

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA21/0505
<b>Proposed development:</b>	Signage for Ampol Service Station
<b>Property address:</b>	370 - 372 Carrington Road, LONDONDERRY NSW 2753
<b>Property description:</b>	Lot 2 DP 1179316
<b>Date received:</b>	13 July 2021
<b>Assessing officer</b>	Nick McMaster
<b>Zoning:</b>	RU5 Village - LEP 2010
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a Development Application for the removal and replacement of signage at 370-372 Carrington Road Londonderry NSW 2753.

The proposal involves the removal and replacement of 2 ancillary signs and a car canopy fascia. The proposed signs are for the purpose of business identification, as the purpose of the signs is to show customers the fuel prices of the associated service station. The signage replaces the existing signage and reflects the name change of Caltex to Ampol.

Under Penrith Local Environmental Plan (LEP) 2010, the site is zoned RU5 Village, and the proposal is defined as 'Signage' which is a permissible land use in the zone with Council consent.

Under the Penrith Community Engagement Strategy 2019, neighbour notification was required, the Council received no submissions in response.

An assessment under 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

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The subject site is situated on the south eastern corner of the intersection between Carrington Road and Londonderry Road in the Penrith LGA.

The site comprises of one lot with a total area of 1315sqm. On the site is an existing service station shop with associated fuel dispensers. To the east of the property is a local business strip and to the north west a local garden tool shop. There is grass and small plants around the north and western boundary of the property.

The subject site is zoned RU5 Village and is surrounded by traditional single storey dwelling and two storey dwellings.

## Proposal

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- Removal of 1x Main Site ID Pylon Sign at 7100mm x 1850mm
- Removal of 1x Fuel Price Board Signage at 2680mm x 1430mm
- Removal of 2x Car Canopy Fascia Signage
- Construction of 1x Main Site ID Pylon sign at 6000mm x 2200mm
- Construction of 1x Fuel Price Board Signage at 3150mm x 1420mm
- Construction of 2x Car Canopy Fascia Signage
- **Design:** The signs are relatively simple in design and reflect the name change of the company from Caltex to Ampol.
- **Illumination:** The signage will have internal lighting as in the previous signage
- All the signs have the purpose of business identification

## Plans that apply

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- Local Environmental Plan 2010
- Penrith Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- 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 4.15 - Evaluation

The development has been assessed in accordance with the matters of Section 4.15 of the Environmental Planning & Assessment Act 1979. As required by the Act the following issues have been raised for consideration:

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

#### **State Environmental Planning Policy No 55—Remediation of Land**

The proposed development is not expected to come into conflict with the State Environmental Planning Policy No 55—Remediation of Land (1998 EPI 520).

# State Environmental Planning Policy No 64—Advertising and Signage

Criteria	Compliance Yes/No
<b>1. Character of the Area</b>	
<i>Is the proposal compatible with the existing or desired future of the area or locality in which it is proposed to be located ?</i>	Y
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Y
<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>	Y
<b>3. Views and Vistas</b>	
<i>Does the proposal obscure or compromise important views?</i>	Y
<i>Does the proposal dominate the skyline and reduce the quality of the vistas?</i>	Y
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Y
<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>	Y
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Y
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Y
<i>Does the proposal screen unsightliness?</i>	Y
<i>Does the proposal protrude above building, structures or tree canopies in the area or locality?</i>	Y
<i>Does the proposal require ongoing vegetation management?</i>	Y
<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>	Y
<i>Does the proposal respect important features of the site or building, or both?</i>	Y
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Y
<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>	Y
<b>7. Illumination</b>	
<i>Would illumination result in unacceptable glare?</i>	Y
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	Y
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Y
<i>Is the illumination subject to a curfew?</i>	Y
<b>8. Safety</b>	
<i>Would the proposal reduce the safety for an public road?</i>	Y
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	Y
<i>Would the proposal reduce the safety for the pedestrians, particularly children, by obscuring sightlines from public areas?</i>	Y

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken to determine if the proposed development impacts the Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River. The Sydney Regional Environmental plan No.20 deals with the protection of the health of the Hawkesbury-Nepean River catchment by ensuring that it is cared for into the future. The proposed development will have no impact on the river system and complies with the objectives of the SREP 20.

## Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	Complies
Clause 5.10 Heritage conservation	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.7 Servicing	Complies
Schedule 1 Additional permitted uses	Complies - see Appendix - LEP 2010

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

The proposed development seeks to replace existing signage and is deemed acceptable.

## Penrith Local Environmental Plan 2010

Provision	Compliance
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## Section 4.15(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 - see Appendix - Development Control Plan Compliance
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
D1.1. Rural Character	Complies - see Appendix - Development Control Plan Compliance
D1.2. Rural Dwellings and Outbuildings	N/A
D1.3. Farm buildings	N/A
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	N/A

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

### Fire safety

The proposed development is outside of the bush fire prone area of the LGA. The development is not expected to increase this risk.

### Flood evacuation

The proposed development will have no impact of the potential flood risk of the area as it is seeking replacement of existing signage.

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

### Natural and built environments

The proposed development will have minimal impact on the natural and built environment subject to conditions of consent.

### Social and economic impacts

The proposed development will have minimal impact on the social and economic state of the area. The service station is preexisting so the change of signage will have low impact subject to conditions.

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

The site is suitable for the development as the proposal is permissible through the additional permitted uses in Schedule 1 of the *Penrith Local Environmental Plan 2010*, and compatible with the existing development subject to the conditions of consent.

## **Section 4.15(1)(d) Any Submissions**

### **Community Consultation**

The proposed development was notified to the nearby and adjoining residents from 19 July 2021 to 2 August 2021. The Council received no submissions in response.

## **Section 4.15(1)(e) The public interest**

The proposed development will not generate any significant issues of public interest.

## **Section 94 - Developer Contributions Plans**

No section 7.11 (Section 94) contribution plans apply to the proposal.

## **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, objective 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 the recommended conditions.

## **Recommendation**

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That DA21/0505 for the removal and replacement of four (4) signs at 370-372 Carrington Road, Londonderry, be approved subject to the attached 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 approved plans and by the following conditions.

Description	Revision	Prepared By	Date
Architectural Plans Pages 1-5 of 5	A	URBIS	08-07-2021

### 2 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than signage approved by this consent or signage listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014..

### 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 \(BLANK\)](#)

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.

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

The existing site Main Site ID sign, Fuel Price Board sign and Car Canopy fascia signage identified on the Architectural Plans (Project: Londonderry, dated 08-07-2021, Revision A) are to be removed prior to the installation of the two new pylon signs and new fascia signage.

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

The sign shall be erected strictly in accordance with the manufacture's or engineer's specifications, and relevant Australian Standards. Any installation fixtures associated with the sign or internal illumination shall be wholly contained within the body of the sign and not be visible from the public domain.

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

All signs shall be maintained in good working condition in perpetuity and repaired or replaced if damaged or as required over time.

## Demolition

### 8 [B001 - Demolition of existing structures](#)

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

### 9 [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**.

### 10 [B004 - Dust](#)

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

### 11 [B005 - Mud/Soil](#)

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

## 12 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

### 13 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.

### 14 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

### 15 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).

### 16 E003 - Structural alterations

The fuel price board must be no taller than the current price board at 2680mm.

## Construction

### 17 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

### 18 [L012 - Existinglandscaping \(for existing development\)](#)

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

#### C1 Site Planning and Design Principles

Complies subject to conditions of consent.

#### C9 Advertising and Signage

Clause	Complies Yes,No, N/A	Comments
9.1 General requirements for signs	Yes	
9.2. Signs in the Vicinity of Heritage Items	N/A	
9.3 Residential, Rural and Environmental Zones (E3 and E4)	Yes	See discussion below:
9.4. Commercial, Mixed Use and Industrial Zones	N/A	
9.5. Open Space Zones (Public and Private Recreation)	N/A	
9.6. Special Event Advertising	N/A	

#### 9.3

The proposed development follows the controls highlighted in this section of the DCP. The ancillary signs conflict with the size restrictions of the DCP however Division 4.11 of the Environmental Planning and Assessment Act 1979 No 203 allows for existing usage to be maintained. The development is consistent with the Caltex to Ampol rebranding. The replacement of the fascia is also acceptable and consistent with the EP&A Act 1979.

### D1 Rural Land Uses

#### D1.1 Rural Character

Complies subject to conditions of consent