

# DEVELOPMENT ASSESSMENT REPORT - DA033/15

## PROPOSED TWO ILLUMINATED SIGNS, BRIDGE STREET LITHGOW NSW 2790

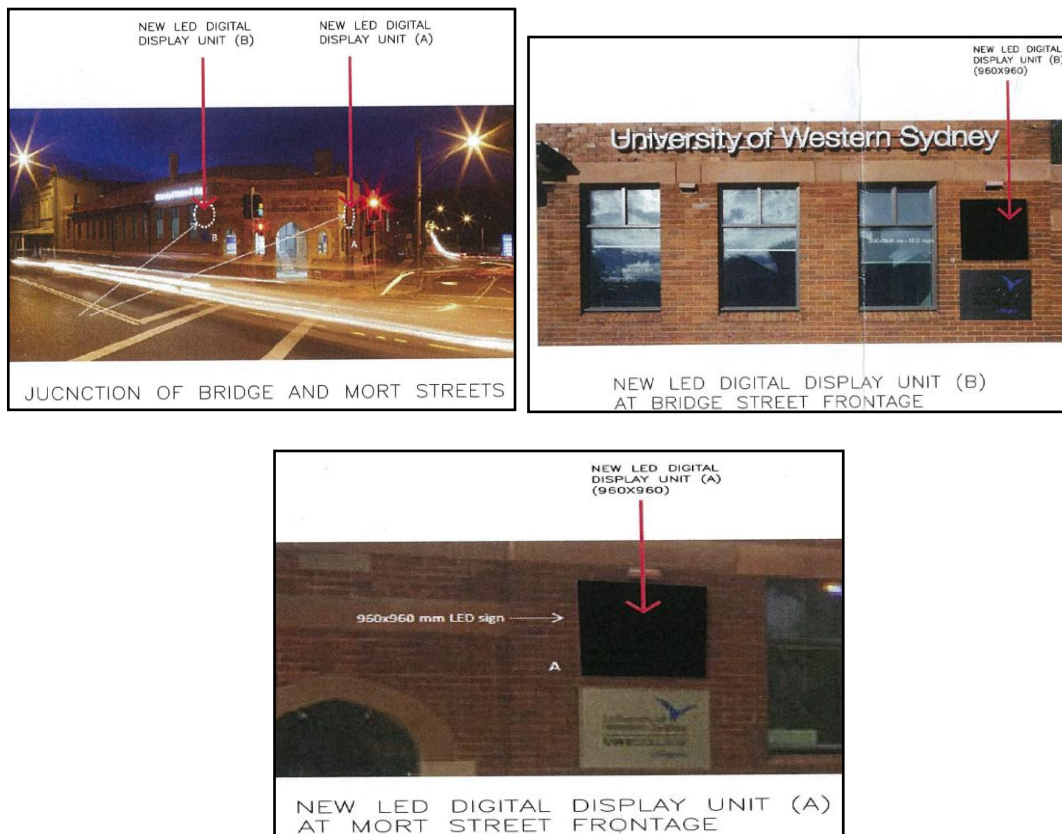
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### 1. PROPOSAL

Council is in receipt of a Development Application DA033/15 for TWO ILLUMINATED SIGNS on land known as Lot 3 DP 1077295, UNIVERSITY OF WESTERN SYDNEY, (Charles Hoskins Memorial Building) BRIDGE STREET LITHGOW NSW 2790.

The proposal is for the installation of two illuminated display signs on the building facade fronting Mort Street and Bridge Street. The signs are proposed to be approximately 960mm in height and 960mm in width with flat panelling. They are proposed to be fixed directly onto the external brick wall to provide information about the activities at the University with short length text messages.

The location of the proposed signs are shown in the pictures below:



### 2. SUMMARY

To assess and recommend determination of DA033/15. Recommendation will be for approval subject to conditions.

### **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 3 DP 1077295  
Property Address : BRIDGE STREET LITHGOW NSW 2790

Lot 3 DP 1077295 is located on the corner of Bridge Street on the west and Mort Street on the south. The Union Theatre is located on the northern side of the building with the Lithgow Court House adjacent to Bridge Street on the western side. The Hoskins Memorial Presbyterian Church is located adjacent to Mort Street on the south side of the development.

**4. ZONING:** The land is zoned B2 Local Centre in accordance with Lithgow City Local Environmental Plan 1994.

**5. PERMISSIBILITY:** The development being 'advertising signage' is permissible under Lithgow Council's Local Environmental Plan 2014, subject to development consent.

#### **5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)**

*Council's Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land 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 Council's ownership of this land the proposal is reported to Council for determination.

Council's Policy 7.5 – Notification of Development Applications

Signs are classed as exempt development under the above Policy.

#### **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

The University of Western Sydney will bear the cost of the proposed development. No contributions are required as a result of this Development Application.

#### **5.3 LEGAL IMPLICATIONS**

##### **Heritage Act 1977**

There are no legal implications of this act on the proposed development.

##### **Roads Act 1993**

There are no legal implications of this act on the proposed development.

##### **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 Local Environmental Plan 2014**

LEP 2014 – Compliance Check		
	Clause	Compliance
<b>Part 2</b>	B2 Local Centre Zoning Table	Yes
<b>5.10</b>	Heritage Conservation	Yes
<b>Schedule 5</b>	Environmental Heritage	Yes

**Comment:** The proposed development is consistent with the above zone objectives. The objectives of the zone are:

#### **1. Objectives of the zone**

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To maintain the built integrity of the area by enabling development that is sympathetic to the heritage character and significance of the area and surrounding streetscapes and features.*
- *To maintain or improve the water quality of receiving water catchments.*

The two signs are proposed to be located on an existing building wall, one having a frontage to Bridge Street while the other one is proposed to have a frontage onto Mort Street. The building is owned by Council but operated by the University of Western Sydney.

The building and surrounding landuses (such as: the Union Theatre, the Lithgow Court House and Hoskins Memorial Presbyterian Church) are identified as being heritage items under Council's LEP 2014.

The signs are proposed to be approximately 960mm in height and 960mm in width. They are proposed to be located adjacent to the buildings windows so that they would not detract the historical elements of the building.

Due to the size of the signs, detail displayed, positioning and material of the signs, the development is not expected to impact the historical building or surrounding buildings

The development is considered to comply with Council's LEP 2014.

#### **State Environmental Planning Policy 64 Advertising and Signage**

SEPP 64-Advertising and Signage – Compliance Check		
	Clause	Compliance
<b>8</b>	Granting of consent to signage	Yes
<b>14</b>	Duration of consents	Yes
<b>22</b>	Wall advertisements	No
<b>Schedule 1</b>	Assessment criteria	Yes

**Comment:** The proposal is for the installation of two illuminated display signs on the building facade fronting Mort Street and Bridge Street. The signs are proposed to be approximately 960mm in height and 960mm in width with flat panelling. Clause 22 Wall Signs states:

*(g) a building identification sign or business identification sign is not to be displayed on the building elevation.*

Two building identification signs are currently located on the Bridge Street frontage and one building identification sign having a frontage to Mort Street. These are currently fixed signs. Two of the three signs are smaller than 5m<sup>2</sup> with the third being a larger sign stating 'University of Western Sydney'.

The proposed signs are considered to be relatively small and are proposed to be located within centimetres of the existing signs. The proposed signs are also in a satisfactory location as they are not proposed to be located above the eaves of the building or covering all of the external walls.

Due to the size of the signs, detail displayed, positioning and material of the signs, the development is not expected to cause visual clutter to the building.

The development could be classed as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, if the building was not a heritage item under Council's LEP 2014. Other than the heritage restriction the signs would meet the exempt requirements being:

*The standards specified for that development are that the development must:*

- (a) not result in more than 4 business identification signs of this type for the building so long as only one sign is visible on each elevation of the building,*
- (b) be attached to the building in which the business identified in the sign is located*
- (c) if it is a sign that is located in a residential, rural or environment protection zone:
  - (i) for a sign for a home business, home industry or home occupation—not be more than 1m<sup>2</sup> in area, and*
  - (ii) for a sign for any other use—not be more than 2.5m<sup>2</sup> in area, and**
- (c) if it is a sign that is located in a business zone or Zone RU5—not be more than 5m<sup>2</sup> in area,*
- (e) if it is a sign that is located in an industrial zone:
  - (i) not be more than 16m<sup>2</sup> in area if the sign is a wall sign attached or fixed to a building (other than a wall sign referred to in subparagraph (ii)), or*
  - (ii) not be more than 20% of the surface area of the wall of the building if the sign is a wall sign painted or applied by adhesive material on a building,**
- (f) not project beyond the parapet or eaves of the building to which it is attached,*
- (g) not be more than 2.5m above ground level (existing) in a residential zone, and not be more than 8m above ground level (existing) in any other zone,*
- (h) not cover any window, door or architectural feature,*
- (i) be securely fixed to the building in accordance with:
  - (i) AS/NZS 1170.0:2002, Structural design actions, Part 0: General principles, and*
  - (ii) AS/NZS 1170.2:2011, Structural design actions, Part 2: Wind actions, and**
- (j) if the sign is illuminated:
  - (i) have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and*
  - (ii) not be animated, flashing or moving, and*
  - (iii) comply with AS 4282—1997, Control of the obtrusive effects of outdoor lighting, and**

(k) if the sign is on a building, fence or wall on land within a residential, rural or environment protection zone, or is within 50m of and faces toward land within one of those zones—only be illuminated:

- (i) if the hours of operation of the business identified on the sign have been approved—during those hours, or
- (ii) if the hours of operation of the business identified on the sign have not been approved—between 7.00 am and 10.00 pm on any day.

Only two led signs are proposed for the development, with one sign having a frontage to Bridge Street and the other fronting Mort Street. Other signs are defined as being building identification signs and as of right signs, not illuminated signs. The signs relate to the University of Western Sydney. The signs are less than 5m<sup>2</sup> and are proposed to be located below the eaves of the building. The signs are proposed to be located no higher than 8m above ground level. The signs are not proposed to cover any windows, doors or architectural features and are proposed to be securely fixed to the walls.

The building is located within the business zone and with the residential zone adjacent to Mort Street. Although it is zoned residential it contains the Hoskins Church, the funeral home and the Lithgow Public School. The signs are considered to have minimal impact to the surrounding vicinity.

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 signs would be facing Mort Street and Bridge Street.

The proposed signs are considered to be compliant with the above SEPP.

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

None.

5.3.3 Any Development Control Plan

**Council’s Outdoor Advertising Development Control Plan**

**Definition**

*Illuminated sign: any sign or signs illuminated by an internal source of artificial light.*

Design Controls – Commercial		
	Clause	Compliance
<b>Objective</b>		
	To encourage signage that enhances the streetscape in commercial areas.	Yes
<b>Performance Standards</b>		
	The number of signs on a site should be limited to avoid visual clutter.	Yes
	Signage should provide clear and simple messages about the main function of the premises.	Yes
	The size, shape, scale, design and siting of signs should compliment the architectural design of the building.	Yes

<b>Prescriptive Measures</b>		
<b>Size of signs</b>	No specific limit will be applied. However, signage shall have due regard to the abovementioned performance criteria.	Yes
<b>Number of Signs</b>	One as of right sign will be permitted per premises providing it complies with the requirements of this plan.	Yes
	Generally no more than 2 signs shall be erected above an awning of a premises. This includes 1 as of right sign. Signs shall not be erected directly on top of a awning.	Yes
<b>General</b>	Signs that detract from the architectural appearance of a building will not be permitted.	Yes
	Signs above roof lines or directly on top of awnings will not be permitted.	Yes
	Pole or pylon signs shall be no higher than 6 metres.	NA

**Comment:** As previously stated in this report the proposal is for the installation of two illuminated display signs on the building facade fronting Mort Street and Bridge Street. The signs are proposed to be approximately 960mm in height and 960mm in width with flat panelling.

As part of DA 076/12 for the refurbishment of the educational facility, one “As of Right sign” consisting of the UWS logo and letters for ‘University of Western Sydney Outreach Campus’ was installed above the existing Hoskins building signage at the main entrance to the building. As part of the previous application for the building, other signs that were placed on the building included:

- The university logo on the eastern façade of the building
- Two smaller identification logos on each side of the main entry and at the Bridge Street entry to the shared pedestrian walkway.
- A smaller identification sign on the northern façade.

It is proposed that the two signs will be located on different building facades which physically separates the signs to avoid visual clutter from the existing signs. The proposed signs will be small and will not dominate the façade when compared to the size of the building. The significance of the existing Hoskins Building will be maintained within the streetscape.

Overall there is five existing signs including an As of Right sign; and the two proposed illuminated signs. The development is considered to comply with Council’s Outdoor Advertising Development Control Plan.

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.

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 proposed signs would advise the community of upcoming events and information about the University. This is considered to have a positive social impact to the community.

The proposed development will further be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality.

**Adjoining Landuse:** Lot 3 DP 1077295 is located on the corner of Bridge Street on the west and Mort Street on the south. The Union Theatre is located on the northern side of the building with the Lithgow Court House adjacent to Bridge Street on the west side. The Hoskins Memorial Presbyterian Church is located adjacent to Mort Street on the south side of the development. The surrounding landuses are of heritage significance to the Lithgow area.

As the signs are proposed to be located on an existing building and are proposed to have a frontage to Mort Street and Bridge Street, 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 University.

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

**Heritage:** The building and surrounding landuses (such as: the Union Theatre, the Lithgow Court House and Hoskins Memorial Presbyterian Church) are identified as being heritage items under Council's LEP 2014.

The signs are proposed to be approximately 960mm in height and 960mm in width. They are proposed to be located adjacent to the buildings windows so that they would not detract the historical elements of the building.

Due to the size of the signs, detail displayed, positioning and materiality of the signs, the development is not expected to impact the historical building or surrounding buildings

As the proposed signs are expected to have minimal impact to the heritage item, the development is not required to be referred to Council's Heritage Advisor.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for commercial uses. 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.

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

The proposal is not required to be referred to the Roads and Maritime Services (RMS) under the *State Environmental Planning Policy 64 Advertising and Signage*; however clarification was sought from the RMS and whose comments are found below. The development was not referred to adjoining neighbours or placed on public display as it is classed as being exempt under Council's Policy 7.5 – *Notification of Development Applications*.

### **ROADS AND MARITIME SERVICES (RMS)**

The information submitted in support of the proposal has been reviewed by the Roads and Maritime services provide the following recommendations for Council's consideration:

1. The content of the sign is to be consistent with the *Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines 2007*, Table 5 "RTA Road Safety Advisory Guidelines for Sign Content".
2. Signage is not to flash, move or be objectionably glaring or luminous and be in accordance with Table 4 of Transport Corridor Outdoor Advertising and Signage Guidelines.
3. Advertising signage is to be contained wholly within the subject land.

**Council comment:** it is to be noted in relation to condition 3 above, that the proposed signs would slightly shine onto Council's pedestrian footpath. This is satisfactory for the development.

### 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 033/15 is approved subject to conditions set out in Schedule A.



Report prepared by: Lauren Stevens

Group Manager of Environment and  
Development: 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.

## **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. The content of the sign is to be consistent with the *Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines 2007*, Table 5 "RTA Road Safety Advisory Guidelines for Sign Content".
3. Advertising signage is to be contained wholly within the subject land, with the exception of Council's footpath.
4. Signage is not to flash, move or be objectionably glaring or luminous and be in accordance with Table 4 of Transport Corridor Outdoor Advertising and Signage Guidelines.