

DEVELOPMENT ASSESSMENT REPORT - DA284/13

PROPOSED UPGRADE OF EXISTING SIGNS, THE SHELL SERVICE STATION, 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA284/13 from SUE ZHANG for the UPGRADE OF EXISTING SIGNS on land known as the Shell Service Station, Lot 1 DP 862773, 888 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790.

The proposal seeks to upgrade the existing fascia and under-canopy signs to refresh the appearance of the Service Station. All new signs are proposed in similar locations to the existing signs.

The development is for:

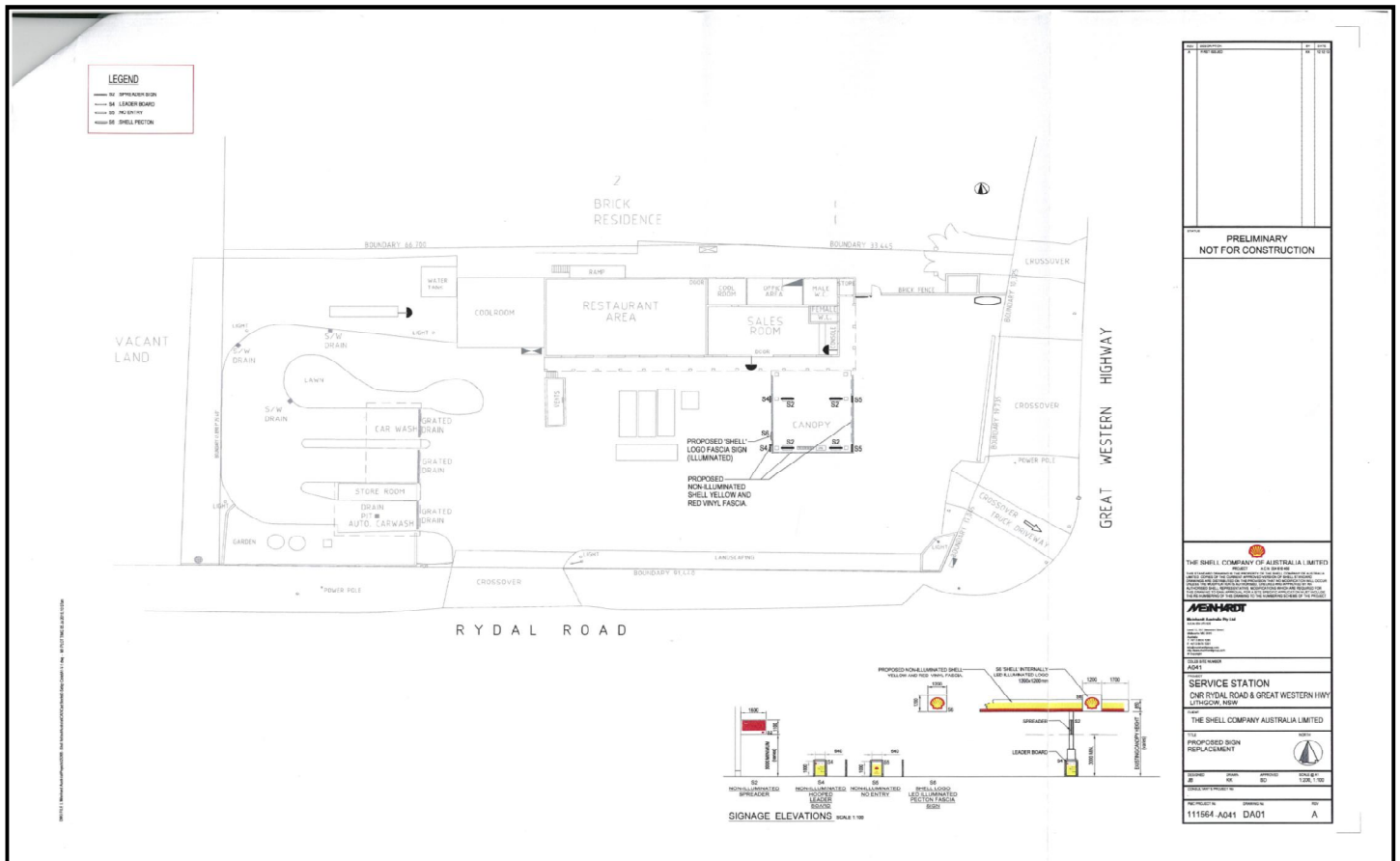
- Removal of the existing canopy fascia and under canopy signs (the spreader, leader boards, no-entry signs),
- Installation of four non-illuminated spreaders (signs attached to panels located above the petrol bowsers),
- Installation of two non-illuminated hooped leader boards,
- Installation of two non-illuminated “no entry” signs,
- Installation of one LED illuminated Shell logo fascia sign,
- Installation of new non-illuminated fascia sign.

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

The site comprises of a Shell/Coles Express service station with an undercover forecourt, retail shop, restaurant and separate car wash facility.



Picture 1 showing the existing sign and service station.



Map 1: Showing the location of the proposed signs

2. SUMMARY

To assess and recommend determination of DA284/13. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 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 a relative of 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 proposal seeks to upgrade the existing signage.

The development is located on a premise along the Great Western Highway. The development would be wholly contained on the premise and would not impact on road users on the Highway. A recent application (DA 224/13) for the upgrade of other signs on the property was approved by Council and the Roads and Maritime Services (RMS). Similar conditions that were previously imposed by the RMS on DA 224/13 are recommended to also be conditioned on this development if the development is 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.

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: Business Identification Signage' is permissible within the proposed zone. As such the development was submitted under the current LEP 1994 which also 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. The signs exceed the size limit, however they are of similar size to the existing signs on the site.
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.	No. More than one sign is proposed and was previously approved.
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. The proposed upgrade will not have any additional adverse impact to the existing locality.

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.

It is considered that the more signs there is on the property would help the operations of the service station in regards the movement of traffic on-site.

The signs are to be located on an existing commercial property and replaces existing signage. The signs would not impact on residential buildings due to them facing the Highway, scattered throughout the site and landscaping separating the residential dwellings to the commercial premise.

The sizes of the signs are considered reasonable for the area.

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 upgrade works would improve the appearance of the service station and increase the safety for users.

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 existing signs, would be scattered throughout the site, contains the service station building as a barrier in regards to views between the residential land uses to the commercial property and contains landscaping on the western boundary, 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 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.

The development is located on a premise along the Great Western Highway. The development would be wholly contained on the premise and would not impact on road users on the Highway. A recent application (DA 224/13) for the upgrade of other signs on the property was approved by Council and the Roads and Maritime Services (RMS). Similar conditions that were previously imposed by the RMS on DA 224/13 would be conditioned on this development if the development is approved.

5.3.9 The public interest

There have 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 284/13 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Group Manager: Andrew Muir

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. Prior to operation of the new advertising signs, all redundant signage is to be removed from the subject land.