



6 September 2017

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

Attention: Peter Wood

Dear Peter,

## **S96(1A) - HOME BULKY GOODS CENTRE SIGNAGE - 72-78 MULGOA ROAD, PENRITH**

### **1. INTRODUCTION**

This letter has been prepared on behalf of Home Consortium Group (the Applicant) in support of a Section 96(1)(A) application, to modify Development Consent DA16-1355 relating to an approved bulky goods premises at 72 Mulgoa Road, Penrith. This modification seeks consent for minor modifications to the approved signage zones.

The proposed modification has been assessed under Section 96(1)(A) and Section 79C of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). The proposed modification will have minimal impact and will result in a development that is substantially the same as that approved under DA16-1355, and is therefore submitted under Section 96(1)(A).

This letter describes the proposed modifications to the approved development, sets out the proposed amendments to the development consent conditions, and provides an assessment of the environmental impacts of the proposed changes.

### **2. SITE AND SURROUNDING CONTEXT**

The site is located at 72-78 Mulgoa Road and 43-45 Regentville Road in Jamisontown NSW, legally described as Lot 2 in Deposited Plan 1225996. The site has a 254.21m frontage to Mulgoa Road and a 160.94m frontage to Regentville Road. The site is approximately 3.037ha in area.

Existing development on the subject site consists of:

- A Masters Home Improvement Store;
- Four bulky goods retail tenancies;

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- An at-grade car park.

The site is located within a bulky goods and commercial area. Residential is located on the opposite side of Mulgoa Road.

### 3. BACKGROUND

#### 3.1. BULKY GOODS CHANGE REPURPOSE (DEVELOPMENT CONSENT DA16-1355)

On 17 February 2017, Penrith City Council granted consent (DA16-1355) for alterations and additions to the existing building, change of use of the site to Bulky Goods Premises and associated signage zones on the facades of the building and the existing pylon sign. The intent of the approval is to facilitate the repurpose the vacant former Masters Home Improvement Store to a multi-tenancy bulky goods centre to ensure the site does not remain idle.

#### 3.2. SIGNAGE CONSULTATION WITH COUNCIL

The applicant and project team met with senior Penrith Council planning staff on 24 August 2017 to discuss the proposed modifications to the approved signage zones. The matters raised in the meeting and within further email correspondence are discussed in **Table 1** below, along with the subsequent design responses relating to each matter.

Table 1 – Penrith Council Consultation Summary

Matter	Response
<p><b>Mulgoa Road Frontage</b></p> <ul style="list-style-type: none"> <li>• Signage is to consider the architectural features of the buildings, particularly the two blue ‘bookends’</li> <li>• Gaps should be provided between individual signs</li> </ul>	<ul style="list-style-type: none"> <li>• The location of the signage on the North-West elevation have been modified to ensure the signs neatly fit within the vertical blue panels on both bookends.</li> <li>• On both the North-West and North-East elevations, the individual signs have been broken up with a 300mm gap provided between each sign.</li> </ul>
<p><b>Signage quality and illumination</b></p> <ul style="list-style-type: none"> <li>• Signage should be a high quality product and should not read as poster signage</li> <li>• Internal illumination of signage on key facades is preferred</li> <li>• Council are supportive of the Home Consortium stencilling signage</li> </ul>	<ul style="list-style-type: none"> <li>• Signage on the north west and north east elevations, and signage zones 1 and 2 on the south west elevation, will be applied to flexface lightboxes and will be internally illuminated.</li> <li>• Light boxes will have a depth of 150mm to create a 3D effect.</li> </ul>
<p><b>Signage quantity and size</b></p>	

Matter	Response
<ul style="list-style-type: none"> <li>• Council expressed their in-principle support for the number of signs proposed</li> <li>• Council have indicated that the size of individual signs on the north west and north east elevations is too large, however note that the economic survival of tenants is a key consideration.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of signs is appropriate and necessary given the size of the site and its multiple frontages</li> <li>• As discussed in Section 7.4 of this SEE, the size of the proposed signage is necessary response for ensuring high visibility of the centre and retailers. A mall style bulky goods centre must be supported by a strong signage strategy in order to attract customers where tenancy entrances are not visible from the public domain.</li> </ul>
<p><b>Pylon</b></p> <ul style="list-style-type: none"> <li>• Include corporate colours on the pylon sign.</li> </ul>	<ul style="list-style-type: none"> <li>• An orange stripe has been incorporated on the sides of the pylon sign to provide a consistent colour strategy with the facades of the Home building.</li> </ul>

## 4. PROPOSED MODIFICATIONS

This Section 96(1A) application seeks approval for minor amendments to the approved signage zones and improvements to the primary entry way to the centre.

The proposed modification to the signage zones relate to a well-progressed understanding of future tenants and their signage requirements. Amendments to the dimensions and location of signage zones on the North-west and North-east elevations is accompanied by two additional signage zones on the southern elevations. The modification reflects the required signage areas for the multi-tenant centre and will promote the identity of the centre and the business tenants. All future signage will relate to the future operating bulky goods tenants.

Additional minor modifications include:

- A new glazed shopfront with auto-sliding doors on the south-western elevation;
- Installation of air louvres on the external façade of the building.

The proposed modifications are illustrated in the architectural drawings submitted at **Appendix A**.

## 5. AMENDMENT TO CONDITIONS

### 5.1. CONDITION 1

As a result of the proposed modifications, conditions of the Development Consent (DA16-1355) require amending. Modifications are shown by removed text struck through and new text in **red**.



Condition 1 specifies the approved plans which the development must be carried out in accordance with. The proposed amendments to Condition 1 is outlined below.

Table 2 – Condition 1 with amended plans

Plan	Prepared by	Dated
Site Plan ATP- 10001	The Buchan Group	21/11/16
Floor Plan ATP-20001	The Buchan Group	21/11/16
Roof Plan ATP-20002	The Buchan Group	21/11/16
Elevations ATP-40001 P04	The Buchan Group	21/11/16 6/9/17
Sections ATP-50001	The Buchan Group	21/11/16
Pylon Signage ATP-60001	The Buchan Group	21/11/16

## 5.2. CONDITION 3

Condition 3 of the original consent, relating to signage areas on the site, is to be deleted.

*All signage areas shall not exceed those approved under DA13/1257 (and subsequent modifications DA 13/1257.01 & DA13/1257.02) and in accordance with the signage zones shown stamped approved plans under this consent. Such signage content shall:*

- ~~Not include any additional external lighting beyond that already approved for the site.~~
- ~~Not have any flashing lights or moveable pieces.~~
- ~~Not consist of neon or fluorescent colours.~~

This condition of consent refers to the approval of the Masters store. Masters was a single owner with a single tenant, and as such has different signage needs and requirements than Home Consortium, a



multi-tenancy store. The signage zones remain consistent with *State Environmental Planning Policy No. 64 – Advertising and Signage*, and the objectives of the Penrith Development Control Plan 2014 as outlined in the following sections.

## **6. SECTION 96 (1A) ASSESSMENT**

The proposal has been assessed in accordance with the relevant provisions of Section 96(1A) of the EP&A Act.

### **6.1. MINIMAL ENVIRONMENTAL IMPACT**

The proposed modification to the consent will result in minimal environmental impact on the site and surrounding area. The proposal will support the economic function of the site through providing business and building identification to assist in wayfinding, and allow for improved centre access and consumer convenience. The signage will continue to promote the identity of the tenants, and does not provide for third-party advertising. There are no proposed changes to the approved building envelope, the bulky goods use, intensity of development or vehicular access and parking arrangements.

### **6.2. SUBSTANTIALLY THE SAME DEVELOPMENT**

The NSW Land and Environment Court has established several precedents as to what may be considered as being “substantially the same development”, and what should be factored into the consideration of this threshold test.

The consideration of this test should not only include the physical characteristics of the approved and modified schemes, but also the nature and magnitude of the impacts of the developments. In these respects, the modified scheme should be “essentially or materially” the same as that originally approved.

The proposed modification will result in substantially the same development as the approved as no change is proposed to the use of the site or built form. The signage zones will continue to serve as business identification signage zones.

## 7. SECTION 79C ASSESSMENT

Pursuant to Section 96(3), the proposed modification has been assessed against the relevant provisions of Section 79C of the EP&A Act.

### 7.1. STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – SIGNAGE AND ADVERTISING

The aims and objectives of *State Environmental Planning Policy 64 – Advertising Signage* (SEPP 64) are to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

Table 2 provides a preliminary assessment of the signage strategy against Schedule 1 of SEPP 64.

Table 3 – SEPP 64 Assessment

Criteria	Note	Compliance
Character of the area	The area to the north, east and south of the subject site is characterised by bulky goods premises and commercial uses, each with business identification signage. The modification to the approved signage zones will remain a consistent scale and design with the signage utilised in the surrounding locality.	✓
Special areas	The site is not located within an area of environmental sensitivity, heritage, conservation or waterways.  The existing residential area to the west is located on the opposite side of Mulgoa Road, providing a buffer to reduce any visual impact of the signage.	✓
Views and vistas	The amendment to the approved signage zones are only minor and will not visually dominate the façade of the building. The zones are consistent in scale with the dimensions of the bulky goods premises.	✓
Streetscape, setting or landscape	The amended signage remains appropriate for the setting, as it is consistent with the surrounding land uses and the previous signage strategy for the site. A consistent scale and proportion is adopted across all signage on the site to reduce visual clutter.	✓

Criteria	Note	Compliance
Site and building	The modified signage zones remain compatible with the scale and proportion of the building size on which they are located.	✓
Associated devices and logos with advertisements and advertising structures	The existing Home Consortium logo will be utilised on the South-Western frontage to promote the identity of the business centre. This is discussed further in Section 7.4.	✓
Illumination	Signage is proposed to be illuminated. As indicated on the plans, signage zones on key facades will be internally illuminated with flexface lightboxes, 150mm deep. Zones facing the centre carpark and the secondary road frontage will utilise the existing signage downlights.	✓
Safety	The modifications are minor and will not affect the safety of users of adjacent roads. The built form is setback from the street frontage, and as such will not obscure sightlines. The existing pylon sign will be repurposed to reflect the future tenants of the centre.	✓

## 7.2. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The proposed modification does not impact on the approved development's level of compliance with the *Penrith Local Environmental Plan 2011* (PLEP 2010). Specifically, there are no proposed changes to the approved land use, height of building and GFA.

Table 4 – LEP Assessment

Control	Provision	Note	Compliance
Zoning and Permissibility	B5 Business Development	Bulky goods premises and signage are listed as permitted with consent. The proposed modification remains permitted with consent.	✓
Objectives	<i>To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.</i>	The proposed modification to the signage zones continues to satisfy the objectives of the B5 Zone as the signage will support the viability of the centre through providing business	✓

Control	Provision	Note	Compliance
	<i>To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.</i>	identification and effective communication to potential consumers.	
Height	12m	The modification does not propose an increase in building height.	✓
Floor Space Ratio	No maximum FSR applies to the site	N/A	✓
Protection of scenic character and landscape values	The site is identified as land with scenic and landscape values. In these locations, Council must be satisfied that the location and design of development minimises the visual impact of the development from major roads and other public places.	The proposal does not alter the siting of buildings onsite, nor their bulk or scale. The signage zones are consistent in scale of the building and site.	✓

### 7.3. PENRITH DEVELOPMENT CONTROL PLAN 2014

Penrith Development Control Plan (PDCP) 2014 applies to the subject site. The proposed modifications do not impact on the approved development's level of compliance with the relevant objectives of the DCP. An assessment of the relevant provisions relating to advertising and signage contained in Section C9 of the DCP below.

Table 5 – DCP Assessment

Control	Provision	Note	Compliance
<b>C9.1 General Requirements for All Signs</b>			
General Requirements for Signs	Signs are to be designed and located to: <ul style="list-style-type: none"> <li>Relate to use of the building</li> <li>Be visually interesting</li> <li>Be constructed of high quality, durable materials</li> </ul>	The proposed signage will be used for business and building identification only, and specifically relate to the use of the site as a bulky goods premises. The materials will be of high-quality, durable materials, and respect the architectural features and design of the existing building.	✓



Control	Provision	Note	Compliance
	<ul style="list-style-type: none"> <li>• Be wholly contained within the property</li> <li>• Have minimal projection from the building</li> <li>• Be integrated with the architectural design</li> <li>• Have regard to the view of the sign and any supporting structure</li> <li>• Be sympathetic to existing character of the area</li> </ul> <p>Council must have regard to the number of signs in the vicinity, and whether the cumulative impact gives rise to visual clutter.</p>	<p>The site is located within a Business Development Area, and the signs are consistent with what is expected for signage in this area. The signage zones are generally consistent in size and scale across the site, to create visual consistency and interest.</p>	
Signs and Road Safety	Signs are prohibited if they obscure or interfere with road traffic signs and signals, or cause distraction to drivers.	The setback of the built form from the road will ensure the signage will not obstruct road traffic signals or distract pedestrians or motorists.	✓

## 7.4. LIKELY IMPACTS OF THE DEVELOPMENT

Due to the minor nature of the proposed modifications, no significant additional impacts will result from the proposal. The proposed signage zones are of a scale and proportion entirely appropriate for the size of the subject building and site. The signage strategy has been developed having high regard to business identification needs of a mall-based large format retail centre. Façade signage is directly linked to the viability of mall-based centres as individual tenancies are not visible from the public domain.

### 7.4.1. Business identification and economic viability

The signage strategy has been developed having high regard to business identification needs of a mall-based large format retail centre. It is essential that tenants have appropriate signage exposure on key facades of the building. Unlike a typical bulky goods precinct, mall-based tenants cannot attract customers via a shopfront, as shops open to an internal mall within a mall-based centre.

As such, façade signage zones are critical for attracting customers to the site, which will ensure the centre generates the required customer visitations to remain financially viable.

The signs reflect the commercial environment of the surrounding area and are required to identify the nature of the business venture onsite. The signage will maintain the vibrancy of the commercial area and strengthening economic activity.



#### **7.4.2. Visual impacts along Mulgoa Road**

The Mulgoa Road frontage is the principal frontage for the site. The signage strategy along the frontage has been carefully considered to ensure the signage zones address the competing economic and visual interests.

The Mulgoa Road frontage is the primary visual corridor to the centre. As such, sightlines and viewing timeframes are essential for the identification of the centre and individual tenants. The strategy has been developed to provide consistency and symmetry with the architectural features of the building on Mulgoa Road, resulting in a high quality visual outcome. The signs are contemporary and do not have an interface with any nearby sensitive land uses which will ensure that no potential amenity impacts occur.

#### **7.5. SUITABILITY OF THE SITE**

The proposed modifications do not change the suitability of the site for development. The site remains suitable for the approved use as a bulky goods premises, and the modifications to the approved signage is compatible with this type of land use.

#### **7.6. THE PUBLIC INTEREST**

The proposed modifications do not contravene the public interest. The signage zones will ensure that the centre and individual tenants gain necessary identification and exposure for the centre to maintain economic viability.

### **8. CONCLUSION**

This Section 96(1A) application seeks to make minor modifications to the approved development DA16-1355. The modifications involve amendments to the signage zones. The changes are critical for ensuring the success and vibrancy of the centre and are required to attract customers. The signs will not have any significant unreasonable amenity impacts. On balance, the modification will have a positive economic benefit and will help attract visitors to the centre.

The proposal has been assessed against Section 96(1A) and Section 79C of the EP&A Act. The proposed modifications will have minimal impact and will result in a development that is substantially the same as that approved under DA-16-1355.

Based on the above, we conclude that the proposed modification can and should be supported by Council, pursuant to the provisions of Section 96(1A) of the EP&A Act.

Yours sincerely,



*Alaine Roff*

Alaine Roff

Associate Director