

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0759
Proposed development:	Business Identification Signage - Erection of Two Wall Mounted Business Identification Signs
Property address:	54 - 60 Henry Street, PENRITH NSW 2750
Property description:	Lot 101 DP 749088
Date received:	31 October 2019
Assessing officer	Jacqueline Klincke
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the installation of two wall-mounted business identification signs in association with the Salvation Army 'Freedom Centre' at 54-60 Henry Street, Penrith. Under the *Penrith Local Environmental Plan 2010*, the subject site is zoned B3 Commercial Core and *signage* is a permissible land use with consent.

The signs are non-illuminated and will be of a brushed stainless steel finish with contour cut SAV digital print gloss laminated letters displaying the Salvation Army logo and 'Freedom Centre'. One sign (measuring 2200mm wide x 800mm high) shall be installed on the northern elevation of the building fronting Henry Street. The second sign (measuring 1200mm wide x 700mm high) is to be installed on the eastern elevation of the building fronting Evan Street.

Council is the owner of the subject site and in accordance with Schedule 2 of the Minister's Local Planning Panels Direction, the Local Planning Panel is the consent authority to the application.

In accordance with Appendix F4 - Notification and Advertising of the *Penrith Development Control Plan 2014*, and due to the nature and scale of the proposal, notification of the application was not required. Council received no submissions in this regard.

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 101 DP 749088 and is located on the south-western corner of Henry Street and Evan Street at 54-60 Henry Street Penrith. Owned by Penrith City Council, the site is 3047m² in size and is currently occupied by two tenancies: Barnardos Australia and The Salvation Army's Freedom Centre and associated car parking. A three year lease was negotiated between Council and The Salvation Army in July 2018 to use the existing office/admin premise (Suite 1) for office/admin purposes utilised by The Salvation Army's Freedom Centre.

The surrounding locality is characterised by commercial development to the south and east, Penrith Court House to the west, and the Penrith Infants Department (1884 building) heritage item to the north.

Site History:

- DA930371 - Construction of Local Library
- DA970105 - Modification and Extension to Existing Car Park
- DA970330 - Change of Use and Fit-Out to Local Law Courts Facility
- DA10/0578 - Construction of Partition to Create 2 Office/Admin Tenancies and Internal Fit-Out of Suite 1 (The Benevolent Society)
- CDP18/0329 - Office Fit-Out for Suite 1 (Barnardos Australia)

Proposal

The proposal seeks development consent for the installation of two wall-mounted business identification signs that include the following:

- Each sign is non-illuminated and is of a brushed stainless steel finish with contour SAV digital gloss laminated letters displaying the Salvation Army logo and 'Freedom Centre';
- One sign (measuring 2200mm wide x 800mm high) is to be installed on the northern elevation of the building fronting Henry Street; and
- One sign (measuring 1200mm wide x 700mm high) is to be installed on the eastern elevation of the building fronting Evan Street.

Plans that apply

- 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

• Section 4.15 - Evaluation

The proposal 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 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 proposed signage against the relevant criteria within the *State Environmental Planning Policy No. 64 - Advertising and Signage*.

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

Criteria	Assessment	Compliance
<p>1. Character of the Area</p> <ul style="list-style-type: none"> 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? 	<p>The proposed signs are sympathetic to the building architecture, general built environment and surrounding character of the area. The design of the signs are complementary to the streetscape and other existing business identification signage on the street and along the street.</p>	Yes
<p>2. Special Areas</p> <ul style="list-style-type: none"> 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? 	<p>The proposed signs do not detract from the amenity or visual quality of any heritage areas, any environmentally sensitive areas, natural/conservation areas, open space areas, waterways, landscapes or residential areas.</p>	Yes
<p>3. Views and Vistas</p> <ul style="list-style-type: none"> 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? 	<p>The signs will not compromise or obscure important views or vistas. The proposed signs are mounted to the wall and will not dominate the skyline and are respectful of other business' viewing and advertising rights.</p>	Yes
<p>4. Streetscape, setting or landscape</p> <ul style="list-style-type: none"> 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 of the locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signs are designed in a satisfactory scale, proportion and form and is in keeping with the character of the streetscape. The proposed signs will contribute to the visual interest of the building and the local area. The proposed signs do not protrude above any buildings, structures or tree canopies in the area.</p>	Yes
<p>5. Site and building</p> <ul style="list-style-type: none"> 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? 	<p>The proposed signs are in proportion with the scale of the building, are compatible with the building's characteristics, and enhance its features and appearance. It is considered that the design of the signs show innovation and imagination in order to improve the relationship between the signage and the building itself.</p>	Yes
<p>6. Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been design as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed business identification signs will display the Salvation Army logo and 'Freedom Centre'.</p>	Yes

<p>7. Illumination</p> <ul style="list-style-type: none"> · 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? 	<p>The proposed signs are not illuminated.</p>	<p>N/A</p>
<p>8. Safety</p> <ul style="list-style-type: none"> · Would the proposal reduce the safety for any public road? · Would the proposal reduce the safety for pedestrian and cyclists? · Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>As the proposed signs are wall mounted, it is envisioned that the proposed signage will not reduce the safety to roads, pedestrians or cyclists on Henry Street and Evan Street during the installation process and in perpetuity.</p>	<p>Yes</p>

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against the relevant criteria within the *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* and the application 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 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	Complies
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	Complies - See discussion
Part 8 Local provisions Penrith City Centre	Complies

Clause 2.3 Permissibility

The subject site is zoned B3 Commercial Core under the *Penrith Local Environmental Plan 2010*. The proposed development is identified as *signage* which is permissible with Council consent.

Clause 7.8 Active street frontages

The proposed signs are similar to the existing signage located on the building and reflect the signage themes of the Penrith City Centre and therefore, the proposal is considered suitable for the context of the locality. The sleek design and use of high quality and durable materials will also improve the visual amenity of the surrounding area and promote an active street frontage appearance of the building from Henry Street and Evan Street.

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

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation of Land SEPP* apply to the subject site but while so, do not alter or affect the recommendation of this report.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to the subject site.

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

The application submitted is assessed as being capable of complying with the applicable provisions and requirements outlined within the Building Code of Australia, the relevant Australian Standards and the *Environmental Planning and Assessment Regulation 2000*. No concerns are raised in this regard and standard conditions of consent are recommended.

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

The likely impacts of the proposed development are discussed below:

Context and Setting:

The proposed signs comply with the objectives and controls outlined in the relevant planning instruments including SEPP 64 and the Penrith DCP 2014. It is considered that the two wall-mounted business identification signs are appropriately positioned on the northern and eastern elevation of the existing building and is similar to the existing signage already located on the building. Furthermore, the signs achieve a high degree of compatibility with the architectural design of the supporting building and is sympathetic to the existing character of the area.

Heritage:

The Penrith Infants Department (1884 building) is located adjacent from the subject site. In this regard, the proposal was referred to Council's Heritage Advisor to ensure the proposal is compatible with the heritage character of the building and does not have any adverse impacts to the existing streetscape. No objections were raised in this regard.

Transport and Traffic:

The signs are not illuminated and it is not envisioned the business identification signs will not result in unacceptable flare or detract from the amenity or safety of pedestrians and vehicles. The traffic access and parking arrangements will not be impacted by the proposal.

Noise and Vibration:

The proposed development is not expected to create an acoustic nuisance during the installation and ongoing use of the signs.

Natural Environment:

The proposed signs are located flush on the northern and eastern facade of an existing building and will therefore have no impacts to water, soil air air quality. A standard condition of consent is recommended to ensure that the existing landscaping on site be retained and maintained in perpetuity.

Social and Economic Impacts:

The proposed signs will have minimal impacts on, and will maintain the current social and economic conditions of the site and surrounding area.

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

The site is considered suitable for the proposed development as the proposal is minor in scale, does not involve the removal of any significant flora and fauna and is sympathetic to the heritage significance of surrounding buildings. In addition, the flood prone nature of the site does not impact the proposed development noting the existing builtform. Furthermore, the subject site will maintain a commercial premises which will be assisted via the provision of the proposed business identification signs.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, notification of the proposed development was not required. No submissions were received in this regard.

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
Heritage	No objections

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

Given the nature and scale of the proposal, the proposed development is not considered to generate any significant issues of public interest. In this regard, the public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning provisions and in accordance with the prevailing planning controls, which is considered to be achieved in this instance.

Section 94 - Developer Contributions Plans

Section 7.11 Development Contributions do not apply to this proposal.

Conclusion

In assessing the proposed development against the relevant environmental planning policies being the *State Environmental Planning Policy No 64 - Advertising and Signage*, *Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposal and there are no negative impacts envisioned as a result of the two business identification signs. Therefore, the application is worthy of support, subject to recommended conditions of consent.

Recommendation

1. That DA19/0759 for the installation of two wall-mounted business identification signs in association with the use of part of the building as the Salvation Army Freedom Centre at 54 Henry Street (Suite 2), Penrith, be approved, subject to the attached conditions.

CONDITIONS

General

1 [A001 - Approved plans table](#)

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 attached plans and by the following conditions.

Drawing Title	Job Number	Prepared By	Dated
Item 1 Mock Up	32020	Signwave	13/6/2019
Item 1	32020	Signwave	13/6/2019
Item 2 Mock Up	32020	Signwave	13/6/2019
Item 2	32020	Signwave	13/6/2019

2 [A039 - Graffiti](#)

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

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

The signs shall not be illuminated.

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

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

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

The signs must not contain any advertising of a person/business who does not carry out business at the premises of place. The signs are limited to:

- the nature of the person of business,
- the nature and services of and by the business carried on at the premises at which the sign is displayed,
- may include the address of the premises at which the sign is displayed, and
- may include any way finding requirements for accessing the site.

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

The signs are to be installed in accordance with the manufacturer's specifications.

Environmental Matters

7 [D010 – Appropriate disposal of excavated or other waste](#)

All waste generated as a result of the development are to be re-used, recycled or disposed of at a lawful waste/recycle management facility.

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).

Landscaping

9 [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

The proposal has been assessed against the applicable provisions of Part C of the *Penrith Development Control Plan 2014* as follows:

C1 Site Planning and Design Principles

The proposed business identification signs are considered generally desirable as they will have minimal physical and visual impact on the surrounding development. The signs are non-illuminated and will be of a brushed stainless steel finish with contour cut SAV digital print gloss laminated letters displaying the Salvation Army logo and 'Freedom Centre'. One sign (measuring 2200mm wide x 800mm high) shall be installed on the northern elevation of the building fronting Henry Street. The second sign (measuring 1200mm wide x 700mm high) is to be installed on the eastern elevation of the building fronting Evan Street. The proposed signage is considered harmonious with the building and other signage within the locality and will not alter or modify the built form of the existing building or conflict with or visually dominate surrounding development.

C2 Vegetation Management

The proposal does not include the removal of any significant trees or vegetation.

C6 Landscape Design

Whilst the proposal does not involve any alterations or modifications to the existing landscaping on the subject site, a condition of consent is imposed to ensure that the existing landscaping will be retained and maintained at all times.

C7 Culture and Heritage

The site is not identified as a heritage item under Schedule 5 of the *Penrith Local Environmental Plan 2010* or the NSW Heritage Register. However, the 'Penrith Infants Department (1884 Building)' is located adjacent to the subject site. In this regard, the proposal was referred to Council's Heritage Advisor to ensure the two signs are compatible with the heritage character of the building does not have any adverse impacts to the existing streetscape. No objections were raised in this regard.

C9 Advertising and Signage

9.1 General Requirements for Signs

The proposed wall-mounted signs are for business identification purposes and therefore relate to the use of the building and is of a desirable signage design. Each sign is constructed of high quality and durable materials through a brushed stainless steel finish with contour cut SAV digital print gloss laminated letters with the Salvation Army logo and 'Freedom Centre'. One sign (measuring 2200mm wide x 800mm high) shall be installed on the northern elevation of the building fronting Henry Street. The second sign (measuring 1200mm wide x 700mm high) is to be installed on the eastern elevation of the building fronting Evan Street. Furthermore, it is considered that the sign achieves a high degree of compatibility with the architectural design of the supporting building and is sympathetic to the existing character of the area and therefore meets the objectives and controls outlined in the *Penrith Development Control Plan 2014*.

9.2 Signs in the Vicinity of Heritage Items

In accordance with the Penrith DCP, the design and location of signs on or near heritage items must be carefully considered to achieve a high degree of compatibility with the heritage character, qualities and significance of the building. As mentioned above, the proposal was referred to Council's Heritage Advisor who raised no objections to the proposal.

9.4 Commercial, Mixed Use and Industrial Zones

The signs are consistent with the other wall-mounted signs installed on the building and is compatible with the character of the surrounding locality. In addition, the signs are non-illuminated. Therefore, it is envisioned that the proposal will not result in unacceptable glare or detract from the amenity and safety of pedestrians and vehicles.

E11 Penrith

The proposal provides appropriately positioned and sized wall signs that are relative to the building. The simple design and location of the signs minimise the extent of signage on the building and provides does not impact pedestrian amenity along Henry Street and Evan Street.