

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA21/0233
<b>Proposed development:</b>	Signage Structure
<b>Property address:</b>	61 Wardell Drive, SOUTH PENRITH NSW 2750
<b>Property description:</b>	Lot 22 DP 703827
<b>Date received:</b>	7 April 2021
<b>Assessing officer</b>	Donna Clarke
<b>Zoning:</b>	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone RE1 Public Recreation - LEP 2010
<b>Class of building:</b>	Class 10b
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for signage at 61 Wardell Drive, South Penrith. The subject site is zoned RE1 Public Recreation under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with consent.

The proposed signage has previously been approved under DA17/0313, the consent for which lapsed before works commenced. This application seeks consent for the same signage as previously approved.

The proposed business identification signage is in association with the Platypus Playground Children's Centre on the site. The design is conservative and the siting is appropriate which will ensure that there will be minimal impacts on the surrounding area and traffic conditions.

In accordance with Council's *Community Engagement Strategy and Community Participation Plan*, the proposed development was notified to neighbouring and adjoining residences in the area and exhibited between 16 April and 30 April 2021. Council received no submissions in response.

An assessment of the proposal under Section 4.15 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

The application has been referred to the Local Planning Panel for determination in accordance with Section 9.1 of the *EP&A Act*, as the subject site is owned by Penrith City Council, and the applicant is also Penrith City Council.

## Site & Surrounds

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The site is known as 61 Wardell Drive, South Penrith and is legally described as Lot 22 DP 703827. The site has a land area of 1.355 ha and is irregular in shape. The site has a steep slope of up to 6m which falls towards the north-eastern corner and is partially affected by an overland flow path. Currently, the property accommodates the Platypus Playground Children's Centre.

The surrounding area comprises of low density residential housing. A range of facilities and services are within a 770m radius including local shops, a medical centre, a fitness centre, schools, churches and green open space.

The broader road network includes the intersections of The Northern Road and Tukara Road approximately 132m to the south-east of the site and the M4 Motorway and The Northern Road 690m to the south-west. Available public transport modes include a bus service 132m to the west.

## Proposal

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The applicant seeks approval for the erection of business identification signage in association with the Platypus Playground Children's Centre at 61 Wardell Drive, South Penrith. The steel frame for the signage measures 3000mm (H) x 1300mm (W) and it has a top mounted arc shaped sign measuring 1800mm (H) x 1240mm (W).

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.15 - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

### Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

#### **State Environmental Planning Policy (Western Sydney Aerotropolis) 2020**

The subject site is located outside of the Western Sydney Aerotropolis. However, the SEPP (Western Sydney Aerotropolis) 2020 contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 13 kilometre 'wildlife buffer zone' of the proposed second Sydney airport.

As such, consideration has been given to Clause 21 of the SEPP and the proposed development. The objective of Clause 21 is to regulate development on land surrounding the airport site where wildlife may present a risk to the operation of the airport. Certain types of development trigger the requirements for further consideration under Clause 21. The proposed development, being a minor signage structure, is not one of the development types warranting additional consideration under the SEPP with regard to wildlife and the operation of the airport.

The subject site is also identified as being located within the "Obstacle Limitation Surface Map". Clause 24 of the SEPP relates to development that would penetrate the prescribed air space for the airport and be a 'controlled activity'. The proposed development neither penetrates the prescribed air space, nor is it a controlled activity, therefore not triggering any additional consideration under this clause.

## State Environmental Planning Policy No 64—Advertising and Signage

The proposal is defined as a business identification sign and is ancillary to the child care centre on the site. The site is situated within a residential area and is subject to a RE1 Public Recreation zoning. The proposed signage is consistent with that previously approved and is considered to be of a conservative and high quality design which will provide effective communication without compromising the visual quality of the surrounding area.

### Schedule 1 (Assessment Criteria)

Criteria	Comments
<b>Character of the area</b>	The surrounding area is characterised by residential housing but includes the adjoining Mary Mackillop Primary School north of the site. Given that the proposed signage is of a low-scale design, the proposal will have minimal impacts on the character of the area.
<b>Special areas</b>	The proposal is not within or in close proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes.
<b>Views and vistas</b>	The proposal will not obstruct any important views or vistas and is not within a skyline view and there are no other advertisers in the immediate area with the exception of the primary school which is distant from the subject site.
<b>Streetscape, setting or landscape</b>	The proposed signage is of a minor scale and appropriately sized relative to site's land area. The design contains neutral colours and is not considered to create visual clutter or any adverse impacts on the streetscape.
<b>Site and building</b>	The scale and design of the signage is in proportion to the size of the building on the site. The proposal does not require any vegetation management as a result of the proposed signage.
<b>Associated devices and logos with advertisements and advertising structures</b>	The proposed sign is integrated with its steel frame and does not include any lighting.
<b>Illumination</b>	The proposal does not include any illuminated signage.
<b>Safety</b>	The proposed signage has an acceptable front setback and is not considered likely to reduce safety for local traffic or pedestrians.

### Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within the *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)* and the proposal 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 5.9 Preservation of trees or vegetation	Complies
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion

**Clause 1.2 Aims of the plan**

The proposal seeks to inform the community of an existing child care centre. This will in turn create socio-economic activity in the locality and will support the sustainability of a suburban area. The proposed signage is of a conservative design which is not considered to result in any adverse impacts on the visual quality of the streetscape. The proposal therefore satisfies the aims of the plan.

**Clause 2.3 Permissibility**

The site is subject to a RE1 Public Recreation zoning and the proposal is defined as a business identification sign. The proposed signage is ancillary to an existing child care centre and is permissible with consent in the RE1 zone. The proposal is not contrary to the objectives of the RE1 zone.

**Clause 2.3 Zone objectives**

The proposed signage is associated with the Platypus Playground Children's Centre on the site. The objectives of the RE1 Public Recreation zone are satisfied given that the child care centre is a permissible land use in the RE1 Public Recreation zone.

**Clause 7.1 Earthworks**

The proposed earthworks required to install the signage are of a minor scale and are therefore unlikely to result in any detrimental effects on drainage patterns or soil stability in the immediate area.

**Clause 7.2 Flood planning**

Although the site is slightly flood affected, the siting of the sign is not within the overland flow path and will therefore not result in any flood impacts or risk to the surrounding area.

**Section 4.15(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
C2 Vegetation Management	Complies
C3 Water Management	N/A
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A

**Section 4.15(1)(a)(iiia) The provisions of any planning agreement**

There are no planning agreements applying to the proposal.

**Section 4.15(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 4.15(1)(b) The likely impacts of the development

### Context and Setting

The proposed sign is considered to be low key and is not considered likely to result in any adverse impacts on the character of the locality.

### Traffic Impacts

The proposed sign is not an illuminated sign and the siting and scale is appropriate. This will ensure that there will be no impacts on local traffic conditions.

### Signage Design

The proposed sign satisfies the design principles of the *Penrith Development Control Plan 2014*, such as design quality and the nature of the sign relative to the Platypus Playground Children's Centre.

### Socio-Economic Impacts

The proposal aims to promote a child care centre which will stimulate economic growth in the neighbourhood. Given the overall benefits of the premises for the community, it is unlikely that the proposal will adversely impact on neighbouring and surrounding property values.

## Section 4.15(1)(c) The suitability of the site for the development

The site is deemed suitable for the proposed development for the following reasons:

- The proposed signage supports the child care centre on the site.
- The proposal does not affect existing facilities or services.
- The proposal will not impact on local traffic flows or the acoustic or visual privacy of adjoining properties.
- The development site does not contain any significant ecosystems or threatened species.
- The proposal does not involve major earthworks or the removal of significant flora and fauna.

## Section 4.15(1)(d) Any Submissions

### Community Consultation

In accordance with Council's *Community Engagement Strategy and Community Participation Plan*, the proposed development was notified to neighbouring and adjoining residences in the area and exhibited between 16 April and 30 April 2021. Council received no submissions in response.

### 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 4.15(1)(e) The public interest

Given the nature and scale of the proposal in addition to the proposal being compliant with the applicable development controls, the proposed development will not generate any significant issues of public interest.

## Conclusion

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In assessing this proposal against the relevant environmental planning policies including the *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 conditions.

## Recommendation

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That DA21/0233 for signage at 61 Wardell Drive, South Penrith be approved subject to the following 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	Prepared By	Reference No.	Dated	Revision
Site Plan	Rosemarie Canales	MP-A-1704-01	14/04/2017	B
Elevation	Rosemarie Canales	MP-A-1704-02	30/06/2017	B

2 [A039 - Graffiti](#)

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

3 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

4 [A Special \(BLANK\)](#)

Lighting of the approved sign is not permitted by this consent. The approved signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.

## Environmental Matters

5 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

## BCA Issues

6 [E001 - BCA compliance](#)

All aspects of the sign 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).

## Construction

## 7 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Compliance Certificate has been issued for the development.

## 8 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling works must be executed safely and in accordance with the appropriate professional standards. All excavations backfilling works must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land (includes a public road and any other public place).

(d) If the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.



#### 9 [H041 - Hours of work \(other devt\)](#)

Construction 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.

## Landscaping

#### 10 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

#### 11 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

## Certification

#### 12 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

#### Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

#### 13 [Q05E - Compliance Certificate for earthworks if Construction Certificate not required](#)

On completion of the works, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance with all conditions of consent. 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

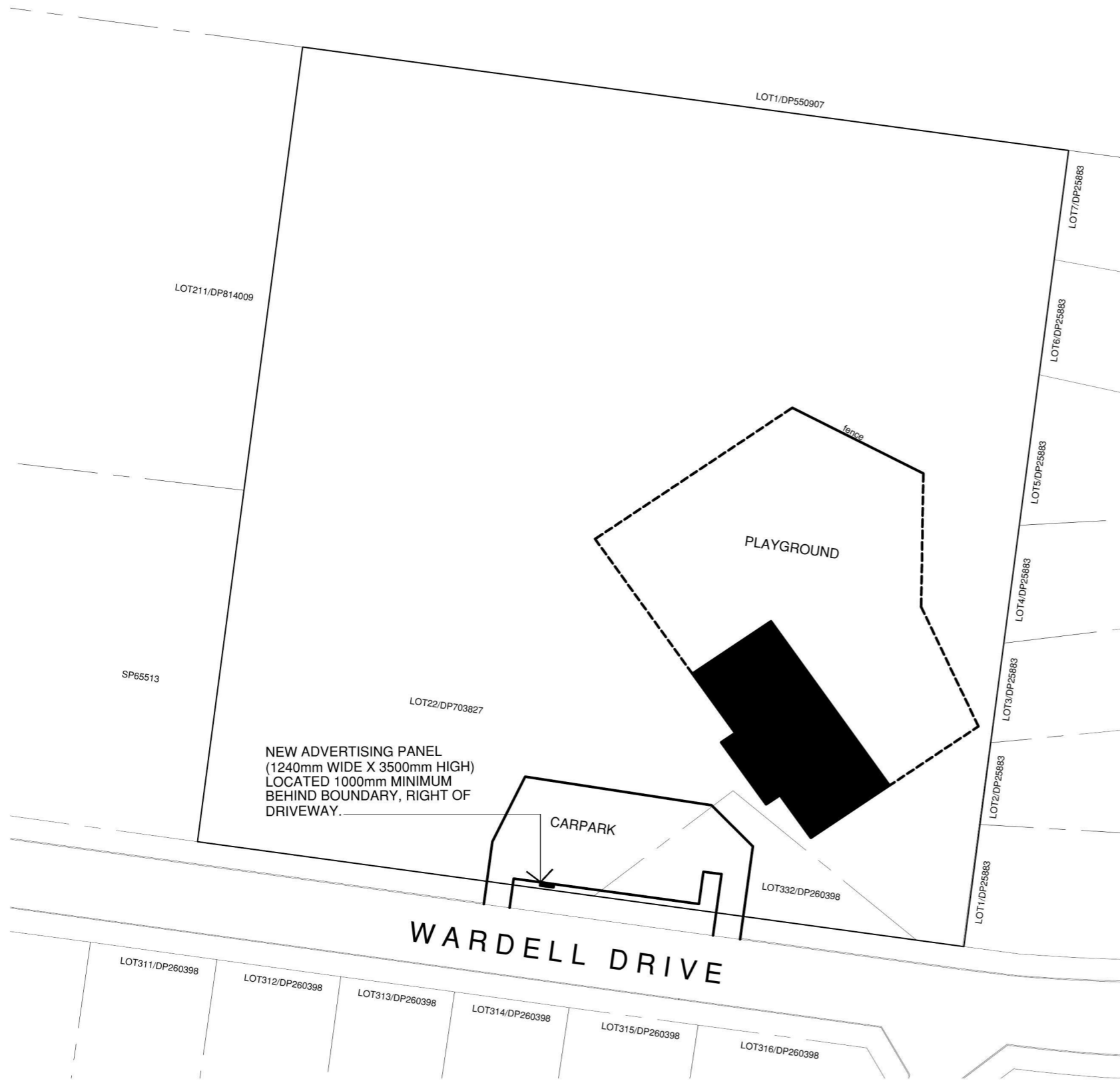
The proposal aims to inform the community of a child care centre. This will in turn stimulate economic activity, support employment and contribute to strengthening the local region. Given the limited extent of works required to install the proposed sign, the proposal poses no threats to the surrounding natural and built environments. The proposal is therefore supportive of Penrith City's vision of achieving long term economic and social security which satisfies the DCP principles.

### Part C - City-wide Controls

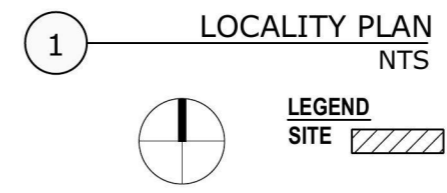
#### C9 Advertising and Signage

##### C9.5. Open Space Zones (Public and Private Recreation)

The proposed sign is ancillary to the Platypus Playground Children's Centre on the site and reflects the nature of this land use. The siting in front of the car park has an acceptable front setback and the overall design is low key which will ensure that there will be minimal impacts on the visual quality of the streetscape and the character of the locality.



2 SITE PLAN  
1:750



1 LOCALITY PLAN  
NTS

B 14.04.2017 For DA RMC

REV.	DATE	DESCRIPTION	BY
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PHASE  
FOR DEVELOPMENT APPLICATION

CLIENT  
PENRITH CITY COUNCIL  
CHILDREN SERVICES

ARCHITECT  
PENRITH CITY COUNCIL  
Major Projects Department.  
601 High Street  
PENRITH NSW 2750 Australia  
Postal Address: GPO Box 60 Penrith NSW 2751 Australia  
p: (02) 4732 7777  
f: (02) 4732 7656  
e: penrithc@penrithcity.nsw.gov.au

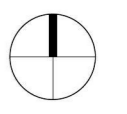
PROJECT  
PLATYPUS CHILDREN CENTRE  
63 WARDELL DRIVE, SOUTH PENRITH  
Lot 22 / DP 703027

TITLE  
LOCALITY PLAN  
& SITE PLAN

SCALE (A3)	DRAWN	RMC	PROJECT CODE
DATE 03-04-2017	APPROVED		

SHEET NO.  
MP-A-1704- 01 REV[B ]

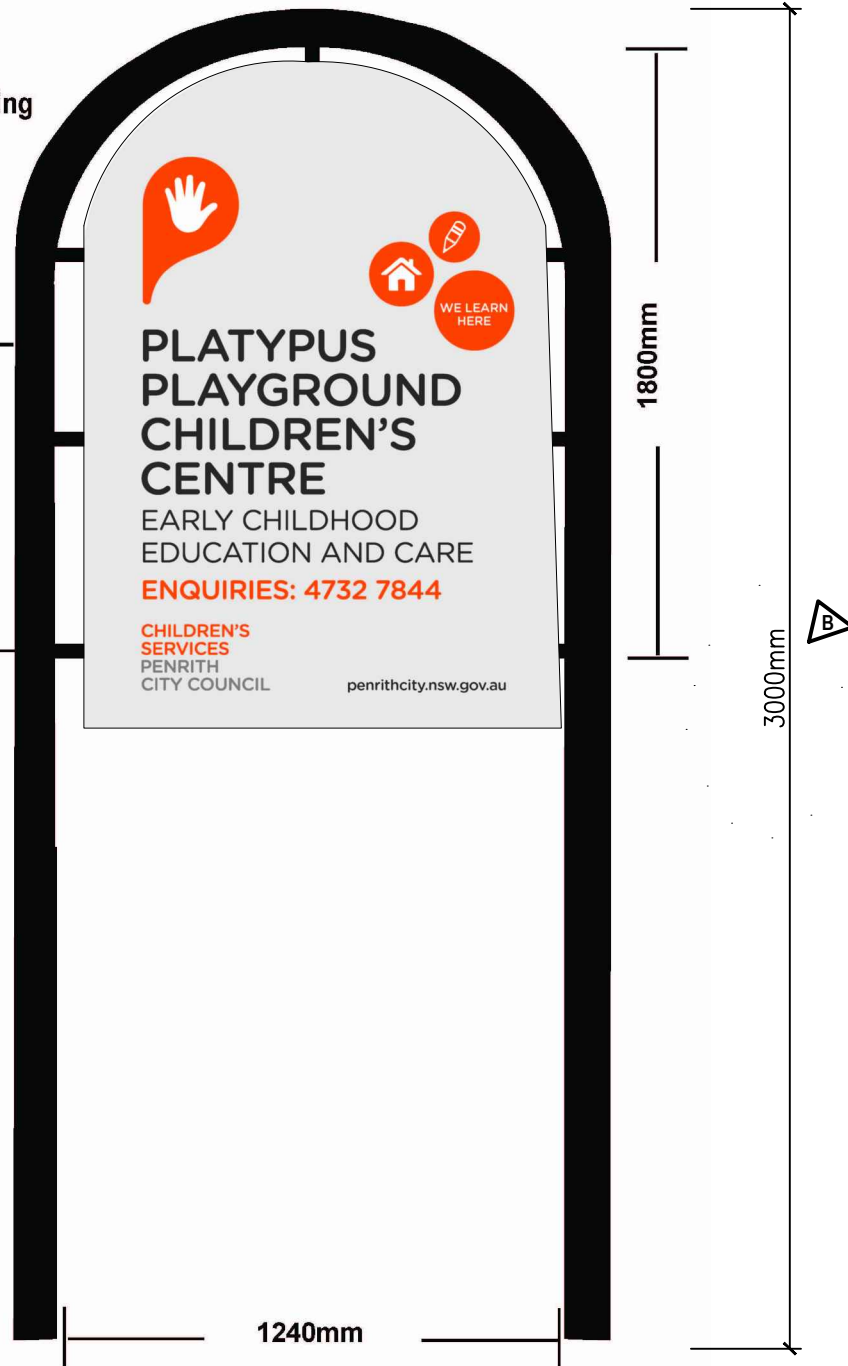
**DRAWING REGISTER LIST**  
MP-A-1704-01 LOCALITY PLAN & SITE PLAN  
MP-A-1704-02 ELEVATION



Dimensions show out of ground height  
 Additional 700mm needed for ground footing

Post : 60mm OD gal steel x 3mm wall thickness

Support rails : 30mm x 30mm x 2mm  
 Duragal square steel



1 ELEVATION  
 1:20

B	30.06.2017	Modify OA height	RMC
A	14.04.2017	For DA	RMC

REV.	DATE	DESCRIPTION	BY
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PHASE  
**FOR DEVELOPMENT APPLICATION**

CLIENT  
**PENRITH CITY COUNCIL  
 CHILDREN SERVICES**

ARCHITECT  
 PENRITH CITY COUNCIL  
 Major Projects Department.  
 601 High Street  
 PENRITH NSW 2750 Australia  
 Postal Address: p: (02) 4732 7777  
 GPO Box 60 f: (02) 4732 7958  
 Penrith NSW 2751 Australia e: penrithc@penrithcity.nsw.gov.au

PROJECT  
**PLATYPUS CHILDREN CENTRE  
 63 WARDELL DRIVE, SOUTH PENRITH  
 Lot 22 / DP 703027**

TITLE  
**ELEVATION**

SCALE (A3)	DRAWN	RMC	PROJECT CODE
DATE 03-04-2017	APPROVED		

SHEET NO.  
**MP-A-1704- 02** **REV[B]**

