

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0296
Proposed development:	Signage
Property address:	14 - 28 Cullen Avenue, JORDAN SPRINGS NSW 2747
Property description:	Lot 22 DP 1194338
Date received:	28 May 2020
Assessing officer	Lucy Goldstein
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application for the construction of a digital school notice board (signage) to be located within the front setback area of Jordan Springs Public School at 14-28 Cullen Avenue Jordan Springs.

The proposed notice board is single sided and is 4.38m in height by 1.72m wide. The purpose of the sign is to display school related news, information and announcements, and will not display third party advertisements.

Under Sydney Regional Environmental Plan No 30- St Marys (SREP 30), the site is mapped as 'Urban Zone' and an Educational Establishment is a permissible land use in the zone with Council consent. The proposed notice board is ancillary to the use of the site as an Educational Establishment, and as such is permissible with Council consent.

Key issues that have addressed throughout the assessment of the application include:

- Location:** The sign is located at the front of the school site, outside "Building A" which is to the east of the main school entrance. The sign fronts Cullen Avenue and will be visible from the street. The sign is setback 1m behind the front fence line. Consideration was given to alternative locations in order to provide a greater setback to Cullen Avenue. However, the selected location is considered the most suitable, as it is clear of existing landscaping and does not require tree removal; provides required clearance from the detention basin located in the front eastern corner; and does not dominate the school entrance (being off-set from the 'Covered Main Entrance').
- Residential Amenity:** The land adjacent to the site (on the opposite side of Cullen Avenue) is intended for future residential dwellings. The sign fronts Cullen Avenue and may be visible to future residential dwellings. To minimise potential amenity impacts, a condition of consent has been imposed restricting the illumination of the sign between 7:00am and 7:00pm Monday to Friday. It is noted that the accompanying Statement of Environmental Effects seeks operating hours between 6:00am to 9:00pm, however given the residential context, these hours are considered inappropriate.

The application was notified to nearby and adjoining residences in accordance with Council requirements. Council received no submissions.

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

Site & Surrounds

The subject site is legally described as Lot 22 DP 1194338, commonly known as 14-28 Cullen Avenue, Jordan Springs.

The site has recently been developed for the purpose of a primary school (Jordan Springs Primary School), noting a recent State Significant Development (SSD 9354) was granted approval for the construction of an Educational Establishment and associated works at the site.

Construction works at the site are partially completed, and on the site currently are several school buildings, associated car parking area, and sport fields.

The lot is irregular in shape with frontages to Cullen Avenue and Lakeside Parade. The sign proposed under this application fronts Cullen Avenue.

Site Context: The site is located within the western precinct of the new release housing estate, Jordan Springs. To the north of the site is low density residential dwellings, to the east of the site is a riparian corridor and public park, and to the south of the site is vacant land earmarked for multi-dwelling housing. Adjoining the site to the south-west is a childcare centre and community centre. The site is in close proximity (approximately 100m) to the Jordan Springs Town Centre.

Site Constraints

- The site is restricted by an 88B Instrument containing several restrictions on Title and positive covenants. The proposed works are not contrary to the 88B Instrument.
- Easement for Pad Mount Substation (2.75m). The proposed works are outside of this easement.
- Mapped watercourse to the north-east of the site. The proposed works are located further than 40m from the mapped watercourse.

Proposal

- Installation of a single sided digital notice board at Jordan Springs Public School, fronting Cullen Avenue.
- The overall sign height is 4.38m by 1.72m wide. The digital screen component is 1.08m height by 1.72m wide.
- The signage comprises of welded aluminum, and will be supported by concrete piers dug to a depth of 1.6m.
- The purpose of the notice board is to display news and announcements relating to the school.
- No vegetation removal is required by the proposal.

Plans that apply

- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

Section 4.15 - Evaluation

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

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 64—Advertising and Signage

The application has been assessed against the relevant objectives and provisions of State Environmental

Schedule 1 Assessment Criteria	
Criteria	Comment
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? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The digital notice board is secondary to the school building. It is not a dominant feature and is compatible with the school setting.
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? 3 Views and vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The notice board is not located near heritage areas, conservation areas or rural landscapes. The notice board has been designed with inoffensive colours and text, and will not compromise important views. The proposed sign is 4.38m high and will not dominate the skyline. The sign does not operate for commercial benefit and therefore has no impact on any neighbouring advertising in the area.
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	The size and scale of the proposed signage is consistent with the school setting and will not dominate the streetscape. The sign identifies the school and provides school information and announcements. The proposed notice board will be 4.38m in height and will therefore not protrude above buildings, structures or tree canopies. • No vegetation is proposed or proposed to be removed.
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? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The notice board clearly identifies the school and will not detract from the design of the school buildings. The proposal uses technology to effectively communicate community news and messages.
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 Jordan Springs Public School logo will be represented on the signage to identify the school. Below the digital notice board on the structure will be the school's email address.

7 Illumination • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	The sign has an automatic dimming control sensor that adjusts the sign brightness according to the surrounding ambient light. This system can also be manually overridden to ensure there is no unacceptable glare from the sign. The digital notice board will have static transitions, with straight page transitions with no effects like scrolling or flashing. This will minimise impacts on surrounding residents. This will be imposed via a condition of consent. The house of operation of the sign can be programmed. The application proposes the sign be illuminated between 6:00am and 9:00pm. However, given the adjoining land is intended for residential use, a condition of consent has been imposed permitting hours of operation of the sign between 7:00am and 7:00pm. to ensure there is no unacceptable glare from the sign.to ensure there is no unacceptable glare from the sign.to ensure there is no unacceptable glare from the sign.to ensure there is no unacceptable glare from the sign.
8 Safety • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The digital notice board is unobtrusive and is setback from the road, located 1m behind the front fence line. Accordingly, the notice board is unlikely to result in safety issues.

Sydney Regional Environmental Plan No.30 - St Marys

Sydney Regional Environmental Plan No 30 - St Marys:

Part 6 Zoning

Under SREP 30, the site is mapped as 'Urban Zone' and an Educational Establishment is a permissible land use in the zone with Council consent. The proposed notice board is ancillary to the use of the site as an Educational Establishment, and as such is permissible with Council consent.

Clause 44

The site is not adjacent or adjoining land that is zoned Regional Park, and as such is not required to be referred to National Parks and Wildlife Service.

Clause 45

N/A no subdivision proposed

Clause 52

No trees are proposed to be removed as part of this application. The location of the sign is clear of existing trees and landscaping approved under SS 9354.

Precinct Plan and Development Control Strategy- Western Precinct St Marys:

The site is approved for the use of an Educational Establishment (SSD 9354), and the proposed signage, being a school notice board, is consistent with this approved use. The proposal has been designed to minimise impacts on adjoining residential dwellings to the south, by way of being positioned behind the approved fencing, with a setback of 1m from the indented parking bay, and restricting the hours of use of the illuminated sign.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Section 4.15(1)(a)(iv) The provisions of the regulations

Subject to conditions of consent requiring all works to comply with the Building Code of Australia, the proposal is capable of complying with the Regulations.

Section 4.15(1)(b) The likely impacts of the development

Streetscape (Cullen Avenue)

- The notice board has been designed and positioned to minimise visual impacts. In this regard, the sign is located in the south-eastern corner pocket of the site, being setback from the main entrance of the school. The sign is positioned 1m behind the front fence line, positioned at a 45 degree angle so that the sign is best viewed from the adjacent footpath that leads into the school grounds.
- Throughout the assessment process, consideration was given to alternative options to locate the sign further back from the front fence line. However, the current location is considered the most suitable given if the site was to be relocated further back into the site, it would encroach upon the approved (and constructed) bio retention basin and embankment located in the south-east corner, and approved landscaping.
- The proposed height and width of sign is considered reasonable, given the site's context.

Residential Amenity

Adjacent to the site (across the opposite side of Cullen Avenue) are future residential dwellings. As the sign fronts Cullen Avenue, careful consideration has been given to potential impacts on residential amenity. To mitigate impacts on the surrounding residential amenity, it is recommended that conditions of consent are imposed restricting the hours of use of the illuminated sign between 7:00am and 7:00pm, and require low luminosity.

Section 4.15(1)(c) The suitability of the site for the development

The site is considered suitable for the proposal for the following reasons:

- The proposal is ancillary to an approved Educational Establishment, which is a permissible use in the zone with consent;
- The notice board will provide news and announcements relevant to the school community; and
- The proposal has been designed to minimise streetscape and residential amenity impacts.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Section 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents.

Council notified forty residences in the area, and the exhibition of the application occurred between 8 June 2020 and 22 June 2020. Council received no submissions.

Section 4.15(1)(e) The public interest

The proposal is unlikely to generate significant issues of public interest. The notice board will provide information relevant to the school community.

Conclusion

In assessing this application against the relevant environmental planning policies, being State Environmental Planning Policy No 64- Advertising and Signage, and Sydney Regional Environmental Plan No.30 - St Marys the proposal satisfies the aims, objectives and provisions of these policies.

The site is suitable for the proposal being, and the design, scale and location of the sign is considered suitable and is unlikely to result in adverse impacts on streetscape, residential amenity and safety.

The proposal will display school related announcements and information only, noting a condition of consent has been imposed restricting any third-party advertisements. As such the proposal is considered within the public interest.

Accordingly, the application is recommended for approval subject to the following conditions.

Recommendation

That Development Application DA20/0296 for a Digital School Notice Board (Signage) at 14-28 Cullen Avenue Jordan Springs be approved subject to the attached conditions (Development Assessment Report Part B).

Given the application has been made on behalf of the Crown, being NSW Department of Education School Infrastructure, conditions of consent were sent to the applicant. In their response dated 9 July 2020, the applicant provided confirmation of acceptance of below conditions.

CONDITIONS

General

1 [A001 - Approved plans table](#)

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.

Drawing Title	Drawing Reference	Prepared By	Dated
Site Plan	Job No. SPC22007, Sheet 1	CEO	29 April 2020
Technical Specification and Quote: P8 SMD Outdoor Full Colour	-	SignPac	6 July 2020
Single Sided Digital Sign 1720 x 1080; and Structural Notes	S03 Revision 3 and; S01 Revision 1	Dennis Bunt (DBCE)	8 December 2018 and; 23 November 2016

2 [A Special- Content](#)

The notice board is to display school related material only, and is not to be used to display third party advertising.

3 [A Special- Illumination Adjustment](#)

The intensity of the signage illumination and any obtrusive effects of outdoor lighting shall be controlled in accordance with AS 4282-1997, "Control of the Obtrusive Effects of Outdoor Light". The sign is to include an integrated and automatic light dimmer to enable the intensity of the lighting to be adjusted if required.

4 [A Special- Safety](#)

The sign must not be fitted with any flashing and/or moving lights or elements, and is not to distract passing motorists or impact on visual amenity. The sign is not to use directives that could cause confusion for motorists, such as "Stop" etc.

5 [A Special- Use of Electronic Sign](#)

The digital display shall only operate between the hours of 7:00am and 7:00pm, Monday to Friday.

Environmental Matters

6 [D002 Spraygrass](#)

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

BCA Issues

7 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).

8 E Special- Structural Adequacy

Prior to the use of sign, the Applicant is to obtain a compliance certificate or clearance letter prepared by a suitably qualified engineer, attesting that the sign is structurally sound.

Construction

9 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

10 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council

11 [H041 - Hours of work](#)

Construction 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

12 [L Special- Landscaping](#)

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