distract passing motorists or impact on residential amenity.

5 [A Special \(BLANK\)](#)

The installation of the signage must be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the signage or internal illumination must be contained wholly within the body of the signage or must not be visible from the public domain.

6 [A Special \(BLANK\)](#)

Erection of the signage shall not unduly reduce or compromise the structural integrity of the existing buildings.

Demolition

7 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures".

BCA Issues

8 E001 - BCA compliance

All aspects of the building design 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)

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