

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA16/0799
<b>Proposed development:</b>	Erection of Service Station Signage - Removal of 3 x Signs and Installation of 2 x Signs
<b>Property address:</b>	370 - 372 Carrington Road, LONDONDERRY NSW 2753
<b>Property description:</b>	Lot 2 DP 1179316
<b>Date received:</b>	4 August 2016
<b>Assessing officer</b>	Gannon Cuneo
<b>Zoning:</b>	RU5 Village - LEP 2010
<b>Class of building:</b>	Class 10b
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the removal of 3x existing signs and installation of 2x business identification signs at 370-372 Carrington Road, Londonderry.

Under Penrith Local Environmental Plan 2010, the site is zoned Ru5 Village. The proposed signage is ancillary to the existing 'service station' and business identification signage is permitted in the zone with consent.

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

### Site & Surrounds

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The subject site comprises an allotment 1315m<sup>2</sup> in area and is identified as Lot 2 in Deposited Plan 1179316. It has a 30m street frontage to Londonderry Road and 45m frontage to Carrington Road. Commercial properties exist to the east on Carrington Road and west of the site on Londonderry Road. The property is also adjacent to residential properties.

The site is currently occupied by a service station and convenience store.

Previous development consents granted by Council that relate to the subject property are listed below:

- DA111/74 - Service Station

In a previous application, signage was included as a condition of consent to allow one pylon sign and one over awning sign. The site currently has 3x permanently erected signs and a number of small removable signs.

# Proposal

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The proposed development includes the following aspects:

- Removal of 3x existing business identification signs.
- Installation of 2x business identification signs, one being a 7m high internally illuminated pylon sign with LED price paneling and one being a 3m high price sign with LED price paneling.

The site currently consists of 3x business identification signs which do not comply with the conditions of consent for the service station approval, which allowed for one illuminated over awning sign and one illuminated pylon sign. The application seeks removal of the 3x dilapidated signs and installation of 2x business identification signs. It is anticipated that the removal of existing signage and installation of new signage will contribute to an attractive streetscape. A condition of consent will be included to ensure not additional temporary signage is placed on the site.

## Plans that apply

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

## Planning Assessment

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### • 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

An assessment has been undertaken of the application against relevant criteria within State Environmental Planning Policy No 64—Advertising and Signage:

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

Criteria	Compliance – Yes/No
<b>1. Character of the Area</b>	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Yes
<b>2. Special Areas</b>	

<i>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?</i>	Colours and size are sympathetic to the rural setting of Londonderry.
<b>3. Views and Vistas</b>	
<i>Does the proposal obscure or compromise important views?</i>	No
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Yes
<b>4. Streetscape, setting or landscape</b>	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Yes
<i>Does the proposal screen unsightliness?</i>	Yes
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	Yes - the building on the site, however the existing signage is approximately 7m in height.
<i>Does the proposal require ongoing vegetation management?</i>	No
<b>5. Site and building</b>	
<i>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?</i>	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Yes

<b>6. Associated devices and logos with advertisements and advertising structures</b>	
<i>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?</i>	N/A
<b>7. Illumination</b>	
<i>Would illumination result in unacceptable glare?</i>	No - conditions of consent to be imposed regarding hours of illumination.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No - conditions of consent to be imposed.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	No
<i>Is the illumination subject to a curfew?</i>	Hours of operation - to be confirmed through conditions
<b>8. Safety</b>	
<i>Would the proposal reduce the safety for any public road?</i>	No
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No

The application is considered satisfactory subject to recommended conditions of consent.

## **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).

*Sydney Regional Environmental Plan No.20* (SREP 20) provides an overall direction for planning to protect the environment of the Hawkesbury/Nepean River catchment. It requires that the impact of future land uses need be considered in a regional context and that any development must be consistent with the aims of this policy.

The proposed development will have no impact on the river system and is consistent with the objectives and controls of SREP 20.

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

### Clause 7.5 Protection of scenic character and landscape values

#### Clause 7.5 Protection of scenic character and landscape values

The subject site is identified as being land with scenic and landscape values. The intention of this clause is to ensure development is located and designed to minimize its visual impact. It is anticipated that the proposed signage will 'tidy' the appearance of the site, reducing the number of signs and installing new 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	Complies
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)(a)(iiia) 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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development. There are no further matters under the EP&A Regulations requiring consideration.

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

### Context and Setting

The potential impacts of signage and works to the built environment have been addressed through assessment against the relevant planning instruments, including SEPP 64, LEP 2010, and DCP 2014. It is considered the overall works will have minimal impact upon the streetscape and amenity of the area subject to conditions of consent.

### Access and Transport

There will be no adverse impacts as a result of the proposed development in relation to access and transport. The signage will not restrict or alter access to existing car parking provisions.

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

The site is suitable for the development as the proposal is permissible in the zone, consistent with the applicable environmental planning instruments, and compatible with the surrounding land uses.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

In accordance with Appendix F4 of the Penrith Development Control Plan 2010, the proposal was notified to nearby and adjoining residents. The exhibition period was from 18 August to 1 September 2016 and Council notified 11 residences in the area. No submissions were received.

### **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**

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In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy No. 64 - Advertising and Signage, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies and control plan. The site is suitable for the proposed development, the proposal is in the public interest, and the proposal is unlikely to generate any negative impacts that would affect the site or the surrounding community. Therefore, the application is worthy of support, subject to recommended conditions.

## **Recommendation**

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That DA16/0799 for the removal of 3x existing signs and installation of 2x business identification signs at 370-372 Carrington Road, Londonderry, be approved subject to the attached conditions.

# CONDITIONS

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## General

### 1 A001

The development must be implemented substantially in accordance with the 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	Drawing No.	Drawn by:	Dated:
Site Signage Plan	TFA250-D01 (Revision B)	TFA Project Group	01.09.2016
Site Signage Details	TFA250-D02 (Revision B)	TFA Project Group	01.09.2016

### 2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

### 3 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure not approved under DA16/0799, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan.

### 4 A039 - Graffiti

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

### 5 A Special (BLANK)

Any lighting or illuminated signage is to be designed so as not to cause a nuisance to residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS4282:1997 The Control of Obtrusive Effects of Outdoor Lighting.

### 6 A Special (BLANK)

The hours of operation are restricted to the operating hours of the service station. All illuminated signage is to be switched off outside of the operating hours of the service station.

### 7 A Special (BLANK)

The existing site identification sign, price sign and 1.2m high sign identified on Site Signage Plan (Drawing No. TFA250-D01, Rev. B, Dated 01.09.2016) are to be removed prior to the installation of the two new business identification signs.

### 8 A Special (BLANK)

The installation of banner signage, vinyl signage or similar is not permitted on the site.

## Demolition

### 9 B001 - Demolition of existing structures

The existing signage on the site is to be removed as part of the approved work.

### 10 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". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

### 11 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

### 12 B005 - Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

### 13 B006 - Hours of work

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

## Environmental Matters

### 14 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

### 15 D009 - Covering of waste storage area

All waste materials stored on-site are to 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 are to be fully enclosed when the site is unattended.

## BCA Issues

### 16 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).

### 17 E003 - Structural alterations

The pylon sign is to be erected in accordance with the manufacturers specifications.

## Construction

### 18 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with an 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.

## Landscaping

### 19 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C9 Advertising and Signage

Clause	Not Applicable	Complies	Does Not Comply	Comments
9.1. General Requirements for Signs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	See discussion below:
9.2. Signs in the Vicinity of Heritage Items	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
9.3. Residential, Rural and Environmental Zones (E3 Environmental Management and E4 Environmental Living)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	See discussion below:
9.4. Commercial, Mixed Use and Industrial Zones	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
9.5. Open Space Zones (Public and Private Recreation)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
9.6. Special Event Advertising	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	

The proposed signage clearly indicates prices to potential customers from a distance, which safely enables people to move around the site. The proposed signage is also consistent with other service stations within the LGA and is responsive to adjoining land uses from the subject site.

Although multiple signs are proposed to identify the name of the company and fuel prices, it is considered the signage will not detrimentally impact upon the streetscape or adversely affect the amenity of the area. Amended plans have been provided for signage which has reduced the height from 8 metres to 7 metres, as per DCP requirements. The proposed signage complies with Council's DCP objectives for signage in rural zones.