

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0594
Proposed development:	Solar Panel System
Property address:	597 - 599 High Street, PENRITH NSW 2750
Property description:	Lot 1033 DP 849297
Date received:	22 June 2016
Assessing officer	Sufyan Nguyen
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for installation of a 47.32kW photovoltaic electricity generating system on the rooftop of 597 - 599 Street, Penrith also known as the Joan Sutherland Performing Arts Centre. The subject site is zoned B3 Commercial Core under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent, under the provisions of *State Environmental Planning Policy (Infrastructure)* 2007.

The key issue raised was in regard to visual impacts on the surrounding area. When the southern block is viewed from the pedestrian walkway and from a seated position at the Heritage Terrace Cafe north-east of the site, the north-east corner of the building's roof is slightly visible. In addition, the southern block roof is highly visible from the Penrith Westfield car park (level 3 and rooftop). However, given that the building contains blue glass windows, there is a degree of consistency between the solar panels and the external architectural features of the building. Furthermore, the Penrith Westfield car park is a public area which is generally not utilised for anything other than parking spaces, therefore views from this location are only for a limited duration. The development application has been lodged by Penrith City Council and relates to land in Penrith City Council ownership. Accordingly, a peer review is required prior to determination.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is situated on the northern side of High Street in Penrith and is orientated on an east/west axis. The site has a land area of 6391m² and is irregular in shape. The site has a northern block and southern block. The northern block's roof has a fall of 10° to the south. The site is located in the heart of the Penrith City Centre which accommodates a diverse range of retail and commercial land uses. Penrith Westfield shopping centre is adjoining the property to the north of the site and makes provision for car parking to the east which include rooftop parking spaces.

Proposal

The applicant seeks approval for the installation of a 47.23kW photovoltaic system on the rooftop of the Joan Sutherlands Performing Arts Centre at 597-599 High Street, Penrith. The proposed solar panels shall be mounted on the northern and southern blocks of the building. The northern block's roof pitch has a fall of 10° to the south and therefore requires the solar panels to be mounted on a tilted angle of 20° to the roof sheeting in order to receive optimum solar access.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act* 1979, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Under *Clause 34 (7)* of the *State Environmental Planning Policy (Infrastructure) 2007*, the additional solar panels to the existing photovoltaic energy generating system is permissible with consent. The proposed infrastructure is of efficient design and facilitates a service that reduces the ecological footprint of the premises.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria within the *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River* (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 8.1 Application of Part	Complies - See discussion
Clause 8.4 Design excellence	Complies - See discussion

Clause 1.2 Aims of the plan

A key step to providing environmental protection is through reducing carbon emissions which deliver environmental outcomes. The proposed development will generate green energy which is fundamental for the Penrith City transitioning into a sustainable city. The proposal therefore satisfies the aims of the plan in regard to sustainable development.

Clause 2.3 Permissibility

The proposed infrastructure is deemed prohibited development under the *Penrith Local Environmental Plan 2010*, however the provisions of *Clause 34 (7) of the State Environmental Planning Policy (Infrastructure) 2007* permit solar energy systems with Council consent.

Clause 2.3 Zone objectives

The proposal will strengthen Penrith City's role in shifting to an eco-friendly business centre and therefore satisfies the objectives of the zone.

Clause 8.1 Application of Part

The site is within the Penrith City Centre precinct under the *Penrith Local Environmental Plan 2010*

Section 79C(1)(a)(iii) The provisions of any development control plan**Development Control Plan 2014**

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the recommended conditions of consent, the proposed development will comply with the relevant requirements of the Regulations.

Section 79C(1)(b)The likely impacts of the development

Context and Setting

The proposed development is compatible with the surrounding area given that the solar panels will integrate with the existing blue glass windows. In addition, there will be minimal views of the solar panels from ground level. Furthermore, the proposal will improve the energy efficiency rating of the premises without compromising the visual amenity of the external features of the building and streetscape.

Noise and Vibration

To maintain the acoustic privacy and amenity of the surrounding area, a standard condition restricting construction work hours is recommended.

Socio-Economic Impacts

The proposal will generate clean energy which reduces greenhouse emissions, a vital step towards Penrith City achieving a sustainable and prosperous region which is consistent with the objectives of the *Penrith Development Control Plan 2014* and the provisions under the *Penrith Local Environmental Plan 2010*.

Section 79C(1)(c)The suitability of the site for the development

The proposed solar panels is not considered to adversely impact on the surrounding area due to the height of the building. Given that there will be minimal impacts as a result of the proposal, the site is suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

Section 79C(1)(e)The public interest

Given the nature and scale of the proposal, the proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA16/0594 for the installation of solar panels on the roof of the Joan Sutherland Performance Arts Centre at 597-599 High Street, Penrith be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Dated	Revised
Site Plan & Notes	PV-1	Public Works - Government Architect's Office	21/01/2016	-
Single Line Diagram & Schematic	PV-2	Public Works Government Architect's Office	21/01/2016	-

2 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

BCA Issues

3 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

4 E003 - Structural alterations

The panels are to be installed in accordance with the manufacturers specifications and the detailed design drawings.

Certification shall be submitted in this regard with the Compliance Certificate required by condition 7 of this consent.

Construction

5 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all construction works.

Certification

6 Q05E - Compliance Certificate if a Construction Certificate not required

A Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met. The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal aims to provide renewable energy which will reduce the carbon footprint of the premises. Given that utilising green energy is fundamental to achieving sustainable outcomes, the proposal supports the Penrith city's transition into a sustainable city and therefore satisfies the principles of the DCP.

Part C - City-wide Controls

C1 Site Planning and Design Principles

The proposed solar panels are strategically positioned on the roof to minimise views from ground level which will protect the visual amenity of the building's external appearance.

E11 Penrith

E11 Part A Penrith City Centre

Objective a of this section is: *"To ensure that the design and location of site facilities (such as ... solar panels and other such devices and communication systems) are integrated within the development and are unobtrusive."*

Controls in Section 11.3.3 Site Facilities and Services outline the following requirements for these structures:

6) *Such structures should be:*

- a) located away from street frontages and lanes;*
- b) located in a position where the likely impact is minimised; and*
- c) adequately setback from the perimeter wall or roof edge of buildings.*

7) *Where it is to be located on the roof, it should be integrated into the roofscape design and in a position where such facilities do not become a feature in the skyline at the top of building(s).*

The proposed solar panels will be positioned on the northern half of the roof and setback from the roof edge. This will ensure that the solar panels are not highly prominent when viewed from ground level. In addition, the architectural features of the building comprises of blue glass windows. These external features will assist in the solar panels integrating with the building. Therefore, there will be minimal impacts on the visual amenity of the surrounding area.

Council sought comment from both Phillip Cox and DWP|Suters who were the architects responsible for the Joan Sutherland building and the subsequent extension respectively. Both parties advised that they had no objection to the erection of the solar panels as proposed by this application. Phillip Cox elaborated on this advising that: "provided the solar panels are on the north side of the building and not intruding on the street elevation ... it's perfectly acceptable."