

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0111
Proposed development:	New Signage for Petrol Station and Food Outlet
Property address:	1 - 21 Cranebrook Road, CRANEBROOK NSW 2749
Property description:	Lot 3 DP 215949
Date received:	18 February 2019
Assessing officer	Jane Hetherington
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for new signage for a petrol station at 1-21 Cranebrook Road, Cranebrook. The subject site is zoned RU4 Primary Production Small Lots under the provisions of Penrith Local Environmental Plan 2010. The service station has existing use rights. The proposed signage is ancillary to the service station and therefore a permissible land use in the RU4 zone.

Key issues identified for the proposed development and site include:

- The site is surrounded by rural-residential development;
- The land is identified as 'land with scenic and landscape values' on the Penrith LEP map; and
- The development includes 12 projecting horizontal signs, which are inconsistent with the requirements of Council's DCP.

The application was notified in accordance with Penrith Development Control Plan 2014. No submissions were received in response.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The site is located to the northwest of the intersection of Cranebrook Road and Londonderry Road. Developments in the area are predominately rural/residential in nature.

The site has a total area of 3.63 hectares. The majority of the site is identified to be bushfire prone land. Existing improvements on the site include a service station located on the site include a service station located in the south-eastern corner which also contains an ancillary fast food counter and a mechanical workshop. Access to the service station is available from Cranebrook Road and Londonderry Road. The site is substantially cleared of vegetation.

Proposal

The proposal includes the installation of the following signage:

- 4 x directional signs 1000mm x 640mm at the driveway entrances/exit points (noted as sign 1);
- 3 x canopy signs 1200mm x 1200mm (noted as sign 2);
- 4 x fuel signs 1700mm x 690mm (noted as sign 3);
- 12 x projecting horizontal signs 1200mm x 2040mm (noted as sign 4);
- 1 x shop entry sign 1100mm x 2020mm (noted as sign 5); and
- 1 x pylon sign measuring 6900mm x 2010mm (noted as sign 6).

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 64—Advertising and Signage

In accordance with Clause 6, the provisions of SEPP 64 apply to the development as the proposal incorporates signage.

Under the policy the proposed signage is broadly defined as signage which means:

“all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

(a) Building identification signs, and

(b) Business identification signs, and

(c) Advertisements to which Part 3 applies,

but does not include traffic signs or traffic control facilities”.

In accordance with Clause 8 (granting of consent to signage), the proposal is consistent with the aims and objectives as set out in Clause 3(1)(a) and satisfies the assessment criteria specified in Schedule 1.

Schedule 1 (Assessment Criteria):

Criteria	Comments
Character of the area	As modified, the proposal is compatible with the existing character of the area and will not detract from the visual amenity of the surrounding area.

Special areas	The site is zoned RU4 Primary Production Small Lots under Penrith Local Environmental Plan 2010, and is located within an area dominated by rural-residential development. The land is also identified as 'land with scenic and landscape values' on the Penrith LEP map. Despite this, the proposal will not detract from the amenity or visual quality of the area. The signage predominantly replaces existing signage on-site, and as amended via condition is compatible with the surrounding locality.
Views and vistas	The proposal does not detract, obscure or dominate important views or vistas, subject to conditions.
Streetscape, setting or landscape	The scale, proportion and form of the proposed signage (as modified) is relative to the use of the site, subject to conditions to remove 12 excessive signs.
Site and building	Given the size and location of the signage to be displayed, the proposal is consistent with the scale, proportion and form appropriate to the surrounding rural-residential area, subject to conditions to remove 12 excessive signs.
Associated devices and logos with advertisements and advertising structures	This section is not applicable to the subject signage.
Illumination	A condition of consent will ensure that the illuminated signs do not flash or vary in luminosity and be set at a level that will not impact on the amenity of adjoining properties or vehicles.
Safety	To ensure that the signage will not restrict pedestrian movements or impact on traffic movements. A condition of consent will ensure that the signage is to be wholly contained within the property boundary.

Clause 18 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

Clause 18 specifies that concurrence from the RMS is required for the display of an advertisement to which Clause 17 applies (an advertisement that has a display area greater than 20m² or that is higher than 8m above the ground), that is within 250m of a classified road any part of which is visible from the classified road. The development site is located on a classified road however, a referral to the RMS was not required, as the proposed signage is not greater than 20m² (the pylon sign is the largest sign with an area of approximately 14m²).

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No. 20—Hawkesbury/Nepean River (No. 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	N/A
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Does not comply - 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

Section 79C(1)(b) The likely impacts of the development

Context and Setting

The proposed signage is predominantly replacement signage for that which is currently on the site. With the deletion of the 12 signs, the signage will be appropriate for the surrounding rural-residential context and not result in any adverse visual or amenity impacts.

Section 79C(1)(c) The suitability of the site for the development

The site attributes are conducive to the development. It will not impact significantly on the amenity of the area, future character or traffic. Therefore, the signage is suitable in this locality and the site is suitable for the development, subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development was notified to nearby and adjoining residents.

Council notified seven (7) residences in the area and the exhibition period was between 22 February and 8 March 2019. Council received no submissions in response.

Section 79C(1)(e) The public interest

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

Conclusion

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, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions to delete 12 signs which are considered to contribute to visual clutter.

Recommendation

That DA19/0111 for new signage for petrol station and food outlet at 1-21 Cranebrook Road, Cranebrook, be approved subject to the following conditions.

CONDITIONS

General

1 A001

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 attached plans and by the following conditions.

Drawing Title	Drawing No.	Prepared By	Dated
Signage	10118 A101 (Issue M)	Eco In-house	22/05/2019
Elevations	10118 200 (Issue H)	Eco In-house	29/01/2019
Elevations	10118 201 (Issue H)	Eco In-house	29/01/2019

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

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 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

5 A Special (BLANK)

As per the plans marked in red, there is to be a maximum of one directional sign per driveway. The sign is to be located within the property boundary and outside the sight triangle as set out in AS 2890.2 2002 Figure 3.4.

6 A Special (BLANK)

The signage shall not flash or vary in luminosity. The illumination level shall not impact on the amenity of the adjoining premises or vehicles travelling along Cranebrook Road or Londonderry Road.

7 A Special (BLANK)

Prior to the issue of an Occupation Certificate, the existing pylon sign is to be removed so there is a maximum of one pylon sign on the site.

8 A Special (BLANK)

As per the plans marked in red, the 12 signs above the fuel dispensers (noted as sign 4) are not approved and will not form part of this approval. They are to be removed from subsequent drawings.

Environmental Matters

9 D009 - Covering of waste storage area

All waste materials stored onsite 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 the areas are to be fully enclosed when the site is unattended.

10 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

11 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).

Construction

12 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

13 H002 - All forms of construction

Prior to the commencement of construction works:

(a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

14 H041 - Hours of work (other devt)

Construction 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

15 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

16 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

Certification

17 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act 1979, and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

18 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C9 Advertising and Signage

The proposal includes the installation of the following signage:

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- 4 x fuel signs 1700mm x 690mm (noted as sign 3);
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- 1 x shop entry sign 1100mm x 2020mm (noted as sign 5); and
- 1 x pylon sign measuring 6900mm x 2010mm (noted as sign 6).

The signage is generally in accordance with the DCP. However, the number of projecting horizontal signs (noted as sign 4) is considered excessive and this type of signage is specified by the DCP as undesirable. In addition, these signs (sign 4) do not have discernible function and create visual clutter which is undesirable especially considering the surrounding rural context. As such, it is recommended that these sign be deleted off the approved plans.

The plans originally indicated two directional signs (noted as sign 1) at every driveway (equating to a total of 8 signs). However, after discussions with Council's Senior Traffic Engineer, it was determined that this was not necessary from a traffic safety perspective. As such amended plans have been received reducing the number of directional signs to 4 (1 per driveway). It is also noted that these signs are shown within the road reserve. A condition, of consent has been included requiring that these signs be relocated within the property boundary.