

21 August 2018

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751



Dear Sir/Madam,

Re: Development Application for new digital signage at the existing 7-Eleven Service Station at 4 Endeavour Avenue, St Clair, NSW 2759

1 Introduction

KDC Pty Ltd (KDC) acts on behalf of its client Phoenix Outdoor (Phoenix) in preparing this Statement of Environmental Effects (SEE) in support of a Development Application (DA) to Penrith City Council for a new digital display screen at the existing 7-Eleven Service Station located at 4 Endeavour Avenue, St Clair, NSW 2759 (the site).

Phoenix are looking to improve the quality of the signage already in place across all 7-Eleven stores nationwide by replacing the existing scrolling poster boards with a digital display sign, taking advantage of modern technology, specifically digital outdoor LCD displays. This SEE including attachments provides overall comment on the proposal.

It has been established that there is no provision under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to undertake the works as complying development, hence the need for this application to Council.

1.1 7-Eleven, Phoenix Outdoor and the Community

There are over 650 7-Eleven stores across Australia, the vast majority of which are either owned or operated by members of the local business community. 7-Eleven operates stores in Queensland, New South Wales, Victoria, the Australian Capital Territory and Western Australia.

The business directly employs hundreds of Australians and indirectly provides opportunities for hundreds more to own and grow their own business. 7-Eleven are continually striving to improve and deliver the best possible range, value and experience to customers.

Phoenix Outdoor have a long-standing partnership with 7-Eleven providing and maintaining signage systems across their network. This nationwide roll-out is an example of Phoenix striving to ensure the application of modern technology across the network to improve user experience and energy efficiency.

7-Eleven has come a long way in over 40 years, but at its core it's still a proud, family owned Australian business, focused on helping other Australian families to build security and prosperity by owning a successful franchise.

1.2 Consultation with Council

Informal consultation was held with Council's, Duty Planner on the 14th February 2018, prior to lodgement of this Development Application (DA). The scope of the proposal was discussed, including the number of site's and applications to be lodged within Penrith Local Government Area (LGA). The planner didn't foresee any significant issues with the proposal, with the major concern being any detrimental impact on traffic on

surrounding roads. Visual impact and maintaining the safety of the surrounding road network is discussed within Chapter 4 of this report.

Due to the minor nature of the works proposed, it was suggested to Council that efficiency could be achieved by allocating all the DA's to one planner for assessment. This would hopefully achieve a timely outcome for both Council and the applicant. Council's planner advised that the assessment team is divided into two groups covering the northern and southern sections of the LGA and it will essentially be up to the manager to decide how the DA's are divided. Approximately 40 days was given as a general timeframe for approval.

2 Site Analysis

2.1 Site Location, Context & Description

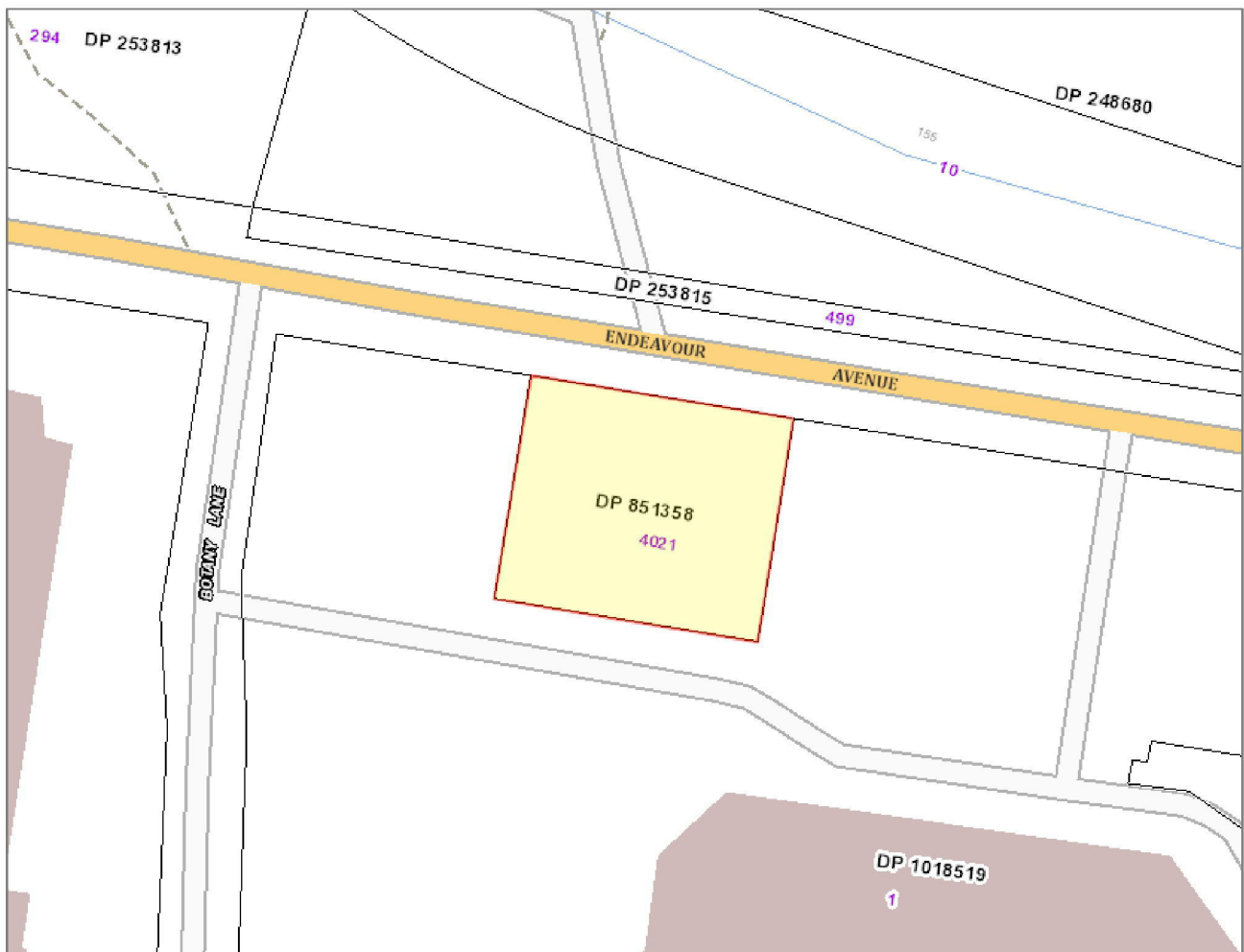
The site is located along Endeavour Avenue with both access and egress located on this roadway. The site is legally described as Lot 4021 in DP 851358 (Refer to Figure 1 and 2).

The land within the vicinity of the site is characterised by predominately commercial premises as part of the St Clair Shopping Centre. Other surrounding land uses include a high school to the west and public recreational land uses to the north. Neighbouring land uses include fast food premises adjoining the site to the west, the car park for the St Clair Shopping centre adjoining to the east and south, and the Bennet & Endeavour Soccer Fields to the north across Endeavour Avenue.

Figure 1 – Locality Plan



Figure 2 – Cadastre



3 Proposal

One digital display sign (LCD screen) is proposed to be installed (wall mounted) to the eastern elevation of the existing building and will replace the existing scrolling advertisement board currently on the façade. Refer to Figure 3 below.

Figure 3 – Location of proposed replacement sign



The specifications of the sign are as follows:

- Outdoor LCD flat panel display;
- LED direct back-light to make brightness more uniform, environment friendly and energy saving;
- Dimensions: H1650mm x L1025mm x W90.5 (65-inch screen);
- Fan cooling system for temperature control; and
- Automatic light-sensitive system.

The content of the screen will change periodically over time to display various products available in store as well as third party advertising. As an example, it could be 5 images shown for 10 seconds each. This is similar to the existing type and number of adverts shown on the existing scrolling sign.

The sign will be structurally adequately affixed to the building and meet any relevant deemed-to-satisfy provisions of the Building Code of Australia (BCA). The sign is visually unobtrusive and there will be no noise emissions from this type of digital screen.

The screen has a built in ambient light sensor that adjusts the brightness of the screen based on the environmental light. The brightness level is flexible and the LUX output can be controlled manually or automatically. The maximum luminance (in candela per square metre- cd/m^2) will be:

- $4000\text{cd}/\text{m}^2$ - daytime
- $700\text{cd}/\text{m}^2$ - dawn/dusk
- $350\text{cd}/\text{m}^2$ - night

The signage will not give a veiling luminance of greater than $0.25\text{cd}/\text{m}^2$. Refer to enclosed plans and specifications appended to this report for full signage details.

The purpose of this DA is to gain approval for a single digital sign which will be generally used for product display purposes. There are no changes proposed to any other building or site signage. Similarly, there are no changes proposed to the approved operation, including hours, delivery times or waste collection.

4 Planning Assessment

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 4.15 (1) of the EP&A Act 1979 that is relevant to the proposal.

The following Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's) are relevant to the proposed modification and have been addressed below:

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- State Environmental Planning Policy Infrastructure (2007)
- Penrith Local Environmental Plan (LEP) 2010; and
- Penrith Development Control Plan (DCP) 2014.

4.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

The proposal, as with all development applications, is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Section 79C (1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15 (1), is provided within this SEE.

4.2 State Environmental Planning Policy No. 64 Advertising and Signage

It is considered that the proposed new signage at the site is consistent with the requirements outlined within SEPP 64 as detailed below.

Clause 8 of SEPP 64 states the following:

"A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1."*

The assessment criteria in Schedule 1 of the SEPP relates to matters for consideration such as character of the area; amenity of residential areas; views and vistas; streetscape, setting and landscape; site and building compatibility; illumination; and safety.

The proposed sign will be located in roughly the same location as that it is replacing. Consideration has been given to potential illumination on neighbouring land uses and surrounding roads. The size and scale of the sign is generally consistent with the existing scrolling sign, the main difference being that the new sign is internally illuminated. As the screen will be wall mounted to the building, the height of the sign will not be visually dominant or protrude beyond the wall to which it is affixed. Therefore, the sign will have similar visual impacts on the amenity of the area as the existing sign.

In terms of illumination, the screen has a built in ambient light sensor that adjusts the brightness of the screen based on the environment light. This will ensure that appropriate LUX levels are always achieved and the safety of passing motorists and pedestrians is unaffected. Lighting will comply with relevant Australian Standards.

It is noted that under Part 3, Division 3, Clause 17, advertisements with display area greater than 20m² or higher than 8m above ground require referral to the Roads and Maritime Services (RMS). The new sign is

approximately 1.7m² and located at eye level on the building (much lower than 8m), therefore this clause does not apply and referral to the RMS is not required. Similarly, Part 3, Division 3, Clause 18, states that advertisements greater than 20m² and within 250m of, and visible from, a classified road require concurrence from the RMS. As above, the replacement sign is much smaller than 20m² and therefore does not require concurrence from this agency under SEPP 64.

Overall, the introduction of one new appropriately sized digital sign to replace the scrolling posterboard sign allows 7-Eleven to embrace the benefits of digital marketing at their existing stores in a simple and uncluttered manner. A detailed assessment of the proposal against the Schedule 1 Assessment Criteria is provided at Attachment B.

4.3 State Environmental Planning Policy Infrastructure (2007)

Clause 101 Development with frontage to classified road

This clause outlines the requirements for development with frontage to classified road. The site does not front a classified road.

Clause 104 Traffic-generating development

The proposal does not trigger 'traffic generating development' under Clause 104 of this SEPP as it does not involve a new premises or an enlargement or extension of the existing premises, being an alteration or addition of the relevant size or capacity. It simply proposes one new advertising sign.

It is highlighted that as detailed above, there is no requirement under the Infrastructure SEPP for the proposal to be referred to the RMS. Should Council wish to refer the application anyway, it may affect achieving approval in a reasonable timeframe and jeopardise the strict instillation program for the project.

4.4 Penrith Local Environmental Plan (LEP) 2010

Under the provisions of the Penrith LEP 2010 the site has a B2 Local Centre zoning (refer to Figure 4 for zoning extract).

Figure 4 – Zoning Map Extract from Penrith LEP 2010 (LZN_019)



Zone B2 Local Centre

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.*
- *To ensure that future housing does not detract from the economic and employment functions of a centre.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Home businesses; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation

4 Prohibited

Any development not specified in item 2 or 3

The proposal does not change the approved use of the site and therefore remains permissible within the zone.

Clause 5.10 Heritage Conservation

The site is not located within a heritage conservation area nor is it listed as a heritage item.

In summary, the proposal is consistent with the relevant provisions of the Penrith LEP 2010.

4.5 Penrith Development Control Plan 2014

The Penrith Development Control Plan (DCP) 2014 supports all planning instruments applying to the Penrith LGA, including the Penrith LEP 2010.

DCP signage provisions have been considered where it was found that the proposal complies with the general requirements for signs, protecting the amenity of the environment and visual impact on neighbouring development and the public domain. One variation to the DCP is requested as detailed below:

C9 Advertising and Signage

9.1. General Requirements for Signs

b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.

Whilst the sign content may contain logos or brands of products or services available from the service station convenience store, advertising will be consistent with the types of adverts currently displayed on the existing posterboard sign at the service stations. Advertisements will not be inappropriate or cause excessive light spill or nuisance to nearby properties. Nor will they cause distraction to motorists and road users or safety concerns for pedestrians. Signs have the inbuilt ability to adjust the light intensity of illumination should it be required. Given the nature of the commercial use at the site, the fact that the site currently has approval for an advertising sign, and limited impact of the proposal, a variation to the DCP is considered justified in this instance.

5 Conclusion

The new digital display sign at the St Clair 7-Eleven service station as proposed under this DA will allow replacement of the existing scrolling poster board sign with a modern digital screen at the front of the store without compromising the visual amenity of the site or area. The new sign will have minimal additional impact on surrounding roads due to it being substantially setback within the site and partially obscured by existing built form and onsite vehicles.

The proposal is considered to be minor in nature, comprising minimal social and environmental impact on the site and surrounding areas. Through the proposals merits and absence of any significant adverse environmental impacts, the DA is considered to be in the public interest and recommended for Council's support subject to standard conditions of consent.

We thank you for the opportunity to lodge this application and look forward to timely development consent. Should you have any questions please do not hesitate to contact the undersigned.

Kind Regards,



Rachel Hodge
Senior Town Planner
KDC Pty Ltd

Attachments:

- Attachment A** – Signage Detail Plan
- Attachment B** – SEPP 64 Schedule 1 Assessment Criteria
- Attachment C** – Waste Management Plan

Attachment A – Digital Screen Specifications

Attachment B - SEPP 64 Schedule 1 Assessment Criteria

KDC Pty Ltd

Attachment C – Waste Management Plan

KDC Pty Ltd