

20 September 2013

Mr Alan Stoneham
The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Attention: Mr Paul Lemm, Development Services Manager

Dear Mr Stoneham,

**SECTION 96(1A) APPLICATION TO MODIFY DEVELOPMENT CONSENT NO. 13/0328
REVISION OF APPROVED BUSINESS IDENTIFICATION SIGNAGE FOR THE EXISTING DAN MURPHY'S LIQUOR
STORE
21 ASPEN STREET, SOUTH PENRITH (LOT 101 DP 701943)**

We enclose a Section 96(1A) Modification Application to Penrith City Council (Council) to modify Condition 1 and remove Condition 9 of Development Consent No. 13/0328 to comprise amended architectural plans. The amended plans comprise the revised rebranding for the Dan Murphy's business identification signage package that is being rolled out on all Dan Murphy's Stores across Australia. This modification application has been prepared for Dan Murphy's by Milestone (AUST) Pty Limited (Milestone).

Included within this Section 96(1A) application are the following:

- Completed *Application for Modification of Development Consent Form* and Land Owner's Consent (1 copy);
- Cheque payable to Council for \$692.00 (including \$182 notification fee) in accordance with Council's fees and charges schedule 2013/14;
- This Statement of Environmental Effects prepared by Milestone (6 copies);
- Amended Architectural Plans prepared by i2C Architects (i2C) (Appendix A) (6 Copies):
 - Current Approved Location of Signage, Drawing No DA01, Rev A, dated 4 September 2013;
 - Current Approved Elevations, Drawing No. DA02, Rev A, dated 4 September 2013;
 - Proposed Location of Signage, Drawing No. DA04, Rev C, dated 4 September 2013; and
 - Proposed Elevations, Drawing No. DA05, Rev C, dated 4 September 2013.
- Revised Photomontages prepared by RedJelly (Appendix B) (6 Copies);
- SEPP 64 Assessment prepared by Milestone (Appendix C) (6 Copies);
- Letter from Dan Murphy's regarding Lowest Liquor Price Guarantee wording (Appendix D) (6 Copies);
- Notification Plans (A4) (6 copies); and
- CDROM of all lodgement material (1 copy).

This submission identifies the site and its context, describes the proposed modification and provides an assessment of the likely impacts in terms of the matters for consideration contained in 79C(1) of the *Environmental Planning and Assessment Act 1979* (the Act) as amended.

STATEMENT OF ENVIRONMENTAL EFFECTS

1. BACKGROUND

1.1 Background of the Site

On 14 June 2013, Council approved DA13/0328 for the following works:

"Dan Murphy's Business Identification Signage."

1.2 Site Description

The subject site is legally described as Lot 101 DP 701943 and is located along the western side of The Northern Road at South Penrith. The site has an overall site area of approximately 8,700m² and has a frontage to Aspen Street of approximately 100m (along the eastern boundary) and 65m (along the northern boundary). Access to the site is obtained via the dual entry-exit points off The Northern Road and Maxwell Street. Cars exiting the site via the exit point onto The Northern Road are only permitted to turn left onto The Northern Road (Northbound).

The site is currently occupied by a hotel/commercial building comprising two tenancies. The Dan Murphy's Liquor Store occupies one of the two existing tenancies within the building on the site at the southern end and comprises a Gross Floor Area (GFA) of 909m². The other tenancy on the site includes Pioneer Tavern comprising a TAB bar.

At-grade car parking spaces are located on the northern, eastern and southern part of the site. The car parking spaces are shared between the tenancies located on the site. A landscaped buffer comprising trees is located along the site's western boundary. Street tree planning is located along both sides of The Northern Road.

Photos of the site are shown below.



Figure 1: Aerial Locality Map
Source: SIXViewer, 2013



Photo 1: The existing main frontage of the Dan Murphy's Liquor Store and adjoining tenancies, view west.



Photo 2: The existing southern elevation of the Dan Murphy's Liquor Store, view north-west.



Photo 3: Pioneer Tavern comprising the TAB adjoining the existing Dan Murphy's Liquor Store to the north, view west.

1.3 Site Context

The site is accessed via Aspen Street which runs parallel along the site's eastern boundary to The Northern Road. The Northern Road is a four lane arterial road that connects Narellan (located south of the site) and South Windsor (located north-east of the site).

The site forms one part of the "service business area" located along Aspen Street. A 7-Eleven service station directly abuts the site's southern boundary. John Cootes Furniture Warehouse Centre and a KFC restaurant are located to the south of the 7-Eleven service station (refer to Figure 1 above). Low density residential properties are located beyond.

Low density residential properties directly abut the western boundary of the site.

Rotary Park is located approximately 50m north of the site on the opposite side of Maxwell Street (refer to Figure 2 below). The Nepean Hospital is located approximately 1.5km north-east of the site (refer to Figure 2 below). Penrith Westfield Shopping Centre is located approximately 4km north-west of the site (refer to Figure 2 below).

In summary the subject site is proximate to the arterial road network, public open space, residential neighbourhoods and a range of other retail and business uses.



Figure 2: Location Map
Source: SixViewer 2013

2. PROPOSED MODIFICATION

Development consent is sought from Council to modify DA13/0328 as follows:

- Condition 1 to reflect the new revised rebranding theme for all Dan Murphy's Stores as shown on the amended architectural plans submitted with this Section 96(1A) Application; and
- Remove Condition 9 within DA13/0328.

The proposed modification also comprises revision of paint colours of the north, south and west elevations of the existing Dan Murphy's Liquor Store. The paint colours are the revised corporate colours specifically created for Dan Murphy's Liquor Stores. The proposed modified painting is exempt development in accordance with Subdivision 27 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) and therefore does not require Council development consent. The revised external building colours have been included on the revised architectural plans for completeness only.

2.1 Proposed Revised Signage

The revised architectural plans comprise the following revised signage elements:

- Sign A – 2 x Non Illuminated Flush Wall Sign comprising 4mm Aluminium lettering to state “Dan Murphy’s” to replace the previously approved Sign A and J (within DA13/0328) along the east elevation and another sign is to be located on the south elevation. Each modified Sign A comprises an area of 14.1m².
- Sign B – 2 x Externally Illuminated Vinyl Print Flush Wall Signs comprising the Dan Murphy's logo on precision cut Aluminium Composite Material (ACM) to replace the previously approved Sign B located on the east elevation and Sign K on the south elevation. The revised Sign B comprises an area of 10.6m² and will continue to be externally illuminated by an external illumination lighting pelmet that is attached at the top of each sign.
- Sign C - 2 x Non Illuminated Flush Wall Signs to replace the previously approved Sign E along the east elevation and Sign L on the south elevation of the existing Dan Murphy's Liquor Store. The sign states “*Lowest Liquor Price Guarantee*” and comprises an area of 11.4m². The revised Sign C's are slightly larger in area than the previously approved Signs E and L. This is required to ensure the signs are in proportion to the other signs on the east and south elevations and is integrated with the overall signage design, which in turn, will provide a signage package that contributes positively to the streetscape.

- Sign D - 1 x Flush Wall Sign to replace the previously approved Signs C and D along the east elevation. The 4mm lettering will be directly fixed to the existing wall and states "Liquor Merchants Dan Murphy's since 1878". The revised Sign D comprises an area of 3.1m².
- Sign E - 1 x Internally Illuminated Awning/Fascia Sign to replace the previously approved Sign F located on the awning above the pedestrian entrance to the store. The sign comprises an area of 1.4m².
- Signs F, G & H (Pylon Signs) - Modification of the three existing pylon signs located at the vehicle entry/exit points to the site and along Aspen Street. The proposal includes retrofitting the existing Dan Murphy's double-sided advertising panels within each sign to include the revised Dan Murphy's internally illuminated advertising panels. The existing sign frame structures will be re-utilised. The area of the new signs will comprise the same area as the existing Dan Murphy's advertising panels.

Overall, the proposal within this modification application reduces the number of signs proposed (from 12 approved signs to 11). Further details regarding the proposed modification are included within the Architectural Plans held at Appendix A.

2.2 Removal of Condition 9 from DA13/0328

The removal of Condition 9 within DA13/0328 is required as Sign C (previously approved as Sign E) is proposed to be larger than what has been imposed by Council to ensure the revised sign is in proportion to other signs located on the existing elevations. By providing a signage package that is in proportion it contributes positively to the existing streetscape. In addition, the proposed Sign C is only marginally larger than the previously approved Sign E (2m²), features smaller lettering than the originally proposed Sign E and is only 50cm higher than required by Condition 9. The revised Sign C will continue to be non-illuminated and therefore will only be visible by passing vehicles and pedestrians during the daytime period. As a result, proposed Sign C and deletion of Condition 9 will not result in any significant adverse visual or environmental impacts.

All other conditions of consent within DA13/0328 will remain as applicable and no change is proposed.

3. ASSESSMENT UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

3.1 Substantially the Same Development

The proposed modification requires assessment under Section 96(1A) of the Act, which states that Council can modify the consent where:

- *it is satisfied that the development results in minimal environmental impact;*
- *it is satisfied that the development to which the modified consent relates is 'substantially' the same development;*
- *it has given public notice of the application if required by the Regulations; and*
- *it has considered any submissions received.*

The proposed modification results in minimal environmental impacts to the surrounding locality and residential uses (refer to Section 4.2 of this Statement of Environmental Effects for more details). The proposed modification does not alter the approved use of the relevant part of the site for the purpose of a Dan Murphy's Liquor Store and seeks only to modify the approved Architectural Plans to comprise the revised Dan Murphy's business identification signage package that is currently being rolled out across Australia.

The proposed modification does not propose any additional signage, in fact, the number of signage is being reduced from 12 signs to 11 signs. Overall, the location of the proposed signage on the existing Dan Murphy's Liquor Store is generally maintained. No additional signage structures are proposed. Therefore, it is considered that the proposed modification results in substantially the same development as originally approved.

The proposed modification will be publicly notified in accordance with Council's notification provisions.

The proposed modification is therefore consistent with the requirements of Section 96(1A) of the Act.

4. STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

Section 96(3) of the Act states that:

"In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development the subject of the application."

In accordance with Section 79C(1) of the Act, the following section provides an appraisal of the proposed modification having regard to the statutory planning instruments that are applicable to this site.

4.1 Environmental Planning Instruments

4.1.1 State Environmental Planning Policy No 64 – Advertising and Signage

The aims and objectives of State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64) are set out at Clause 3(1)(a) as follows:

"(1) This Policy aims:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish."*

Clause 8 of SEPP 64 states that:

"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 proposed modified business identification signage meets the overall aims and objectives of SEPP 64 as set out at Clause 3(1)(a). The proposed modified business identification signage serves to communicate the business function of the site and appropriately identify the operators of the retail premises, Dan Murphy's. The proposed signage is of high quality finish and has appropriate consideration to Aspen Street as well as The Northern Road.

The proposed signage is for business identification purposes and relates directly to goods and services offered for sale in the premises. In this regard, we note the definition of business identification sign within SEPP 64, being a sign:

Business identification sign means a sign:

"(a) that indicates:

- (i) the name of the person, and*
- (ii) the business carried on by the person,*

at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not include any advertising relating to a person who does not carry on business at the premises or place."

A full assessment of the proposed amended signage against the assessment criteria listed in Schedule 1 to SEPP 64 has been undertaken and is attached at Appendix C. The assessment has shown that there is no impediment under SEPP 64 to Council approving the proposed modified signs.

Logos and symbols that identify the business, including advertising that relates to the carrying out of business on the premises, are included within the Business Identification sign definition, and are therefore appropriate content for business identification purposes. As outlined within the letter prepared by Dan Murphy's (held at Appendix D), the *Lowest Liquor Price Guarantee* wording has been part of the Dan Murphy's business since it was established in 1952 and is displayed on every store across Australia. In light of this, this wording is part of the Dan Murphy's branding and identity and therefore relates directly to the operator and use of the site.

4.1.2 City of Penrith Planning Scheme

The site is located within Zone 3 Business – (d) Special Business (Service Area) within the City of Penrith Planning Scheme (Planning Scheme). The existing Dan Murphy's Liquor Store is defined as a "general store" within the Planning Scheme and is therefore permitted with Council consent. The zoning and permissibility was confirmed within the Section 149 Planning Certificate obtained from Council (Certificate No.13/01175 dated 15 March 2013). The proposed signage is considered ancillary development to the use of the site and is therefore permitted with Council consent.

Heritage

In accordance with the Section 149 Planning Certificate obtain for the site (Certificate No. 13/01175), the site is not affected by an item of environmental heritage.

4.2.3 Draft Penrith Local Environmental Plan 2010

The draft Penrith Local Environmental Plan 2010 (draft LEP 2010) was placed on public exhibition in May 2013. The site is proposed to be zoned B6 Business Enterprise within draft LEP 2010. The use of the site as a Dan Murphy's Liquor Store would be classified as a retail premises within draft LEP 2010. Retail premises are prohibited within the B6 Zone and therefore the use of the site as a Dan Murphy's Liquor Store would rely on existing use rights. Notwithstanding this, the objectives of the B6 Zone are as follows:

- "To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity."

The use of the site as a Dan Murphy's Liquor Store is considered to support the objectives of the B6 Zone.

4.2.4 Penrith Development Control Plan 2006

Part 2 Section 2.2 – Crime Prevention Through Environmental Design

The existing development incorporates the key principles of Crime Prevention Through Environmental Design (CPTED) and development controls outlined within this Section of Penrith Development Control Plan 2006 (DCP 2006). No alteration to the existing gross floor area is proposed within this S96 application. The existing site implements the key principles of CPTED through natural surveillance, clearly defined access control, enhanced space management and territorial reinforcement.

As the proposal does not alter the existing design layout of the development, or views or vistas into the store along the frontages the existing Dan Murphy's Liquor Store and the site will continue to maintain safety and security for customers, Dan Murphy's staff and the local community.

Part 2 Section 2.9 – Waste Management

A Waste Management Plan was submitted within DA13/0328 to outline how waste will be managed during the proposed demolition and construction phases. No alteration is proposed to be made to the approved Waste Management Plan as part of this modification application.

Part 3 Section 3.1 – Advertising Signs

The objectives of Section 3.1 within Part 3 of DCP 2006 are as follows:

- permit the appropriate display of information concerning the identification of premises, name of the occupier and the activity conducted on the land;
- provide a consistent approach to the control, location and design of advertisements;
- promote and encourage an integrated design approach to all signage which is in character with the locality, together with its architectural and landscape features and results in a high quality advertising sign and structure;
- ensure that all signage to be displayed on a building's facade complements the architectural features, colour scheme and external finish of the building;
- prevent the proliferation of signage;
- ensure that signage does not constitute a traffic hazard to motorists and pedestrians; and
- foster a consistent approach to the design and assessment of advertising signs and structures within the City.

The proposed modified business identification signage is considered to satisfy the objectives of Section 3.1 of DCP 2006 for the following reasons:

- The modified signs directly relate to lessee of the site, Dan Murphy's, the use of the building as a Dan Murphy's Liquor Store as well as the retail offer of the premises. As outlined within the letter prepared by Dan Murphy's (held at Appendix D), the *Lowest Liquor Price Guarantee* wording has been part of the Dan Murphy's business since it was established in 1952 and is displayed on every store across Australia. In light of this, this wording is part of the Dan Murphy's branding and identity and therefore relates directly to the operator and use of the site.
- The location and design of the modified advertisements are consistent with other signage on the site.
- The proposed modified signage is integrated within the design of the existing building and is comparable with other signage located along Aspen Street (for example, signage on the KFC site).
- The proposed modified signage will be constructed from high quality materials.
- The proposed modified signage package utilises existing signage structures (where possible), is neat and well presented to prevent the proliferation of signage.
- The proposed modified signage comprises a reduced number of signs than previously approved within DA13/0328.
- The signage is located within a "service area" adjacent to a main road (The Northern Road) and will be erected within the confines of the subject site boundaries. The modified proposal will not give rise to any unacceptable safety concerns on public roads or for pedestrians or cyclists. The signage is for identification purposes and is in accordance with signage typically found along/adjacent to a main road in a business zone. No alteration to the number of illuminated signage is proposed. The illuminated signs will continue to only be illuminated during the hours of operation of the Dan Murphy's Liquor Store.

Table 1 below comprises the assessment of the proposed modified signage against the relevant provisions for Commercial and Industrial zones outlined within Section 3.1 within Part 3 of DCP 2006.

Table 1: Assessment of Proposed Signage against Controls for Signage within Commercial and Industrial Zones within Section 3.1 within DCP 2006.

Control	Compliance
1. Applicants intending to erect a sign (advertisement) should first consult the relevant environmental planning instrument applying to the subject property to determine whether or not an advertisement requires development consent.	Complies
2. All advertising is to be - (a) constructed of high quality, durable materials; (b) considered in conjunction with design and construction of buildings; (c) restricted to one sign identifying the name of the occupants and/or products manufactured or produced on the site; and (d) contained wholly within the site.	Generally Complies The proposed modified signage is generally consistent with the provisions outlined in this Section of DCP 2006. The signage relates directly to the use of the site and is integrated within the design of the existing Dan Murphy's Liquor Store building. The modified signage is contained wholly within the site and is constructed of high quality, durable materials. The modified signage has a contemporary presentation and represents a significant improvement to the streetscape in urban design terms. In addition, the signage is of a consistent scale and proportion to the host building and is sympathetic to the existing character of the area and appropriate for the Special Business (Service Area) Zone. There is a precedent of more than one sign on the premises that has been previously established. Although the proposal results in more than one sign identifying the name of the business and products sold, this is considered acceptable as the proposed modification application comprises 1 less sign than previously approved within DA13/0328. In light of this, the amount of signage proposed within this modification application is considered acceptable. In addition, the modified signage is considered acceptable on the basis that the business identification signs continue to be located at key focal points i.e above the entry doors, at the key building corner and clustered with other tenant signage.
3. Signs should generally be confined to the ground level of the building, awning or fascia.	Does Not Comply The proposal includes signage located on the ground level of the building and on the existing fascia. However, the proposal also comprises signage located above the fascia level. This is considered acceptable in this instance given the

	following: - the modified signage is proposed to be placed in generally the same location as approved within DA13/0328. - the signage located above ground level demarcates the entry into the store and the corner of the building above the store's car parking. - the majority of the south elevation does not contain any signage. For an elevation of approximately 40.5m, the proposed signage extends 12.7m. - no signage is proposed to be located on the west elevation (opposite the adjoining residential properties). - the context of the site within a Special Business (Service Area) Zone adjacent to a main road (The Northern Road). - the proposal does not result in the loss of any views or vistas given the orientation and location of the building along Aspen Street. The proposed modified signage located above the fascia level is required to ensure the building is appropriately identified for vehicles and pedestrians travelling along Aspen Street as well as The Northern Road. - The proposal is in keeping with the business environment and character along Aspen Street and The Northern Road. The location of the proposed modified signage above fascia level is comparable with the existing signage located on the KFC restaurant, John Cootes Furniture and the 7-Eleven Service Station also located along Aspen Street. - the proposal does not threaten the safety of pedestrians and motorists and will enhance the attractiveness of the site.
4. The sign is to be contained fully within the confines of the wall or awning to which it is mounted.	Generally Complies The proposed modified signage is contained fully within the confines of the wall to which it is mounted. The proposed internally illuminated awning/fascia sign slightly extends above the existing awning. This is considered acceptable as it is replacing an existing awning/fascia sign that also extends slightly above the awning. In addition, the existing pylon signs will be retrofitted to comprise the new rebranded signage.
5. Projecting wall signs, generally, will not be supported unless it can be demonstrated to be of an architectural style which is particularly suited to that building in relation to its design.	Not Applicable
6. In the case of multiple occupancy of building or sites - (a) each development should have a single directory board listing each occupant of the building. Multiple freestanding signs will not be supported; (b) only one sign is to be placed on the face of each premises either located on or over the door of the shop, unit, office, suite etc.; (c) one under awning sign shall be permitted for each shop, unit, office, suite etc. In the case where the shop, office, suite etc. has more than one street frontage, one under awning sign may be permitted to each street frontage; and (d) the minimum distance between under awning signs shall be 3m.	Not Applicable The controls outlined within Provision 6 appear to be applicable to strip shop developments or small shopfronts rather than the subject site. The subject site is located within a "Service Area" as identified within Council's Planning Scheme Ordinance. Therefore the provisions outlined within Provision 6 are not considered to be appropriate to the proposed modified signage at the existing Dan Murphy's Liquor Store given its context within a business service area adjacent to a main road.

4.2.5 Non Compliance with DCP 2012 – Amendment to the Environmental Planning and Assessment Act 1979 (Act) - Clause 79C(3A)

On 1 March 2013 the Environmental Planning and Assessment Amendment Act 2012 (the Amendment Act) became effective. The Amendment Act includes changes to the Act to clarify that the provisions contained in a DCP are not statutory requirements and are for guidance purposes only. The Amendment Act applies to the determination of DAs made after 1 March 2013 and therefore applies to this DA.

Clause 79C(3A) states:

"If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards – is to be flexible in applying those provisions and allow reasonable alternative solution that achieve the objects of those standards for dealing with the aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application."*

The proposed modified development achieves a high level of compliance with the overall DCP 2006 provisions that apply to the site and the context within a Business Service Area. The proposed variations to the DCP 2006 development controls relating to the number of signs permitted and the location of signage on a building are considered reasonable in this instance as the proposal maintains consistency with the relevant objectives and provisions of Section 3.1 (Advertising Signs) of Part 3 as outlined above within Section 4.2.1 of this report.

In addition, the existing approved signage (approved within DA13/0328) already exceeds the maximum number of signage permitted as outlined within Section 3.1 and therefore the non compliance in this instance is also considered acceptable given it is comparable with the extent of signage on nearby sites (for example, John Cootes Furniture and KFC restaurant – refer to Figure 3 below). In addition, the proposed number of signs within this modification application is less than the number of signs approved within DA13/0328 (12 signs to 11 signs). The proposed internally illuminated awning fascia sign slightly extends beyond the awning however it is replacing an existing externally illuminated awning fascia sign of the same size (Sing E) that currently extends beyond the awning.

Further, the proposed location and amount of new signage is considered acceptable for the following reasons:

- The modified signage is proposed to be placed in generally the same location as approved within DA13/0328
- It is consistent to the character of the area and comparable to other signage for other business sites along Aspen Street and The Northern Road (refer to Figure 3 below).
- The context of the site within a business service area and the orientation of the existing building which has a significant setback from The Northern Road (approximately 35m). Given the existing vegetation between the site and The Northern Road, the proposed size and scale of the signage is warranted to enhance the visibility of the store to the passing motorists and pedestrians.

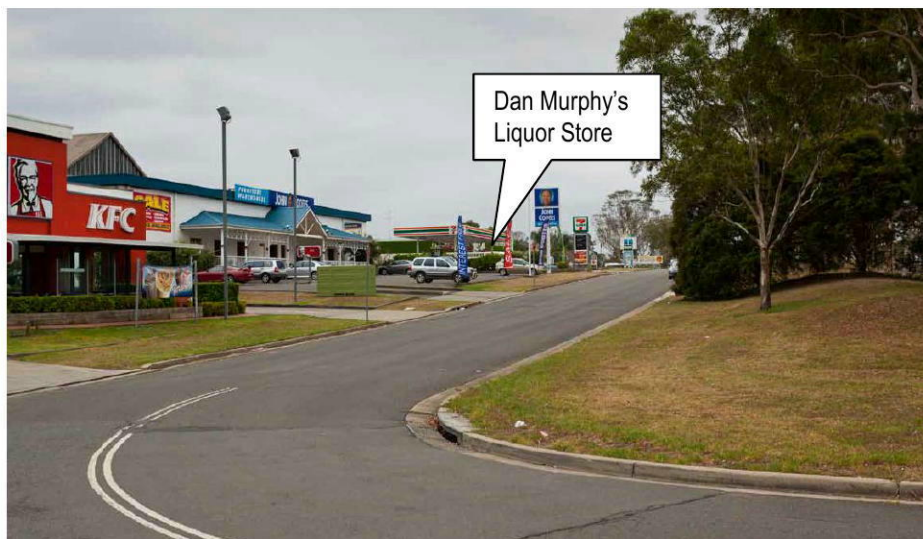


Figure 3: Photomontage of the Proposed Signage in context of other Business Identification Signage found along Aspen Street.

As stipulated in Clause 79C(3A) of the Act, Council is obligated to be flexible in applying the standards within the DCP 2006. In this regard the proposed modified signage improves the overall streetscape along the Aspen Street and will not result in significant adverse environmental impacts. The proposed modified signage is also consistent with the character of the locality.

4.2 Section 79C(1) Assessment

Section 96(3) of the Act requires the consent authority to take into consideration matters referred to in Section 79C(1) of the Act where relevant to the proposed development. An assessment of the relevant matters is provided below.

4.2.1 *Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.*

The proposed modification application includes revising the existing approved signage within DA13/0328 to comprise the revised Dan Murphy's signage package that is currently being rolled out across Australia.

The proposal achieves positive social and economic benefits by providing high quality, professional business identification signage which is necessary for the ongoing operation of the Dan Murphy's Liquor Store. In addition, the proposed revised signage positively contributes to the existing streetscape, as the proposed signs are visually integrated and have been designed to utilise the existing signage structures.

The revised signage package does not interfere with pedestrian flow or adversely impact motorists. The modified signage does not obstruct any important views of traffic, pedestrians, traffic signs and other public safety devices at any time. The proposed modified illuminated signage will continue to only be illuminated during the trading hours of the Dan Murphy's Liquor Store.

Visual Impact and View Loss

The revised signage package does not significantly alter the size of approved signage along the east, west and south elevations, in fact the extent of signage is reduced. It is noted that Sign C (previously approved as Sign E) along the east elevation is slightly larger than the size imposed by Council within Condition 9 of DA13/0328 (increased by 2.05m²). The revised dimension of Sign C is required to ensure that it is in proportion to Sign A and Sign B located above. The proposed revision to Sign C is considered acceptable given it improves the overall presentation of the building to the streetscape by being in proportion to other signage on the building and it does not result in any significant adverse visual impacts. The proposed Sign C is only 50cm taller than required by Condition 9. As outlined within the letter prepared by Dan Murphy's held at Appendix D, the wording provided within Sign C is an integral element to the branding of Dan Murphy's Stores.

The revised signage will not result in any view loss from surrounding residential or commercial properties as the proposed revised signage utilises existing structures, is generally located within the same location of the building as previously approved and does not protrude above the existing building. The revised signage package remains comparable to other signage found on commercial buildings along Aspen Street.

Residential properties directly adjoin the site's western boundary and are located opposite the site on the eastern side of The Northern Road. There is no proposed signage located on the western boundary. Given the substantial setback of the Dan Murphy's Liquor Store building from the site's eastern boundary (approximately 20m) and the separation of the site from the surrounding residential properties by The Northern Road and existing vegetation (approximately 35m), the proposed signage (including illuminated signage) will not result in any significant adverse visual impacts for these properties. In addition, the proposed amended signage package comprises the same number of illuminated signs (six signs) and comprises a reduced number of signs than previously approved within DA13/0328 (12 signs to 11 signs).

Given the significant setback of the site from The Northern Road (approximately 35m), the proposed modified signage is not considered to adversely impact on motorists travelling along The Northern Road.

As demonstrated by this assessment, the proposed development does not give rise to any significant adverse visual or environmental impacts on the natural or built environment. The location of the proposed signs will not interfere with any important views and will not have a detrimental visual impact on the streetscape. Refer to Figure 3 for the streetscape outcome of the proposal.

4.2.2 *Suitability of the Site for the Development*

The provision of business identification signage associated with the rebranding of the existing Dan Murphy's Liquor Store is required to inform members of the public of the retail offer and new presentation for the store. As the use of the tenancy will not change, the improvement of the aesthetic appearance of the premises is suitable and provides an appropriate planning outcome.

4.2.3 Any submissions made in accordance with the Act or Regulation

The proposed modification will be publically notified and the proponent will address relevant matters raised by any submissions received by Council.

4.2.4 The Public Interest

The modified proposal is essential to effectively promote the new look and improved presentation of the Dan Murphy's Liquor Store, which is in the public interest.

5. CONCLUSION

This application seeks approval to modify the previously approved Architectural Plans relating to the new business identification signage package for the existing Dan Murphy's Liquor Store located at 21 Aspen Street, South Penrith. This application seeks approval to modify Condition 1 and remove Condition 9 of Development Consent No. 13/0328 to include the revised Architectural Plans that comprise the new rebranding and business identification signage package for Dan Murphy's.

The proposed modifications achieve a high level of compliance with Council's statutory and non-statutory controls as well as SEPP 64 Advertising and Signage Provisions. The proposed revised signage will provide for effective business identification of the Dan Murphy's Liquor Store whilst not resulting in any significant adverse visual impacts on the adjoining land uses. In addition, the proposed modified signage package comprises a reduced number of signage than previously approved within the overarching consent (12 signs to 11 signs).

In light of the planning merit of the proposal and in the absence of any significant adverse environmental impacts we have no hesitation recommending approval of the proposal to revise Condition 1 and remove Condition 9 to incorporate the revised Architectural Plans.

Should you require further clarification regarding this matter, please do not hesitate to contact the undersigned.

Yours sincerely

Milestone (AUST) Pty Limited



Alice Pettini
Town Planner



Patrick Lebon
Associate

Encl: