

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0357
Proposed development:	Installation of Pylon Sign
Property address:	2166 - 2178 Castlereagh Road, PENRITH NSW 2750
Property description:	Lot 32 DP 1180330
Date received:	16 June 2020
Assessing officer	Lucy Goldstein
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of a pylon sign at 2166-2178 Castlereagh Road Penrith. The sign is for the purpose of business identification, and is related to the current use of the site as a Motor Showroom.

The pylon sign is located in the front setback fronting Castlereagh Road, and is to replace an existing 6.5m tall pylon sign in the same location, previously approved by Council under DA10/0959.

Under Penrith Local Environmental Plan (LEP) 2010 the site is zoned IN1 General Industrial, and the proposal is defined as signage, which is a permissible land use in the zone with Council consent.

Key issues identified in the assessment of the application include:

- **Height of Sign:** The plans as lodged propose a 10m tall pylon sign. A 10m pylon sign is not considered appropriate for the site, given the sign's prominent location and visibility from Castlereagh Road. It is noted that site is mapped under Council's Scenic Land Values Map, and Penrith Development Control Plan 2014 (DCP) permits a maximum height of pylon signs of 7m. As such, a condition of consent has been imposed restricting the sign to a maximum height of 7m in accordance with Council controls.

In accordance with Penrith DCP 2014, the proposal did not require to be neighbour notified.

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 conditions.

Site & Surrounds

The subject site is legally described as Lot 32 DP 1180330, commonly referred to 2166-2178 Castlereagh Road Penrith. The site is located on the southern side of Castlereagh Road, at the corner of Castlereagh Road and Mullins Road. Currently on the site is a Motor Showroom, which the pylon sign relates to.

The surrounding area is characterised by a mix of industrial and commercial development.

Site Constraints:

- 3m & variable width easement for water and sewer is located along the front boundary of the site
- 4m & variable width easement for drainage is located across the front portion of the site
- Overhead electricity wires are located on the verge of Castlereagh Road

The signage plan shows that the sign is to be located clear of the above easements and infrastructure. However as a precautionary measure a condition of consent has been imposed requiring that a survey be submitted prior to the issue of a Construction Certificate confirming the structure and all footings are clear of all existing easements.

Proposal

- Construction of a new pylon sign fronting Castlereagh Road, for the purpose of business identification.
- The sign is to replace an existing pylon sign in the same location.
- The sign is 2.5m wide by 500mm deep. A condition of consent has been imposed restricting the height of the sign to 7m in accordance with Penrith DCP controls.
- The text and logo is internally illuminated.

Background

The current pylon sign located on the site (in which the current proposal seeks to replace) was approved by Council under DA10/0959. Under this approval, the existing sign was 6.5m in height by 2m wide and internally illuminated.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 64—Advertising and Signage

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

State Environmental Planning Policy (Infrastructure) 2007

The proposed sign is located on land adjacent to a classified road, being Castlereagh Road. As such, the proposal has been assessed against relevant criteria under the State Environmental Planning Policy (SEPP) Infrastructure 2007, as summarised below.

It is noted referral of the application to Transport for NSW (formerly Roads and Maritime Services) is not required under SEPP Infrastructure.

Clause 100 Development on proposed classified road

Not applicable, the proposed sign is located entirely within the lot, and does not encroach the road corridor.

Clause 101 Development with frontage to classified road

The sign fronts Castlereagh Road (a classified road). Accordingly, the provisions of Clause 101 apply to the proposal. Clause 101(2) states that:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, 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, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposal is for signage only and will not alter the existing vehicle access arrangements to the site. The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposal, noting that the sign is located entirely within the subject lot and is to replace an existing pylon sign in the same location. The development is not sensitive to traffic noise or vehicle emissions.

102 Impact of road noise or vibration on non-road development

The proposal is for signage and is not a development type that would be adversely affected by road noise or vibration.

103 Excavation in or immediately adjacent to corridors

The proposal does not involve penetration of ground to a depth of at least 3m below ground level on land that is the road corridor of any of the listed roads identified in Clause 103. As such, Clause 103 does not apply, and referral to Transport for NSW is not required.

State Environmental Planning Policy No 64—Advertising and Signage

The proposal has been assessed against relevant criteria under State Environmental Planning Policy No. 64 Advertising and Signage, and in this regard is found to be generally satisfactory as summarised below.

Part 2

Clause 8 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*
The proposed sign is of simple design and is compatible with the surrounding character of area. Subject to a condition of consent restricting the height of the sign to 7m, the proposal is unlikely to result in adverse amenity impacts.
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposal satisfies the criteria under schedule 1, as detailed in the table below:

Part 3

Part 3 of the SEPP does not apply to this proposal, as the proposal is for business identification signage and is not for advertising. It is noted, given that the provisions of Part 3 do not apply to business identification signage, referral of the application to Transport for NSW is not required.

Schedule 1 Assessment Criteria	Comment
1 Character of the area <ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The sign is of simple design and is for the purpose of business identification. The pylon sign is considered compatible with the surrounding locality, noting several nearby sites contain pylon signage.</p>
2 Special areas <ul style="list-style-type: none"> • 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? 	<p>The site is mapped as having scenic value, as it adjoins the Castlereagh Road corridor. Given the prominent position of the sign and that the land has scenic value, it is considered appropriate that the sign have a maximum height of 7m, and be compliant with Penrith DCP requirements.</p> <p>Given the scale and location of the sign, the sign will not obscure or compromise important views, dominate the skyline, or impact viewing rights of other advertisers.</p>
3 Views and vistas <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	

<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The proposed pylon sign is to replace an existing sign located in the same position. A condition of consent has been imposed to requiring the existing sign to be removed prior to constructing the new sign to ensure that the proposal does not result in a proliferation of signage.</p> <p>The proposal does not necessitate the removal of any vegetation.</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> • 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? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The sign is located approximately 60m from the closest building on the site, containing the Motor Show. The sign will not detract from the architecture of the building.</p> <p>The application as lodged proposed the sign to be 10m in height. In noting the maximum building height permitted for the site is 10m, it is not considered appropriate to have a pylon sign at the same height as buildings. Further, Penrith DCP permits a maximum height of 7m for pylon signs. No justification has been provided as to why the sign cannot comply with the 7m height control, and as such a condition of consent has been imposed restricting the pylon sign to a maximum height of 7m.</p> <p>It is noted that the lower portion of the sign does not contain text, images or logo and in reducing the height of the sign the design will not be compromised or altered.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • 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? 	<p>The proposal is for a pylon sign only. The pylon sign includes a logo and business name which is to be internally illuminated at night.</p>

7 Illumination <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	<p>The text and logo on the sign is to be internally illuminated. Given that a relatively small portion of the sign is to be illuminated, the proposal is not considered to result in unacceptable glare. There are no nearby residential developments or forms of accommodation that would be impacted by the sign in terms of glare and amenity. Given the scale and positioning of the sign, it is not considered to affect safety for pedestrians, vehicles or aircraft.</p> <p>A condition of consent has been imposed to ensure that the illumination is able to be reduced should required, and restrict hours of use of the illuminated sign.</p>
8 Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas? 	<p>The proposal is located within the site, behind a boundary fence. The sign will not reduce safety for people using the adjoining road and footpath.</p>

Local Environmental Plan 2010 (Amendment 4)

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

Clause 2.3 Permissibility

Under Penrith LEP 2010 the site is zoned IN1 General Industrial. The proposal is defined as Signage, which is permissible in the zone with Council consent.

Clause 2.3 Zone objectives

The proposal is for signage associated with the use of the site as a Motor Showroom. The proposal is not considered to be in conflict with the zone objectives.

Clause 7.5 Protection of scenic character and landscape values

In review of Council's 'Scenic and Landscape Values Map', the site is identified as being of scenic value as it is located along the corridor of Castlereagh Road. As such, the provisions of Clause 7.5 apply.

The objectives Clause 7.5 are:

- (a) *to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*
- (b) *to ensure development in these areas is located and designed to minimise its visual impact.*

Clause 7.5(3) states that Development consent must not be granted for any development on land to which this clause applies unless the consent authority is 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 proposed sign is in a prominent location that will be visible from Castlereagh Road. The overall design of the sign is considered simple and generally acceptable. The location is considered suitable, being away from the intersection of Castlereagh Road /Mullins Road, is clear of vegetation, is positioned behind the fence, and is to replace an existing approved pylon sign in the same location. However, the proposed height of 10m is considered excessive, and likely to result in unacceptable visual impacts when viewed from Castlereagh Road. As such, a condition of consent has been imposed restricting the pylon sign to 7m in height.

Section 4.15(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	Complies
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	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	N/A

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

A condition of consent has been imposed requiring that all works comply with the requirements of the Building Code of Australia. Given the size of the pylon sign, it that it will be a substantial structure, conditions of consent have been imposed requiring a Construction Certificate and Occupation Certificate be obtained. Subject to conditions, the proposal is considered capable of meeting the requirements of the Regulations.

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

As detailed in the body of this report, the proposal (subject to conditions) is unlikely to result in adverse social and environmental impacts.

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

The site is considered suitable for the development.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Penrith DCP 2014, the proposal did not require to be notified.

Section 4.15(1)(e)The public interest

The proposal is unlikely to generate significant issues of public interest, noting a condition of consent restricts the height of the sign to 7m, and the sign is to replace an existing pylon sign.

Section 94 - Developer Contributions Plans

The proposal is for signage and does not trigger development contributions.

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 proposal is a permissible land use in the zone with Council consent, the site is considered suitable for the development, and the proposal is unlikely to result in adverse visual, safety and amenity impacts.

Accordingly, the application is recommended for support, subject to the following conditions.

Recommendation

That Development Application DA20/0357 for the construction of a Pylon Sign at 2166-2178 Castlereagh Road Penrith be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001 - Approved plans table

The development must be implemented substantially in accordance with the plans numbered shown below and 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 Reference	Prepared by	Dated
Site Location Plan	Project No. 32742.1	Major Media Design	4 June 2020
Pylon Signage 01	Project No. 32742.1	Major Media Design	6 April 2020
Pylon Signage 02	Project No. 32742.1	Major Media Design	4 June 2020
Existing Pylon Location	Project No. 32742.1	Major Media Design	13 January 2020
Proposed Pylon Location	Project No. 32742.1	Major Media Design	13 January 2020
Pylon Sign	-	Major Media Design	17 June 2019

2 A019 - OCCUPATION CERTIFICATE

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

3 A039 - Graffiti

The finishes of all structures 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 construction works associated with the sign.

5 A Special Height of Sign

The pylon sign subject of this consent is restricted to a maximum height of 7.0m as measured from ground level, in accordance with the requirements of Penrith Development Control Plan 2014.

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to confirm that the pylon sign is a maximum height of 7.0m.

6 A Special Illumination

The sign is not to be illuminated during daylight hours, between 8am and 5pm. The sign must be fitted with a device to adjust the intensity of the illumination, if required. All cabling associated with the sign is to be concealed. Any uplighting of the sign is prohibited, and the sign must not be fitted with flashing or moving lights or elements.

7 A Special Survey

Prior to the issue of a Construction Certificate, a detailed survey plan is to be submitted to the Principal Certifying Authority confirming that the sign (including all footings) are located wholly within the site and are clear of any easements.

Demolition

8 B001 - Demolition of existing structures

Prior to the construction of the sign that is subject of this consent, the existing sign located at the front boundary, and as shown on the approved 'Existing Pylon Sign Plan', must be demolished.

9 B005 - Mud/Soil

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

10 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

11 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on-site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

12 D002 Spraygrass

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

13 D005 – No filling without prior approval

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

14 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.

BCA Issues

15 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Construction

16 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.

17 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

18 H041 - Hours of work

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.

Engineering

19 K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Landscaping

20 L012 - Existing Landscaping

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

Certification

21 Q001 - Notice of Commencement & Appointment of PCA1

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

- 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 and accompanying Regulation, and
- 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 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.

22 Q05F - Occupation Certificate for Class10

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

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, subject to conditions, is considered to meet the objectives of Chapter C9 of Penrith DCP. In this regard, the sign is not considered to result in visual clutter, the proposed colour and design of the sign will not detract from the architectural features of the existing and surrounding buildings, and the sign is unlikely to safety issues as the sign does not propose animated text/images.

Industrial Areas

Penrith DCP permits a pylon sign of a maximum height of 7m on land that is zoned Industrial. The site is zoned for industrial purposes (being IN1 General Industrial) and as such a pylon sign is permitted. A condition of consent has been imposed restricting the height of the sign to 7m to comply with the controls.

Illuminated Signs

The illuminated component of the sign will not detract from the architecture of the building during daylight, as the sign is only proposed to be illuminated at night. This will be enforced through a condition of consent. A condition of consent has also been imposed requiring all cabling to be concealed and integrated with the sign, and have the ability to dim the illumination if necessary.