



Our reference: P-836888-X2J4
Contact: Tania Shephard
Telephone: (02) 4732 7797

29 January 2025

ATTN: Chris Eldred

Email: Christopher.Eldred@dpie.nsw.gov.au

Dear Chris Eldred,

Council Response to Notice of Exhibition - DA24/17555 - Nepean Business Park Signage Masterplan

Thank you for providing Penrith City Council the opportunity to comment on the abovementioned Notice of Exhibition.

Council staff have reviewed the information referred on 9 January 2024 and raise the following comments for consideration:

Design & Visual Impacts

Wall mount ID signs – It is understood that the wall mount signs are to be located retaining walls. It is assumed that these are the retaining walls approved via CDC. Council has previously questioned the validity of the CDC approval. Council's letter to DPHI dated 14 October 2024, in response to the modification of DA24/8535, provided the following:

It is understood that the development approval issued the NSW Land and Environment Court requires batters to the southern and eastern boundaries of the site, to address and mitigate the visual impact resulting from the considerable fill, earthworks and resulting elevated finished ground levels. It is also understood that these batters were required to be planted.

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
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Despite the determination by the Court, and the considerations that informed the resulting required edge conditions, it is understood a privately certified complying development certificate (CDC) has been issued that allows for additional imported fill / amended

earthworks, removing these critically important batter treatments and instead provides for retaining wall interface treatment on the boundaries of the site. The resulting walls are highly visible from both neighbouring properties and the public domain.

It is not clear how such a CDC can be taken to be lawful, where it explicitly contradicts the determination of the Land and Environment Court. Given the resulting changes in levels and boundary interface conditions directly impacts visual impact, stormwater management and also vegetation retention / planting (which are also key matters raised as part of this application), the consent authority is requested to investigate the lawfulness of the privately issued CDC and pursue action as deemed necessary to enforce the Court determination, if it is determined that the CDC has not been lawfully issued and cannot be taken to override the approval of the NSW Land and Environment Court.

This issue was also raised in Council's letter dated 4 December 2024 in response to Revision 10 – amended staging plan.

Signage on these retaining walls is not supported in light of the above comments and noting that the Court approval required planted batters and noting the visual impact of the retaining walls.

Freestanding ID sign – The provision of a sign advertising the entrance to the Nepean Business Park subdivision is not objected to in principle. However, a sign 500m from the entrance seems unnecessary given the nature of the Old Castlereagh Road and the clear sight lines to the west. The sign is 4.2m x 1.18m x .30m in size and this is excessive for what is effectively a directional sign. The height and bulk of this sign, together with the illumination of the sign, is at odds with the requirements of the SEPP and DCP with respect to views and vistas – see commentary further provided.

Whilst this sign is not supported, the exact location and orientation of the freestanding sign is to be confirmed should the consent authority consider it appropriate. The signage plan implies the sign is to be placed parallel to Old Castlereagh Road, however, this would defeat the intent of the sign. Should the sign be perpendicular to the road then it will have notable

adverse visual impacts. This sign should not be located within the road reserve.

Tenant signs – The proposal is for 91 tenant signs with dimension of 2.4m x 0.7m x 0.25m. The idea of a consistent and cohesive signage concept within Nepean Business Park is supported. However, the following comments are made:

- a) Signage would be better orientated in a horizontal arrangement rather vertical as proposed. The proliferation of 91 individual 2.4m x 0.7m signs arranged vertically will have the potential for the site to appear cluttered.
- b) The exact location of signage will need to be considered with respect to the future development of each lot and the location of driveways. Vehicle sight lines are not to be impacted by signage.
- c) Only one tenancy sign should be provided per site, and it is recommended that any site to be developed with multiple tenancies is provided with a list of tenancy names on one sign.
- d) The signs are provided with illuminated text. As per Penrith Lakes DCP and Penrith DCP 2014, illumination is generally discouraged but should be minimal and simple with minimal amenity impacts. The internal illumination of text is favoured over full illumination or external illumination.
- e) The signage package should address how future tenancy signage is to be provided – including company logos, colours and building signs – so as to prevent an unnecessary proliferation of signs within the development. No additional freestanding signs should be permitted on any lot.
- f) It is recommended that signage location be incorporated into landscape plans.

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Wayfinding signs – It is understood that the wayfinding signs are to direct visitors to the estate to individual businesses. Council is unlikely to support

the provision of private infrastructure with the road reserve (that is to be dedicated to Council). The provision of wayfinding signs also appears superfluous in a subdivision of this layout and there is concern that the positioning of these signs may visually conflict with future street signs or traffic signage. The provision of wayfinding signs provides unnecessary visual clutter noting that the proposal also is seeking visually prominent tenant identification signs along the frontage of each property.

SEPP (Precincts – Western Parkland City) 2021

The signage, particularly that along Old Castlereagh Road, is contrary to the considerations of Clause 5.38A which lists the following considerations for development:

- (a) is located and designed to minimise its visual impact, including views to and from Castlereagh Road, the Nepean River, the Regatta Lake, environmental heritage items and the Blue Mountains, and*
- (b) contributes to the scenic quality of the Penrith Lakes Scheme.*

The views along Old Castlereagh Road to the west, and the landscape setting of the area, are unique and significant to the locality. Signage has not been designed to minimise visual impact. The signage proposal should be amended with improved regard to locality impacts.

Wayfinding signage and the form of tenancy signage proposed will have adverse impacts on scenic quality within the Nepean Business Park – as discussed previously.

Penrith Lakes DCP

Amongst other considerations, Section 4.10 of the Penrith Lakes DCP requires:

- 1) The siting and design of all signage are to be sympathetic to the landscaped character of the area and minimise any visual impacts to adjoining properties.*
- 3) Signage proposals are to consider existing signs on buildings as well as the streetscape to ensure that any new signage does not result in visual and physical clutter*

As noted, there is the potential for visual clutter given the number, design and orientation of tenancy signs proposed within the development, the

superfluous wayfinding signs, and the dominant wall mounted signs and freestanding sign. Signage proposed is not sympathetic to the landscape character of the area. A more refined signage proposal for the site is recommended including removal of the unnecessary wayfinding and freestanding directional signs as well as consideration of the legality of the CDC approved retaining walls and then the visual impacts of signage thereon.

Penrith Council DCP 2014

Penrith Council DCP 2014 applies to the land. Penrith Lakes DCP prevails over other DCPs that may apply, however, Penrith Lakes DCP states that Penrith DCP 2014 will continue to serve as a guide, where relevant. Chapter C9 of DCP 2014 refers to advertising and signage. Control 9.1(2) refers to signs and road safety and Council does not permit signs that may:

- i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians;*
- ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users*

The number, size and height signs may contribute to unnecessary visual clutter that will detract from road signage. Most notably, wayfinding signs may conflict with future street signage and traffic signage, particularly if located with the road reserve.

SEPP (Industry and Employment) 2021

The consent authority is required to be satisfied that the proposed signage is consistent with the objectives of Section 3.1(1)(a). This includes consideration of the desired amenity and visual character of the area.

Signage is also to be assessed with regard to the assessment criteria specified in Schedule 5. Of note, the considerations with respect to views and vistas as well as streetscape, setting and landscape. Contrary to the Statement of Environmental Effects, Council maintains that there are important view lines to the west towards the Blue Mountains, as well as native vegetation vistas and a unique landscape character that will be adversely impacted by proposed signage. A 4.2m x 1.18m directional sign, together with signs mounted on visually prominent retaining walls, which did



not form part of the LEC approved consent, are considered inappropriate for the setting.

Should you require any further information regarding the comments, please contact me on (02) 4732 7797

Yours sincerely,

Tania Shephard
Principal Planner

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NSW 2751 Australia
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