

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0533
Proposed development:	Illuminated Pylon Sign
Property address:	127 - 141 Station Street, PENRITH NSW 2750
Property description:	Lot 12 DP 1176987
Date received:	8 June 2016
Assessing officer	Sufyan Nguyen
Zoning:	RE2 Private Recreation - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for an illuminated pylon sign at 127 - 141 Station Street, Penrith. The subject site is zoned RE2 Private Recreation under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The key issues raised were in relation to the height of the proposed pylon sign and the proliferation of signage. The site is situated on a highly visible street corner and gateway entrance to the Penrith City Centre. A site inspection revealed that the approved clearing of vegetation along the boundary of the site provides the Hog's Breath Café restaurant a great amount of exposure from the intersection. Given that the existing building can be clearly viewed by commuters and pedestrians travelling along Mulgoa Road, the proposed 7m height of the proposed pylon sign was considered to be excessive. Restrictions shall be imposed to ensure the maximum height of the proposed pylon sign is consistent with the height of the existing building. Furthermore, any signage additions or alterations to the proposed pylon sign shall require Council consent.

An assessment of the proposal under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended.

Site & Surrounds

The subject site is located on the corner of Mulgoa Road (eastern side) and Ransley Street (northern side), Penrith. The site is known as Penrith Paceway and is surrounded by a range of residential and commercial land uses, including Pepper Stadium to the south, home of the Penrith Panthers NRL club and residential development adjoining to the north and north-west of the site. Bus stops are located along Mulgoa Road and Ransley Street, and Penrith Station is approximately 1.4km north-east of the site. The site makes provision for car parking on-site.

Proposal

The applicant seeks approval for the erection of an illuminated pylon sign for Hog's Breath Cafe at 127 - 141 Station Street, Penrith.

The proposed illuminated pylon sign will consolidate an existing Club Paceway pylon sign and involves:

- Construction of an illuminated pylon sign (7m x 2.4m x 0.15m)
- Electronic sign board 2.4m x 2.4m (5.76m²) displaying the business logo
- Hours of operation from 5am to midnight Monday to Saturday and 10am to 10pm Sunday

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 79C - Evaluation

The proposed 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

The proposed pylon sign is defined as a building identification sign given that the lightbox sign relates to land uses on the site. The site is in close proximity to a range of commercial land uses and therefore is compatible with the character of the surrounding area. In addition, the high quality design will provide effective communication without compromising visual amenity of the surrounding area.

Schedule 1 (Assessment Criteria):

Criteria	Comments
Character of the area	The RE4 Private recreation zone comprises of various commercial land uses and associated pylon signs. The proposed pylon sign is consistent with the existing pylon sign and the locality accommodates various large style pylon signs. The proposal is therefore compatible with the character of the area.
Special areas	The proposal is not within or in close proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes and residential areas.
Views and vistas	The proposal does not obstruct any important views or vistas or within a skyline view. The consolidation with the existing pylon sign will ensure the viewing rights of other advertisers are not comprised.
Streetscape, setting or landscape	The proposal is within the maximum dimensions permitted for signage. However, an amendment to the maximum height of the proposed pylon sign is conditioned to be consistent with the height of the existing building. This will ensure that the proposed pylon sign is an acceptable scale which will integrate with the existing sign and reduce clutter. The proposal is therefore appropriate for the context of the site being a business identification sign ancillary to the Hog's Breath Cafe restaurant.
Site and building	Given the scale and design of the proposed pylon sign in relation to the existing building, the proportion to the size of the building is compatible with the premises subject to the amended height of the proposed pylon sign.
Associated devices and logos with advertisements and advertising structures	There is no associated advertising with the proposed pylon sign as it will be used only for business identification.
Illumination	The LED design will ensure that the sign does not generate undesirable glare or does not affect the safety of pedestrians, vehicles and aircraft in the surrounding area. There will be restrictions to flashing signs and the intensity of illumination.
Safety	The proposal is not considered to reduce the safety for local traffic and pedestrians given that the sign due to the 3m setback, size, design and compatibility with the surrounding area.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against 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
Clause 2.3 Zone objectives	Complies

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	N/A
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
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A

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

There are no planning agreements applying to the proposed development.

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

Subject to the recommended conditions of consent, the proposed development will comply with the relevant 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 surrounding land uses.

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

The proposed pylon sign is contained within the site and setback further than the existing pylon sign for Club Paceway. The business identification sign is ancillary to the approved Hog's Breath Cafe and positioned on the corner of the intersection to inform the community of the commercial land use. Given that there will be minimal impacts on the surrounding area, the site is suitable for the proposed development.

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.

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
Traffic Engineer	No objection subject to conditions

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

Given the nature and scale of the proposal in addition to the proposal being largely compliant with the applicable development controls, the proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA16/0533 for an illuminated pylon sign at 127 - 141 Station Street, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

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

Drawing Title	Plan No.	Prepared By	Dated	Revision
Pole Sign to Street Corner	SD4A	McKay Architects	26/05/2016	-

2 [A029 - HOURS OF OPERATION](#)

The approved signage shall only be illuminated between the hours are from 8am to 11pm daily.

3 [A039 - Graffiti](#)

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

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

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

5 [A Special \(Removal of existing pylon sign\)](#)

The existing approved pylon sign (DA13/1286) shall be removed as detailed on the stamp approved plan.

6 [A Special \(Restriction of additional signage\)](#)

No alterations, attachments or additional signage shall be undertaken to the approved pylon sign without Council consent.

Environmental Matters

7 [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.

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).

9 [E003 - Structural alterations](#)

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

Construction

10 [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 that 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.

Engineering

11 [K Special \(BLANK\)](#)

To reduce distraction and confusion of drivers at the signalised intersection of Mulgoa Road and Ransley Street, Penrith, the electronic messaging component of the sign is not to use green, red or orange/amber colours in the messages. In addition, the wording and/or messages are not to flash or move across the screen.

12 [K Special \(BLANK\)](#)

Prior to the issue of any Occupation/Completion Certificate, all redundant signage at the location is to be removed by the applicant.

Landscaping

13 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved Arborist Report (1500-REP-27-DR-A) prepared by Abel Ecology on 17/02/2016 for the approved Hog's Breath Café restaurant (DA16/0219).

14 [L Special \(Protection of trees to remain on site\)](#)

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained.

15 [L Special \(Replacement of trees\)](#)

At least four (4) suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, shall be planted in a suitable location within 10m from the pylon sign.

Two (2) of these replacement trees shall be planted in the prior location of trees four (4) and (5) as illustrated on the stamped approved plans of DA16/0219. Replacement trees shall be planted prior to the issue of an Occupation Certificate.

16 [L Special \(Tree Protection - Australian Standards\)](#)

The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

17 [L Special \(Tree protection\)](#)

The Trees must be retained and protected in accordance with the arborists report recommendations.

Certification

18 [Q05E - Compliance Certificate for earthworks if Construction Certificate not required](#)

On completion of the earthworks, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met. The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposed pylon sign is ancillary to the approved Hog's Breath Cafe restaurant and aims to inform the community of the business location and stimulate socio-economic activity. The proposal promotes business will assist in the strengthening of the local economy, a vital step towards Penrith City achieving long term economic and social security. The proposal therefore satisfies the principles of the DCP.

Part C - City-wide Controls

C9 Advertising and Signage

An amendment to the proposed pylon sign having a maximum height of 5.1m will ensure consistency with the existing building. The 3m setback from the boundary is approximately 1.5m further back than the existing pylon sign and will be aligned with the landscaped area along the boundary. Furthermore, the integration of the proposed pylon sign with the existing Paceway Raceway pylon sign will prevent the proliferation of signs and reduce the amount of freestanding signs at the site. These key design principles will assist in the pylon sign integrating with the existing building and the surrounding area. Furthermore, various large pylon signs associated with commercial land uses including food chain restaurants are in close proximity to the site along Mulgoa Road which will ensure compatibility with the locality. In addition, the business identification logo is consistent with the corporate colours and therefore is compatible with the approved building and the light-box sign will not display moving messages or flash restriction of sign display and not incorporate any red, green or orange/amber colours. This will ensure that there are minimal impacts on road safety and pedestrians.