



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2016.157.1
<b>Address</b>	84-90 Parramatta Road, Summer Hill
<b>Proposal</b>	Section 82A review seeking deletion of conditions B (1) (a) & (b) relating to the height and advertising area of a double sided internally illuminated business pylon sign
<b>Date of Section 82A Review</b>	19 December 2016
<b>Applicant</b>	Daniel Atkins
<b>Owner</b>	Appwam Pty Ltd
<b>Number of submissions</b>	Nil
<b>Value of works</b>	\$26,000.00
<b>Reason for determination at Planning Panel</b>	Outside scope of delegation
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>The height of the proposed pylon sign at 8m exceeds 6m height requirements for pylon signs of Part C2 “Signs and Signage Structures” of the Ashfield Interim Development Assessment Policy AIDAP 2013.</li> <li>The proposed advertising area of 8.09 m<sup>2</sup> exceeds the maximum 3.3m<sup>2</sup> allowed under Part C2 “Signs and Signage Structures” of the Ashfield Interim Development Assessment Policy AIDAP 2013.</li> </ul>
<b>Recommendation</b>	Condition B(1) (a) and (b) remain unchanged.

**Location Plan**



Legend:

Site



## 1. Executive Summary

Council has received a request to review the determination of Development Application No. 2016.157.1 under Section 82A of the Environmental Planning and Assessment Act, 1979, for the installation of a double sided internally illuminated 8 metre high business pylon sign facing Parramatta Road.

The development application was approved on 11 November 2016 subject to conditions of consent. The applicant is seeking to delete the following conditions:-

### **"B Design Changes**

#### **(1) Amended plans to be submitted**

*Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate*

- (a) *The pylon sign shall have a maximum height of 6metres;*
- (b) *The advertisement area of the pylon sign shall not be greater than 3.3sqm and shall include the street number (preferable on the top)".*

The height and the advertising area of the proposed pylon sign does not comply with the relevant controls of Part C2 of AIDAP 2013 and therefore it is recommended that conditions B(1) (a) and (b) of the development consent remain unchanged.

## 2. Proposal

Section 82A Review application seeking consent to delete Condition B(1)(a) and (b) of the Consent relating to the overall height and advertising area of the business pylon sign.

## 3. Site Description

The subject site is located on the southern side of Parramatta Road, bounded by Liverpool Road to the west and Sloane Street to the east. The site area is approximately 4718 square metres. An existing three storey building is located on the site. Surrounding development comprises of commercial and residential development.

## 4. Background

### Development History

Previous complying development and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
16.2015.118	16/12/2015	Office Fitout	Approved by PCA
16.2015.85	24/8/2015	Alterations to form a mezzanine staff area and facilities	Approved by PCA
16.2014.25.2	5/6/2015	Fire upgrade	Approved by PCA
10.2010.33.3	3/7/2014	Section 96 to DA10.2010.33	Withdrawn
16.2014.25.1	12/5/2014	Office fitout	Approved by PCA

10.2010.33.2	11/10/2011	Section 96 to DA 10.2010.33	Approved
10.2010.33.1	17/3/2011	Demolition of existing building, construction of new light industrial (warehouse) with ancillary office, retail, caretaker apartment and parking	Approved by Court

The previous consents were noted in the assessment of the application.

## 5. Assessment

### Zoning/Permissibility/Heritage

- The site is zoned B6 Enterprise Corridor under the provisions of Ashfield LEP 2013.
- The property is not a heritage item.
- The property is located within the vicinity of heritage items at 83, 85, 87 and 89 Kensington Road, Summer Hill (541)

***The proposed works are permissible with Council consent.***

### SECTION 82(A) REVIEW

**(4) The council may review the determination if:**

**(a) It has notified the request for review in accordance with:**

- (i) the regulations, if the regulations so require, or**
- (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and**

**(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and**

**(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.**

### Officer's Comments

The application was notified in accordance with Part C12 of Ashfield Interim Development Assessment Policy (IDAP) 2013 from 21 December 2016 until 10 January 2017. No submissions were received.

Council is satisfied that the development for the Section 82A review is the same as that of the original application which was approved.

**(4A) As a consequence of its review, the council may confirm or change the determination.**

### Officer's Comments

It is recommended that the original determination will remain unchanged.

(5) *(Repealed)*

(6) *If the council reviews the determination, the review must be made by:*

- (a) *if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
- (b) *if the determination was made by the council—the council.*

Officer's Comments

All S82A "Review" applications require to be determined by the Inner West Planning Panel and as such the review is being forwarded to the Panel for determination.

(7)– (9) *(Repealed)*

(10) *If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.*

Officer's Comments

No appeal has been lodged with the NSW Land and Environment Court.

(11) *(Repealed)*

(12) *This section does not apply where a regional panel exercises a council's functions as the consent authority.*

S82A 'Review' applies as the application was determined by Council.

Section 82A Assessment

The development application was approved with conditions. The applicant is seeking review of conditions B(1)(a) and (b). The applicant's justification to the deletion of condition is summarised below followed by Officer's comments to each response.

The applicant states that:-

- a) *the pole/pylon is proposed for visibility of approaching traffic-as many other properties do on this Road. In our 25 year experience we have established that pylon signs are clearly more visible and therefore effective on major roads such as this than a fascia sign set back on the building and therefore often not seen until passing the building frontage.*

Officer's comments to item a

The pylon signs are one of the type of signs allowed on Parramatta Road, however the height and the advertising area of the proposed sign fails to comply with the maximum allowed such sign in Ashfield IDAP 2013 generally complies with the requirements under the assessment criteria of pylon signs with the exception of the proposed height at 8m as opposed to 6m and advertising area of 8.09 m<sup>2</sup> which exceeds 3.3m<sup>2</sup>.

- b) *There is clearly precedent set in the property next door for a sign within 5mtrs same as further down the road at Clark Rubber. As this precedence has been set, our client would view this as discriminatory to allow a neighbouring business to have a pylon when their building is located within 5metres of the street frontage.*

Officer's comments to item b

Although Table 2 of Part C2 of the AIDAP 2013 states that "Freestanding pole/pylon signs are not acceptable if the primary building is located within 5 metres of the street frontage". Notwithstanding the above, Council has not raised this as an issue and sign has been approved.

- c) *There exists other pylons much higher than 6m – Bob Jane across the road and down a little, LuxCars across the road, just to name a couple – so precedent set.*

Officer's comments to item c

Bob Jane (43A Parramatta Road, Haberfield) was approved under Permit No. 87/127 on 16 June 1987 prior to coming into effect of the Ashfield Development Control Plan 2007 and Ashfield Interim Development Assessment Policy 2013. Historic approvals under different set of controls are considered to be setting a precedent in this case. With regards to LuxCars (697 Parramatta Road, Leichhardt), the sign is not located in the (former) Ashfield Council area.

- d) *Re-non-regular shapes, both of these pylons are rounded, as is the Midas one across the road- again precedent set.*

Officer's comments to item c

The sign was not approved under the current control therefore precedent is not set. Nevertheless the shape of the sign was not raised as an issue in the assessment of the application.

- e) *The sign as proposed is proportionally balanced to the height- ie not overly wide for its height.*

Officer's comments to item e

The proposed sign is not proportionally balanced to the height. The height of the sign is considered excessive and given the subject site is located on the high side of Parramatta Road in comparison to neighbouring properties, makes the sign more prominent and dominant in the streetscape. The same balance can be achieved by reducing the height and width of the sign.

- f) *With regards to protrusions – the attached photos give evidence of other signs where the profile is not uniform.*

Officer's comments to item f

The signs that the applicant is referring to have not been approved under the current controls. However Clause 4.5 "Service Stations, Car Sale Yards, Drive-in Retail Premises, Motels" of previous DCP 1998 states that "*side protrusions and 3-dimensional shapes are **not** preferred, an irregular top will be considered if well-designed*". Nevertheless this has not been raised as an issue and no conditions have been included on the consent to this effect.

- g) *Our LED display will be controlled to the strictest council specifications –it will not be animated will have static images, change rate instantaneous and will not appear like any traffic control image, colour or symbol.*

Officer's comments to item g

Conditions were imposed on the original Consent requiring the sign not contain any animated sequence of movement. Another condition restricting the intensity of the sign was imposed. This condition should remain in order to minimise any distraction to the passing traffic.

Further comments on applicant's claims that several sites have pylon signs exceeding 6.0m

- Pylon sign for MIDAS (49 Parramatta Road, Haberfield). A search of Council's records indicates that building application No.736/67 for "the erection of buildings for the business of brake specialists servicing motor vehicles and sale of spare parts" was approved on 21/02/67. It is not known if the sign formed part of the approval. Nevertheless if approved it would be under controls that predate Ashfield DCP 1998, DCP 2001, DCP 2007, AIDAP 2013.
- Pylon sign 72 Parramatta Road, Summer Hill. Council's records show that Consent No.235/96 to "establish a technical display showroom for product used in noise reduction and use of first floor as administration offices" was approved on 14 January 1997. The approval included fascia signs only. The subject site is currently used as a bathroom showroom and a pylon sign is located on the site. There appears to be no record of approval for the change of use and the pylon sign.
- The existing pylon sign located at 202 Parramatta Road, Ashfield (Brescia site) with a height of 15m was retained under Development Consent 10.2014.7. This sign was approved on 17/01/1995.
- Consent No. 10.2004.276 for a pylon sign at 107-113 Parramatta Road was approved in 2004. The height of the sign was less than 8m. Clause 4.5 of DCP 1998 "Advertisement & Advertising Structures" requires pylon signs to be either 3 or 9m in height. Whilst this sign does not strictly comply with the recommended heights, it was well within the maximum height allowed for sites within Parramatta Road.

It is also important to note that clause 4.5 of Part C2 "Advertisement" of DCP 2007 had height requirement of 3 or 9 metres for pylon signs. Council approved pylon signs ranging from 6 – 6.4m between 2007 to 2013 as it complied with the maximum height limit.

**Section 79C Assessment**

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

**6.1 The provisions of any Environmental Planning Instrument**

**6.1.1 Local Environmental Plans**

**Ashfield Local Environmental Plan 2013**

<b>Ashfield Local Environmental Plan 2013 Summary Compliance Table</b>				
<b>Clause No.</b>	<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
2.2	Zoning	Zone B6 Enterprise Corridor	Pylon Sign	Yes
4.1	Minimum subdivision lot size	N/A	N/A	N/A
4.3	Height of buildings	15m	Building height remains unaltered.	N/A
4.4	Floor space ratio	2:1	The FSR will not be altered as a result of the proposed works.	N/A
5.10	Heritage Conservation	Located in the vicinity of the following heritage items:- • 83, 85, 87 and 89 Kensington Road Summer Hill (541)		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposed pylon sign will not be visible from the heritage items in Kensington Road.	N/A

### 6.1.2 Regional Environmental Plans

#### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the natural environment and open space and recreation facilities. It would however affect the visual environment due to excessive height and advertising area.

### 6.1.3 State Environmental Planning Policies

#### State Environmental Planning Policy No. 1 – Development Standards

Not applicable.

#### State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development.

State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64-Advertising and Signage Schedule 1 Assessment criteria	
Criteria	Proposed
<p><b>1 Character of the area</b></p> <ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<p>The proposed sign is considered consistent with the character of the area, there is no particular theme for the outdoor area or locality. However the height and display area is considered excessive and according conditions of consent require necessary reduction.</p>
<p><b>2 Special areas</b></p> <ul style="list-style-type: none"> <li>• 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?</li> </ul>	<p>The proposed sign is not considered to detract from the heritage items in its vicinity. The sign will not be visible from the heritage items located in Kensington Road.</p>
<p><b>3 Views and vistas</b></p> <ul style="list-style-type: none"> <li>• Does the proposal obscure or compromise important views?</li> <li>• Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>• Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<p>The proposed pylon sign is not considered to obscure any important views or vistas or viewing rights of other advertisers.</p>
<p><b>4 Streetscape, setting or landscape</b></p> <ul style="list-style-type: none"> <li>• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>• Does the proposal screen unsightliness?</li> <li>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>• Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed pylon sign is considered not to be consistent with the streetscape setting due to excessive height and advertising area.</p>
<p><b>5 Site and building</b></p> <ul style="list-style-type: none"> <li>• 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?</li> <li>• Does the proposal respect important features of the site or building, or both?</li> <li>• Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<p>The proposed signage is considered not to be compatible with the scale and proportion of the existing building due to excessive height and advertising area proposed.</p>



<p><b>6 Associated devices and logos with advertisements and advertising structures</b>  <i>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?</i></p>	<p>The proposal does not include any safety devices, platforms or logos been designed as an integral part of the signage or structure.</p>
<p><b>7 Illumination</b></p> <ul style="list-style-type: none"> <li>• <i>Would illumination result in unacceptable glare?</i></li> <li>• <i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i></li> <li>• <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i></li> <li>• <i>Can the intensity of the illumination be adjusted, if necessary?</i></li> <li>• <i>Is the illumination subject to a curfew?</i></li> </ul>	<p>The proposed illumination on the sign would not result in unacceptable glare and it will not affect safety for pedestrians, vehicles or aircraft.</p>
<p><b>8 Safety</b></p> <ul style="list-style-type: none"> <li>• <i>Would the proposal reduce the safety for any public road?</i></li> <li>• <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i></li> <li>• <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i></li> </ul>	<p>The proposal is not considered to reduce the safety of any public road, pedestrians or bicyclists by obscuring sightlines from public areas.</p>

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Not applicable.

**6.2 The provisions of 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.**

Not applicable.

**6.3 The provisions of any Development Control Plan.**

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy 2013:

C2	SIGNS AND SIGNAGE STRUCTURES	Refer to comments below:
C11	PARKING	The proposed application will not alter the parking requirements on the site.

C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The proposal was notified in accordance with Council’s notification policy. Refer to part 6.7 and 6.7.1 of this report for details.
C21	PARRAMATTA ROAD ENTERPRISE CORRIDOR	Refer to comments below

**C2 - SIGNS AND SIGNAGE STRUCTURES**

C2	<p>SIGNS AND SIGNAGE STRUCTURES</p> <p><u>Pylon Sign</u></p> <p><i>2. They should not be located so as to diminish the heritage values of items or areas of local, regional or state heritage significance.</i></p> <p><b>Pole/pylon signs – assessment criteria</b></p> <p><i>(a) Signs attached directly to buildings are preferred to pole signs given that freestanding pole signs can be dominant/visually disruptive in the streetscape.</i></p> <p><i>(b) Applicants will need to justify the need for pole/pylon signs in preference to conventional signs fixed to buildings.”</i></p> <p><i>“(c) Pole/pylon signs will only be considered for larger sites with a primary street frontage exceeding 25 metres in width”.</i></p> <p><i>(d) Freestanding pole/pylon signs are not acceptable if the primary building is located within 5 metres of the street frontage.</i></p> <p><i>(e) Freestanding pole/pylon signs will only be considered where signage fixed to a building may be ineffective (see above) and where strict compliance with the provisions of SEPP 64, the guidelines accompanying SEPP64 and the provisions of Council’s DCP are all achieved.</i></p> <p><i>(f) Pole/pylon signs will only be considered in circumstances where an overall reduction in the number of signs on a property is implemented to reduce advertising “clutter” if present (all signs proposed to be</i></p>	<p>The location of the proposed sign will not diminish the heritage values of any items in its vicinity.</p> <p>The applicant has justified the need for a pylon sign for visibility of approaching traffic- as many other properties on this Road. The pylon signs are clearly more visible and more effective on major roads than facia signs which setback on the building and therefore often not seen until passing the building.</p> <p>The subject site has a primary street frontage of greater than 25metres.</p> <p>The setback of the building is greater than 5 metres and therefore a pylon sign would be acceptable within the street frontage.</p> <p>The provisions of SEPP 64 -Schedule 1 Assessment criteria have been considered, the location of the pylon sign.</p>
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<p><i>removed are to be shown on plans).</i></p> <p><i>(g) Maximum permissible height for any freestanding pole/pylon sign is 6 metres and the maximum advertisement area outline is 3.3 m<sup>2</sup>.</i></p> <p><i>(h) Advertisement area of a pole/pylon sign is to be of a simple, regular shape and dimension (e.g. rectangular, square, circular). Avoid multiple messages.</i></p> <p><i>(i) Only one pole/pylon sign will be permitted for each property.</i></p> <p><i>(j) Pole/pylon signs must not project over the roadway/footpath.</i></p> <p><i>(k) The area of any sign should appear in proportion with height of the pole</i></p> <p><i>(l) Side protrusions and 3-dimensional shapes for pole/pylon signs are not preferred;</i></p>	<p>The pylon sign is proposed as 8m in height which does not comply. The advertisement area of the pylon sign exceeds 3.3m<sup>2</sup> providing an area of 8.09m<sup>2</sup></p> <p>The advertisement area of the pylon sign is of simple regular shape.</p> <p>The subject site will only contain one pylon sign.</p> <p>The pylon sign does not project over the roadway/footpath.</p> <p>The area of the sign is in proportion with the height of the pole, however the proportions will improve with the reduction in height and advertising area.</p> <p>The sign includes a number of side protrusions, however a condition was imposed to limit the advertising area that will limit the side protrusions.</p>
<p><i>(m) Pole/pylon signs should display the street number (preferably at the top) - this assists customers and also makes good business sense.</i></p>	<p>Street number has been displayed on the pylon sign, although at the bottom but is acceptable.</p>
<p><i>(n) Pole/pylon signs should be located adjacent or close to the front property boundary but not overhanging the public footpath) so that a "sign envelope" is established to create some uniformity in positioning of signs along the street which will also improve "readability" for the public.</i></p>	<p>The pylon sign is located adjacent to the property boundary, but does not overhang the property boundary. This is consistent with the requirements of this part to establish a uniformity in positioning of signs along the street.</p>

**C21- PARRAMATTA ROAD ENTERPRISE CORRIDOR**

<b>PARRAMATTA ROAD ENTERPRISE CORRIDOR Compliance Table</b>	
<b>Controls</b>	<b>Proposed</b>
<p><b>3.10 Signage</b></p> <p><i>5. Pylon signs to be located and designed in accordance with the following provisions:</i></p> <p><i>a. one pylon sign is permissible per site,</i></p> <p><i>b. finished in high quality materials that are integrated with the architecture of the building,</i></p> <p><i>c. substantially not visible from adjoining residential streets,</i></p> <p><i>d. located in a manner that is consistent with other pylon signs in close proximity, and</i></p> <p><i>e. be located so as not to obscure traffic signals or distract drivers in an unsafe way.</i></p>	<p>One sign is proposed for the site.</p> <p>The proposed sign is considered to be consistent with the building.</p> <p>The proposed sign will not be highly visible from the residential streets.</p> <p>The proposed pylon sign is located near the boundary frontage. It is not consistent with other recently approved signs due to excessive height and advertising area.</p> <p>The location of the sign is not considered to obscure traffic signals and a condition has been imposed to ensure the sign does not contain animated or moving messages.</p>

It is considered the application generally complies with the parts as indicated and ultimately achieves the aims and objectives of the Ashfield Interim Development Assessment Policy 2013 subject to reduction to the height and advertising area.

**6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.**

These matters have been considered in the assessment of this application.

**6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.**

These matters have been considered as part of the assessment of the development application. It is considered that the proposed sign will have no significant adverse environmental, social or economic impacts upon the locality subject to it being reduced in height and advertising area as conditioned.

**6.6 The suitability of the site for the development**

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality subject to compliance with the conditions of Consent.

## 6.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants from 21 December 2016 until 10 January 2017.

### 6.7.1 Summary of submissions

No submissions were received during the notification of the development application.

### 6.7.2 Mediation

Mediation was not required for this application.

## 6.8 The public interest

The public interest would be served if the proposed pylon sign meets the requirement of Council Policies.

## 7. Referrals

### 7(a) Internal

Not applicable.

### 7(b) External

Not applicable.

## 8. Other Relevant Matters

### Section 94A Contribution Plan

The costs of works has been nominated as \$26,000.00 therefore the proposal is excluded from the Section 94A contribution plan as per Clause 3.6 of the plan reads:

*"3.6 Are there any exceptions to the levy?*

*The levy will not be imposed in respect of development:*

*"Where the proposed cost of carrying out the development is \$100,000 or less;*

### Stormwater Pipes

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

## 9. Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

### Financial Implications

Nil.

### Other Staff Comments

Not applicable.

### **Public Consultation**

See Section 6.7 of this report.

## **10. Conclusion**

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section S82A have been taken into consideration. The proposal to delete Conditions B(1)(a)(b) considered to be unacceptable and recommended that Inner West Planning Panel not support the deletion of those conditions.

## **11. Recommendation**

That Inner West Planning Panel as the consent authority pursuant to section 82A of the Environmental Planning & Assessment Act 1979 not support the deletion of Conditions B(1)(a) and (b) and dismiss the Section 82A review for the following reasons:-

1. The height of the proposed pylon sign does not comply with the maximum permitted 6.0m height requirements under Council's Interim Development Assessment Policy 2013 Part C2;
2. The advertisement area of the pylon sign which is 8.09sqm exceeds the maximum allowable area of 3.3sqm under Council's Interim Development Assessment Policy 2013 Part C2.

### Attachment A – Current conditions of consent

**DEVELOPMENT CONSENT**  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
(SECTION 81(1)(A))  
ASHFIELD LOCAL ENVIRONMENTAL PLAN 2013

Consent No. 10.2016.157.1  
Date of Determination 11 November 2016  
Lapse Date: Five (5) years from date of determination

**APPLICANT:**

MR D ATKINS  
7 WHRUNDJERI DRIVE  
EPPING VIC 3076

**PREMISES:** 84-90 PARRAMATTA ROAD, SUMMER HILL  
LOT: 100 DP: 1170700  
**BUILDING CLASSIFICATION:** Class 10b

**APPROVAL:**

Inner West Council, as the responsible authority, hereby consents to:

**Installation of a pylon sign facing Parramatta Road**

**CONDITIONS:**

**A General Conditions**

- (1) **Approved plans stamped by Council**

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers

Page 6 of 8 04 August 2016  
Page 1 of 1 04 August 2016

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

Per.....  
Phil Sarin  
Director Planning and Environment

CONSENT NO. 10.2016.157.1

2/6

(2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements.

**B** Design Changes

(1) Amended plans to be submitted

Amended plans and specifications incorporating the following amendments are to be submitted with the application for a construction certificate

- (a) The pylon sign shall have a maximum height of 6metres;
- (b) The advertisement area of the pylon sign shall not be great than 3.3sqm and shall include the street number (preferable on the top);

**C** Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of \$3,200 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement. Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(2) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be

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 Director Planning and Environment



CONSENT NO. 10.2016.157.1

3/6

provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

**(3) Footpath/laneway- photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway and footpath at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage, which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

**(4) Payment of any Additional Fees**

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

**D Conditions that must be complied with before work commences**

**(1) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

**(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(3) Inspections required by Principal Certifying Authority**

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 Director Planning and Environment

CONSENT NO. 10.2016.157.1

4/6

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

**(4) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

**(5) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**E Conditions that must be complied with during construction or demolition****(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

**(2) Building construction - check survey**

A check survey is to be submitted to the Principal Certifying Authority for perusal at an early stage of construction indicating boundary distances and building alignment to ensure compliance with the approved plans.

**(3) Locate structures within boundaries**

The proposed structure/sign and/or side protrusions are to be erected and must stand wholly within the boundaries of the allotment. No part of the sign shall encroach outside the property boundary along the Parramatta Road boundary.

**(4) Spoil and building materials on road and footpath**

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(5) Signs to be erected on building and demolition sites**

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and

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Director Planning and Environment

CONSENT NO. 10.2016.157.1

5/6

- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

**(6) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

**(7) Animated signs prohibited**

The proposed signs are not to contain any animated sequence of movement.

**(8) Sign colour/intensity**

The signs must not be arranged to move or vary the intensity from light to dark or colour to colour, or to be intense enough to impair a driver's vision nor to distract his/her attention.

**(9) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense

**(10) Road opening permit- Council controlled lands**

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Infrastructure Services Department for details.

**F Conditions that must be complied with prior to installation of services**

nil

**G Conditions that must be complied with before the building is occupied**

**(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**H Conditions that are ongoing requirements of development consents**

**(1) Sign hazard - RMS objection reserved**

The Roads and Maritime Services reserves the right to later object if the signs, after erection, are considered to be prejudicial to the safety of the travelling public.

**I Advisory Notes**

**(1) Modifications to your consent - prior approval required**

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CONSENT NO. 10.2016.157.1

6/6

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

**Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

**NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 78A of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

**SECTIONS 82A, 97 AND 95 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

You are advised that:

- Under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.
- If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court

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CONSENT NO. 10.2016.157.1

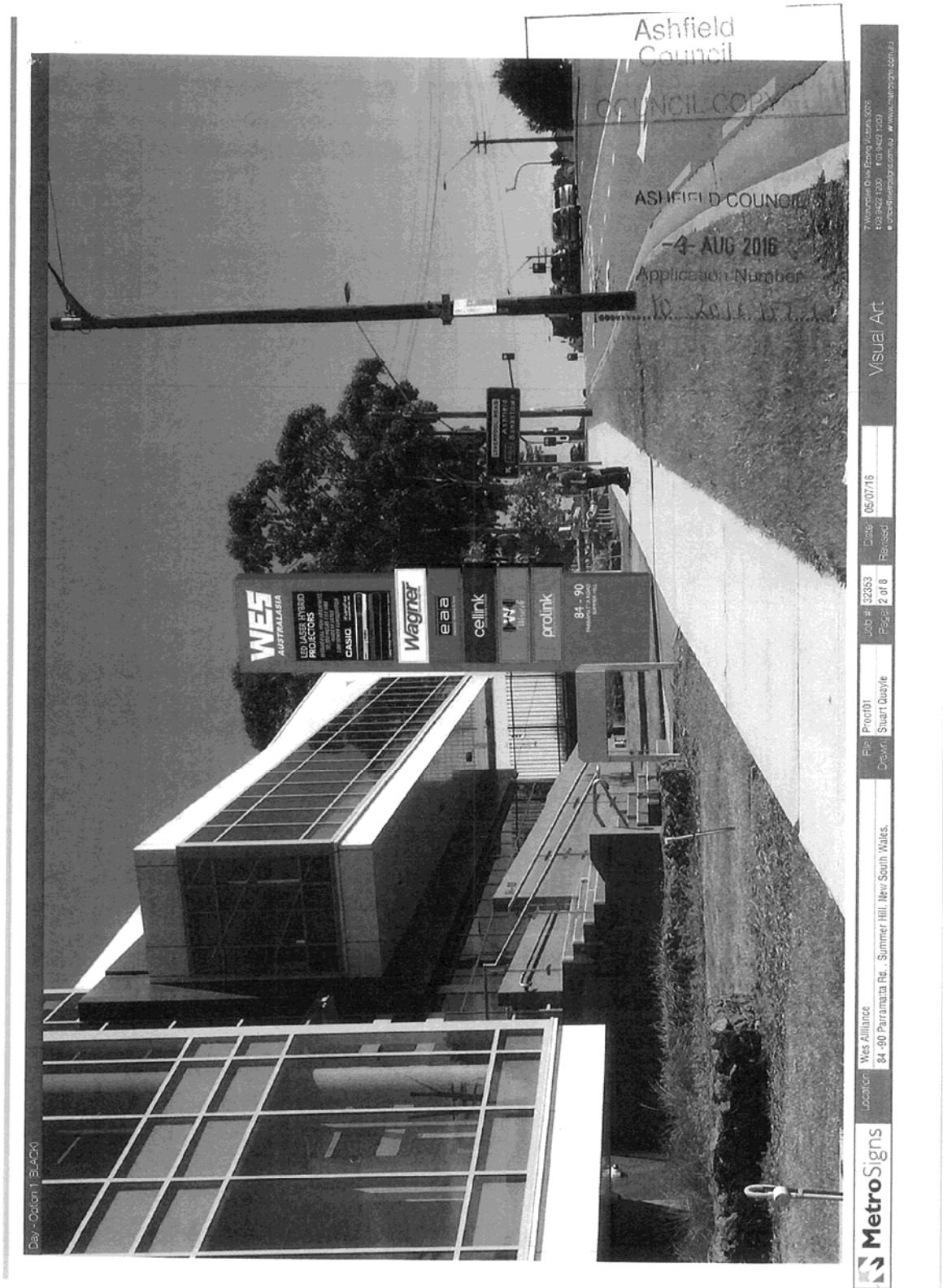
7/6

within six (6) months after the date on which you receive this notice.

- Under the provisions of Section 95 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

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Attachment B – Plans of proposed development



ASHFIELD COUNCIL  
-4 AUG 2016  
Application Number  
10.2016.157.1

Great Western Hwy  
Parramatta Rd  
Kensington Ln  
Property Boundary (Dotted)  
Highgrove Gardens Summer Hill  
LuxCars  
Haberfield Rd

0m 20m 42m

Proposed Pylon  
200mm  
40m

File: BookPlan  
Drawn: Dan Atkins  
Date: 11/07/16  
Revised: 19/07/16  
Job #: 32353  
Page: 1 of 1

Location: Was Alliance  
84-90 Parramatta Rd., Summer Hill, New South Wales.

Metro Signs

Book Plan

7 Macquarie Dr., East Sydney, NSW 1512  
Tel: 02 922 1200 Fax: 02 922 1201  
E: info@metro-signs.com.au W: www.metro-signs.com.au

**Specifications:**

**Pyron Sign**  
 Qty: 1 off Double Sided  
 Illumination: LED illuminated  
 LED Screen Size: 1500 mm x 1920 mm

**Materials:**  
 Steel frame construction  
 Pre coloured red anod  
 Sleeve fitted 20mm raised opti acrylic logo  
 separate interchangeable 4.5mm clear acrylic  
 panels with 3M vinyl graphics applied to  
 second surface, backed with translucent vinyl

**Client Approval**  
 I/we reviewed all artwork and hereby approve for  
 production.

Signed: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Approval Notification: \_\_\_\_\_

Please review all work artwork or shop drawings shown to  
 you before production. All work must be approved before  
 your approval. Colours, sizes, graphics and dimensions shown on  
 this page have been developed from information and artwork  
 supplied by you in the past. Your signature will be construed as your  
 approval of the work shown. All work must be approved  
 acceptable. The project will be produced as approved.  
 Once approval has been received, you may be held  
 financially responsible for any additional changes or  
 corrections. All artwork / layouts remain the property of MetroSigns  
 and cannot be reproduced without prior consent.

Technical drawing of a sign with dimensions: 8000 mm total width, 600 mm height. Components include:  
 - 1530x 670mm section  
 - 1500x 1920mm section  
 - 1540x 540mm section  
 - 3M Vinyl section  
 Logos shown: WES AUSTRALASIA, Wagner, eaa, cellink, Westtek, prolink, 84-90 PARRAMATTA ROAD SUMMER HILL.

Technical drawing of a sign with dimensions: 600 mm height. Components include:  
 - Ashfield Council logo  
 - COUNCIL COPY text  
 - ASHFIELD COUNCIL text  
 - 5-AUG-2016 date stamp  
 - Application Number: 10-2011-17-1

**File:** ProposedSigns01  
**Drawn:** Stuart Quayle

**Job #:** 32353  
**Pages:** 6 of 6

**Location:** Was Alliance  
 84-90 Parramatta Rd., Summer Hill, New South Wales

**Date:** 05/07/16  
**Revised:**