Our ref: 19420

08 October 2019

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

Dear Sir/Madam,

RE: Development Application for New Pylon Sign at the proposed McDonald's Operation at 1-21 Cranebrook Road, Cranebrook NSW 2749

1 INTRODUCTION

KDC Pty Ltd (KDC) have prepared this Statement of Environmental Effects (SEE) on behalf of its client McDonald's Australia Limited (McDonald's) for a new pylon sign that will be internally illuminated at McDonald's Cranebrook located at 1-21 Cranebrook Road, Cranebrook NSW 2749.

This SEE describes the site, its environments, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The report should be read in conjunction with the supporting information appended to this letter.

1.1 BACKGROUND

On the 7 November 2012 development consent was granted for *the Demolition of Existing Structures and Construction of a Service Station* (DA10/1209).

Since the original approval a total of four s4.55 applications have been lodged with Penrith Council to modify the development. The most recent s4.55 was DA10/1209.04 for *Approved Demolition of Existing Structures and Construction of Service Station with Convenience Store, Workshop and Take - Away to also Include a Drive-Thru Facility, Increased Gross Floor Area, Reconfigured Layout and Car Parking.*

2 SITE ANALYSIS

The site is situated within the Penrith Local Government Area (LGA). The site is located at 1-21 Cranebrook Road, Cranebrook. It is located on the corner of Cranebrook Road and Londonderry Road (See Figure 1). The site is legally known as Lot 3 in DP215949 (refer to Figure 2).

Currently, much of the site is vacant land with an existing service station and signage occupying the South Eastern corner of the site. The land within the vicinity of the site is predominately low density residential and agricultural land uses.

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Figure 1 – Subject Site (Source: Six Maps)



Figure 2 – Cadastral Map (Source: Six Maps)



3 PROPOSAL

This application seeks approval for the installation of a new illuminated pylon sign for the McDonald's operation at the south east corner of the site, refer to Figure 3. The signage will comprise of the McDonald's logo. The sign is illuminated, which is a necessity, in accordance with the approved business hours of the McDonald's. Situated underneath the logo on the pylon will be a further sign identifying the opening hours.

The dimensions for this proposed sign will be at a height of seven (7) metres and width of 4.4 metres, refer to Figure 4.

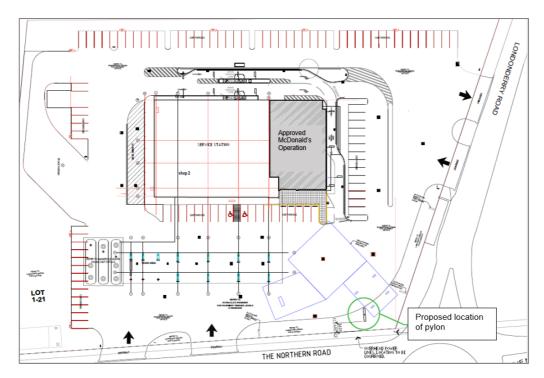
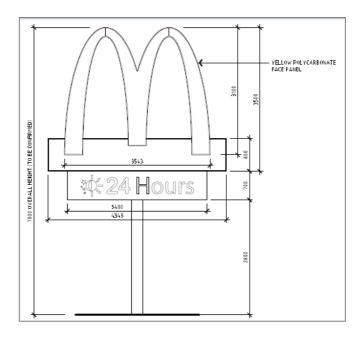


Figure 3 – Location of the Proposal Pylon Sign

Figure 4 – Dimensions of the proposed Pylon Sign



19420_SEE_Cranebrook_Signage_October2019

4 **RELEVANT LEGISLATION AND PLANNING CONTROLS**

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). Section 4.15 (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 64 (SEPP 64) – ADVERTISING SIGNAGE

As stated previously, approval is sought for a new internally illuminated pylon sign for the McDonald's operation.

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."

It is considered that the proposed pylon sign will satisfy the relevant criteria as described in Clause 8 of SEPP64. A detailed assessment of the proposal against the provisions of SEPP 64 is provided in Appendix C attached to this SEE. Overall, the proposed signage meets the applicable standards of SEPP 64 and is consistent with the primary aim of this SEPP.

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 has direct frontage to the Cranebrook Road and Londonderry Road which are classified road.

The objectives of Clause 101 of SEPP Infrastructure are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

Council must be satisfied of the following matters prior to determining an application for development with frontage to a classified road:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land,

As detailed in this SEE, the new digital signage does not affect vehicular access to the site nor is it likely to detract from the safety and efficiency of the ongoing operation of the classified road. There will be no additional noise or vehicle emissions created by the proposal.

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 is highlighted that as detailed above, there is no requirement under the Infrastructure SEPP for the proposal to be referred to the RMS.

4.4 PENRITH LOCAL ENVIRONMENTAL PLAN (LEP) 2010

Under the provisions of the Penrith Local Environmental Plan (LEP) 2010, the site is zoned RU4 Primary Production Small Lots, as shown in Figure 5.



Figure 5 – Zoning Map Extract from the Penrith LEP 2010 (LZN_011)

The zone objectives are as follows:

Zone RU4 Primary Production Small Lots

1 Objectives of zone

• To enable sustainable primary industry and other compatible land uses.

• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Dairies (restricted); Feedlots; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

The proposed modification will not alter the approved use of the premises.

Clause 7.5 Protection of scenic character and landscape values

The purpose of this Clause is to protect areas that have particular scenic value by ensuring development in these areas is located and designed to minimise its visual impact. The subject site has been identified as being land with scenic and landscape values.

The consent authority must be satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

The approved development was considered to minimise visual impact by incorporating a rural design. Although this modification seeks to modernise the approved roof design and façade to some extent, it is still considered that the development will have minimal visual impact on the surrounding lands.

4.5 PENRITH DEVELOPMENT CONTROL PLAN (DCP) 2014

In conjunction with the Penrith LEP 2010, the Penrith DCP 2014 applies. The proposal has been prepared having due regard for the provisions of the Penrith DCP 2014. The proposal meets most of the relevant controls contained with Part 'Advertising and Signage' of the DCP. An assessment of the relevant development controls has been carried out and are summarised Appendix B.

5 ASSESSMENT OF PLANNING ISSUES AND LIKELY IMPACTS OF THE DEVELOPMENT

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. This assessment only considers the maters under Section 4.15 (1) of the EP&A Act 1979 which are relevant to the proposal. In this application the only planning matter to have a potential impact s visual amenity.

5.1 VISUAL IMPACT

The proposed development seeks to install a new pylon sign that seeks to be in line with McDonald's specifications. The proposed sign aims to stay aligned with the overall simple and uncluttered external appearance of the already approved development. The new sign will not detract from the existing built form or surrounding development. The sign will be made of high-quality materials that are sympathetic to the proposed building as well as the built form of the surrounding area.

The proposed sign will have illuminated elements which will be at appropriate LUX levels, generally consistent with other illuminated signs in the Cranebrook vicinity. The illumination feature to the pylon sign is considered to be vital to the proposal. This is due to the McDonald's trading hours, with it to be operating 24 hours a day, 7 days a week. As such, the illumination of the sign at night is integral, as it enables to inform the passing pedestrians and automotive traffic of the premises being open and operational. Furthermore, the sign will improve wayfinding in the area, assisting customers in

locating the McDonald's premises in the nighttime. The design is in keeping with the simple but distinct McDonald's logo, and will not contain a changeable message or an LCD display.

Overall, the proposal updates are not expected to result in any adverse visual or amenity impacts and will maintain an active street frontage. Further details outlining compliance with the Penrith DCP is provided in Appendix B of this SEE. It is not anticipated that the pylon sign will have a significant adverse visual impact than the pylon signs that are currently existent on site. The pylon sign will be of the DCP approved height and scale.

6 CONCLUSION

The proposed pylon sign installation located at 1-21 Cranebrook Road, Cranebrook is essential element to a McDonald's operation. The proposal is considered minor in nature and not anticipated to result in the creation of any adverse impacts in terms of illumination, visual obtrusiveness to pedestrian or passing traffic, noise impacts to surrounding premises, or significant impacts to the heritage character of the area. No changes are proposed to other elements of the operation.

As discussed above, the proposed signage is consistent and compliant with the aims and objectives of all relevant planning instruments and controls and is consistent with the assessment criteria contained within SEPP 64.

Given the merits of the proposal and the absence of any significant adverse environmental impacts, the DA is considered to be in the public interest and is 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

Yannis Comino Graduate Town Planner KDC Pty Ltd

Appendices

Appendix A – Architectural Plans prepared by Richmond and Ross **Appendix B** – Penrith DCP 2014 Compliance Table prepared by KDC Pty Ltd **Appendix C** – SEPP 64 Assessment prepared by KDC Pty Ltd

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APPENDIX A - ARCHITECTURAL PLANS

Richmond + Ross

19420_SEE_Cranebrook_Signage_October2019

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APPENDIX B- PENRITH DCP 2014 COMPLIANCE TABLE

 Table 1 - Relevant Provisions of the Penrith DCP 2014

Control	Requirement	Comment	Compliance
C9. Advertising	and Signage		
9.1. General Re	quirements for signs		
1) General	 a) Signs are to be designed and located to: i) relate to the use of the building; ii) be visually interesting and exhibit a high level of design quality; iii) be constructed of high quality, durable materials; iv) be wholly contained within the property; v) have only a minimal projection from the building; vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured; vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and Penrith Development Control Plan 2014 C9 Advertising and Signage C9-4 viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme. 	The proposed signage will directly relate to the proposed McDonald's take away food and drink premises on the site, and be of high quality. The proposed signage is considered to be well integrated with the Cranebrook locality, and sympathetic to the existing character of the area.	Y
	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.	The proposed signage directly relates to the proposed McDonald's take away food and drink premises on the site.	Y
	c) Signs painted or applied on the roof are prohibited;	No signage will be placed on the roof of the premises	Y
	•	•	

	d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.	McDonald's colours, logos and other graphics are considered to be compatible with the local streetscape.	Y
	e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.	This is not flat standing sign under this application	Y
	f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.	The proposed signage is new, however it is considered to be consistent with the provisions of this section as taking into account the signage on the site it does not create a cumulative impact which would give rise to visual clutter. This is has been done through placing the sign at the south-east corner of the site.	Y
	g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.	No tree removal or pruning will be necessary.	Y
	h) The dominant design of any sign must relate to business identification rather than product advertising.	The proposed signage relates directly to the identification of the McDonald's take away food and drink premises.	Y
2) Signs and Road Safety	 a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they: i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians; ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users; iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs; iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or 	The proposed signage will not obscure or interfere with any road signs, views, hazards, or obstructions. The proposed signs will not include directions that could be mistaken for traffic signals. The messages and illumination will not be distracting for drivers, and the signs will be appropriately located away from areas where drivers require increased concentration. To ensure the illumination will not be distracting it will be at the appropriate LUX level.	Y

	w) Are located in places where drivers'		[
	v) Are located in places where drivers'		
	require greater concentration, such as		
	at major intersections or merging and		
	diverging lanes	The managed marks is few a rader size	Y
3)	a) Council will not support an	The proposed works is for a pylon sign.	T
Inappropriate	application for an advertisement of a	It is considered that as the sign will be	
Signs	form, type or size described below (see	consistent with the further provisions	
	Figure C9.1 for example illustrations):	required for a pylon sign, with the	
	i) Roof signs;	maximum height of 7.0m. Furthermore,	
	ii) Sky signs controlled from the land;	the pylon sign is considered an integral	
	iii) Signs painted on or applied on the	feature to the already approved	
	roof;	development. This is due to the	
	iv) Flashing signs;	operational hours of the premises which	
	v) Signs made of canvas, calico or the	will operate at night. As such to enable	
	like (other than a temporary sign);	to McDonald's to successfully function	
	vi) Signs displayed on an awning blind	this pylon sign must be illuminated in	
	or external window blind;	order to advise passing potential	
	vii) Hoardings (excluding those	customers that the premises is open.	
	required during construction);	Therefore, the pylon sign is considered	
	viii) Billboards;	compliant.	
	ix) Bulletin boards;		
	x) Signs in the nature of posters		
	attached directly onto walls, roof		
	surfaces or any street furniture;		
	xi) Signs mounted on parked or		
	stationary motor vehicles, trailers (both		
	registered and unregistered) where the		
	principal purpose of the vehicle or		
	trailer is not for the transportation of		
	goods or people but is parked in a		
	location and position as an advertising		
	medium;		
	xii) A-frame or sandwich board signs		
	(except where specific controls have		
	been prepared and adopted by		
	Council);		
	xiii) Pole or pylon signs, except for		
	industrial, business park, service		
	station or shopping centre uses which		
	are permitted one pole or pylon signs		
	with the maximum height not in excess		
	of 7.0m;		
	xiv) Signs that are located on land		
	which advertises businesses that are		
	not being conducted on that land;		
	xv) Vertical or horizontal projecting		
	signs;		
	xvi) Fin signs; and xvii) Above awning		
	signs		
4)	a) The following signs are	This proposal is not in relation to any of	
-	permitted by Council:	the signs in section 4.	

19420_SEE_Cranebrook_Signage_October2019

Desirable Signage Design 9.3 Residential ,	 i) Fascia signs; ii) Under awning signs; iii) Flush wall signs; iv) Top hamper signs; v) Painted window signs; and vi) Advertising panel signs. Rural and Environmental Zones		
	1) A sign that is erected on a property must relate to an approved activity being conducted on that property.	The proposed signage will directly relate to the McDonald's take away premises on the property.	Y
	2) A sign that is erected on the property must be located wholly within the property and positioned so as not to impede pedestrian access or result in a traffic hazard.	The proposed signage will be wholly located within the property and will be positioned so as not to impede pedestrian access or result in a traffic hazard.	Y
	3) The siting and design of the sign on the property should ensure that amenity and visual impacts to adjoining properties are kept to a minimum.	The proposed signage will have minimal amenity and visual impacts on adjoining properties. The signage has been designed to be sympathetic to the surrounding locality, and proposed illumination is minimal.	Υ
	4) The siting and design of the sign on the property should be sympathetic to the existing character of the area.	The proposed signage will be sympathetic to the existing character of the Cranebrook area. Noted	
	5) Only one building identification sign is to be erected on the property in association with the approved business or activity being conducted on the land.	Noted	
	6) The building identification sign is not to exceed 3m2 or one-third of the length of the building elevation that faces the street, whichever is the lesser, and must not be illuminated.	Noted	

7) Only one business identification sign is to be erected on the property in association with the approved business or activity being conducted on the land.	N/A	
8) In residential zones, the business identification sign is not to exceed 3m2 and must not be illuminated.		
9) In rural zones, the business identification sign is not to exceed 3m ² , must be no higher than 2m above the ground, must not be located in a position that would intrude into the skyline, and must not be illuminated.	The proposed signage will have minimal amenity and visual impacts on adjoining properties. The signage has been	N – justified
10) In rural zones, signage, where permissible, shall relate to the style, character and function of the building or activity, and reflect the area's landscape and character.	The proposed signage will relate to the style, character ad function of the	Y
11) In rural zones, signage shall not be freestanding in the landscape, but shall relate to walls, fences or buildings.	The Constant Street and the street street in	Y

12) A real estate sign may comprise of a double sided or 'V' sign and must not exceed 4.5m2 in area per sign face. The sign must be removed within 14 days of the property being sold or let.	N/A	
13) A sign advertising an exhibition home or village must not exceed 10m2 in area. The sign must be removed on expiration of the development consent for the 'exhibition home'.	N/A	N – justified
14) Illuminated signs are generally not permitted. External lighting of a sign, however, will be considered where it can be demonstrated that no adverse impact will result.	Some illumination will be present in the proposed signage. This will not be overly bright, and will be necessary given that the sign will need to be visible at night due to the McDonald's opening hours. No adverse impacts will be caused to the surrounding area as a result of this illumination as the LUX will be considered and set to the appropriate level.	

APPENDIX C - SEPP 64 ASSESSMENT

Table 2 - SEPP 64 Schedule 1 Assessment

Schedule 1 Assessment		Comment	Compliance
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?	The proposed pylon sign is compatible with the existing and desired future characteristics of the Cranebrook Road area.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Currently there is no applicable advertising theme in the locality.	N/A
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?	The proposed sign does not 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	Y
3) Views and Vistas	Does the proposal obscure or compromise important views?	There are no important views which the proposed sign will compromise or obscure.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed pylon sign will not dominate the skyline. It will be in accordance with the DCP and not exceed the height of 7m. As such there is no concern the it is reducing the quality of vistas.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed sign will not impede or obscure any other advertising.	Y
 Streetscape, settings or landscape 	Are the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs scale and proportions are in keeping with landscape and streetscape.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal will contribute to the visual interest in the area. This is due to the visual being a recognisable and familiar sign, which has attracted many customers to other McDonald's take- away premises around Australia.	Y
	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Although the proposal is for a new sign, it is considered to not in clutter the surrounding area. This is due to the proposed placement of the sign being in the south-east corner of	Y

19420_SEE_Cranebrook_Signage_October2019

		the site, away from proposed service stations signage.	
	Does the proposal screen unsightliness?	No, the proposal does not screen unsightliness. Rather it creates a sense of familiarity and comfort due to is instantly recognisable features.	Y
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the building does not protrude above surrounding building structures and will be at the same height as the approved Shell service station pylon sign. Furthermore, there are no tree canopies in the surround vicinity which it protrudes from.	Y
	Does the proposal require ongoing vegetation management?	No, it does not require ongoing vegetation management.	Y
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?	The proposed pylon sign will be compatible in scale and proportion to the already approved developments on the site.	Y
	Does the proposal respect important features of the site or building, or both?	Yes, the proposal does respect the important features of the site and approved building plans. Due to its colour combination in line with the approved McDonald's take- away premises, it will create a sense of rhythm and continuity to the site.	Y
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed pylon sign shows innovation and imagination. It will interact with the approved building plans for the site, as it will be a continuation of the colour patterns and logos already approved.	Y
 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 proposed pylon illuminated sign will have the recognisable McDonald's logo. The sign will be appropriately illuminated.	Y
7) Illumination	Would illumination result in unacceptable glare?	No, the illumination will not result on unacceptable glare.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	Due to the simplistic design, the illumination will not affect the safety of vehicles,	Y

		pedestrians or aircraft.	
		Further, the illumination will	
		be at the appropriate LUX	
		level to ensure safety.	
	Would illumination detract	Due to location being rural,	Y
	from the amenity of any	it is unlikely for any	
	residence or other form of	residence to be visible	
	accommodation?	impeded by the illumination	
		of the sign. To ensure it will	
		not detract from the	
		amenity, as stated	
		previously the LUX will be at	
		an appropriate level	
	Can the intensity of	No, however the	Y
	the illumination be	illumination is not expected	
	adjusted, if necessary?	to create any negative	
		visual impacts or	
		unacceptable glare.	
	Is the illumination subject	The illumination of the	Y
	to a curfew?	proposed pylon sign will	
		only be on when the	
		McDonald's takeaway	
		premises is operation.	
8) Safety	Would the proposal reduce	The proposed signage	Y
	the safety for any public	will not reduce safety as	
	road	sightlines will not be	
		affected and there will be	
		no cause of distraction for	
		drivers.	
	Would the proposal reduce	The proposed signage	Y
	the safety for pedestrians	will not reduce existing	
	or cyclists	safety for pedestrians and	
		cyclists.	
	Would the proposal reduce	The proposed signage	Y
	the safety for pedestrians,	will not obscure sightlines	
	particularly children, by	from public areas	
	obscuring sightlines from		
	public areas?		