

DEVELOPMENT ASSESSMENT REPORT - DA224/13 PROPOSED SIGN, 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA224/13 from MARGOT DAWSON; THE SHELL COMPANY OF AUSTRALIA LTD C/- MEINHARDT for the ERECTION OF A SIGN on land known as Lot 2 DP 862773, 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790.

The proposal is for the removal of a 10m flag sign and 3m board sign to be replaced with a site identification sign at the Shell/Coles Express Service Station.

The proposed sign would be 7.24m x 2.01m in size and would internally illuminate the word "Shell". Part of the structure contains a red LED lighting component which displays the cost of the different types of fuel sold on the property.

The works are necessary to comply with the new legislation for fuel signs which now requires the display of fuel prices.

There are no changes to the operation of the service station or any other existing signs located on the property.



Picture 1 showing the existing sign and service station.

2. SUMMARY

To assess and recommend determination of DA224/13. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 862773
Property Address : 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790

4. ZONING: The land is zoned 2(a) Residential in accordance with Lithgow City Local Environmental Plan 1994.

5. PERMISSIBILITY: The development being an ‘advertising sign’ is considered permissible under Lithgow City Council’s Local Environmental Plan 1994, subject to development consent.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP’s)

Council’s *Policy 7.6 – Development Applications by Councillors and staff and relatives* requires Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given that the property is owned by Councillor Frank Inzitari, the proposal is reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

N/A.

5.3 LEGAL IMPLICATIONS

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

LEP 1994 – Compliance Check		
	Clause	Compliance
9	2(a) zoning table	Yes
21	Notification of certain development and development in Residential and Village Zones	Yes
26	Development along arterial roads	Yes

Comment: The proposed development is consistent with the above zone objectives, as the proposed sign would replace an existing sign which faces the Great Western Highway.

The development is located along the Great Western Highway therefore the proposal was referred to Roads and Maritime Services who has no objection to the proposal subject to conditions of consent if the development was approved.

State Environmental Planning Policy No 64—Advertising and Signage

SEPP No 64 Advertising and Signage – Compliance Check		
	Clause	Compliance
14	Duration of consents	Yes
23	Freestanding advertisements	Yes
	Schedule 1 Assessment criteria	Yes

Comment: The advertisement would not extend over a window or other opening, and would not obscure significant architectural elements of the building.

The proposal would be compatible with the existing character of the area and would not detract from the amenity or visual quality of the area as the sign would be facing the Great Western Highway.

If the development was approved then the following condition would be placed on the consent:

The development is to expire 15 years after the date on which the consent becomes effective.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Council's Draft Local Environmental Plan 2013

Council's Draft LEP 2013 – Compliance Check	
Clause	Compliance
Part 2 Zoning Table: R1 General Residential	Yes

Comment: 'Signage' is prohibited within the proposed zones. As such the development was submitted under the current LEP 1994 which states that the development is permissible in the zone.

5.3.3 Any Development Control Plan

Council's Outdoor Advertising Development Control Plan

Council's Outdoor Advertising DCP – Compliance Check	
Clause	Compliance
Size of Signs Signs should not exceed 0.6m ² in area	No, however the sign relates to an existing commercial use.
Number of Signs 1 sign per premises will be permitted. This will be permitted as of right for Home Occupations, Home Industries and Bed & Breakfast establishments providing the sign meets the requirements of this plan.	Yes
General Signs should not be erected on walls facing adjoining residences. Signs above roof lines or directly on top of awnings will not be permitted. Signs should not be illuminated.	No, as the sign is an LED sign.

Comment: The property is located within the residential zone. Council has assessed the proposal against the part of the DCP that relates to signs within the residential zone.

The sign is proposed to be 7.24m x 2.01m in size and would be facing the Great Western Highway.

The sign is to be located on an existing commercial property and replaces an existing sign. The sign would not impact on residential buildings due to it facing the Highway and landscaping separating the residential dwellings to the commercial premise. The sign would also be lower in height than the existing sign.

The size of the sign is considered reasonable for the area.

The RMS has provided conditions in regards to illuminated signs if the development is approved.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of the building is proposed as part of this application apart from the removal of an existing sign.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Social and Economic Impact: The works are necessary to comply with the new legislation for fuel signs which now requires the display of fuel prices to the community. Therefore the development would have a positive social impact.

The proposed development will further be generally in keeping with the provisions of the planning instruments and is reasonably compatible with the existing sign that it will replace; it is expected to have minimal social and economic impact.

Adjoining Landuse: The property is located on the corner of the Great Western Highway and Magpie Hollow Road. Residential dwellings are located on the western side while rural properties are located on the north eastern side.

As the development would be replacing an existing sign, would be lower in height, contains landscaping on the western boundary to separate the residential land use to the commercial property and would be facing the Highway, minimal impacts are expected to occur to adjoining landuses.

Services: The development would be connected to power sources that exist within the main building of the service station.

Public Domain: The development will not greatly impact on the public domain.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential, rural and commercial pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to the Roads and Maritime Services (RMS) and Council's Building Surveyor for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Council's Administration Building for a period of 14 days.

ADJOINING NEIGHBOURS

During the advertising period no submissions were received.

ROADS AND MARITIME SERVICES

The documentation submitted in support of the proposed outdoor advertising sign has been reviewed. Roads and Maritime will not object to the proposed development and provides the following recommended conditions of consent for Council's consideration:

- *Signage is not to flash, move or be objectionable glaring or luminous (maximum allowable luminance of: 400 cd/m² during daylight hours and 100 cd/m² of a night-time);*
- *Advertising signage is to be contained wholly within the subject land;*
- *The proposed signage is not to impede sight lines or traffic and/or pedestrians entering the Great Western Highway from the subject land or from Magpie Hollow Road;*
- *Prior to operation of the new advertising sign, all redundant signage (10 metre flag sign and price board) is to be removed from the subject land.*

COUNCIL'S BUILDING SURVEYOR

Reference is made to the abovementioned Development Application, site inspection carried out on 29 October 2013 and examination of the application file. The application seeks approval for the replacement and slight relocation of the existing sign. The proposed sign will be lower in height and incorporate several other signs on the property reducing the amount of advertising structures currently located on the site. The Construction Certificate for the sign will be issued by a private certifier.

No objections are raised to the proposal.

5.3.9 The public interest

There has been no issues raised from the public regarding planning issues.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA 224/13 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens Supervisor: Paul Cashel

Signed:.....Signed:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. Signage is not to flash, move or be objectionable glaring or luminous (maximum allowable luminance of: 400 cd/m² during daylight hours and 100 cd/m² of a night-time).
3. Advertising signage is to be contained wholly within the subject land.
4. The proposed signage is not to impede sight lines or traffic and/or pedestrians entering the Great Western Highway from the subject land or from Magpie Hollow Road.
5. Prior to operation of the new advertising sign, all redundant signage (10 metre flag sign and price board) is to be removed from the subject land.
6. The development is to expire 15 years after the date on which the consent becomes effective.