

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0279
<b>Proposed development:</b>	Business Identification Signs to existing warehouse use
<b>Property address:</b>	54 Tyrone Place, ERSKINE PARK NSW 2759
<b>Property description:</b>	Lot 22 DP 1178567
<b>Date received:</b>	17 April 2019
<b>Assessing officer</b>	Jacqueline Klincke
<b>Zoning:</b>	SEPP - (WSEA) 2009 - ZONES IN1 + E2
<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 the installation of two (2) business identification pylon signs and three (3) directional signs at 54 Tyrone Place, Erskine Park.

The subject site is zoned IN1 General Industrial under *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The proposed development is not permissible with Council consent however, is ancillary to the dominant use of the site as warehouse facilities.

The key issues identified as part of the assessment of the proposal were in regards to the following:

- Non-compliance with up-lighting illumination control.

The applicant was advised of this issue and correspondence dated 30 April 2019 confirmed all proposed signs are not illuminated. Subsequently, the up-lights identified on the plans have been marked up and removed on the stamped approved plans. This would form part of any development consent granted.

Under Appendix F4 - Notification and Advertising of the *Penrith Development Control Plan 2014*, notification of the proposal was not required.

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

### Site & Surrounds

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The subject site is legally described as Lot 22, DP 11788567 and is located at 54 Tyrone Place, Erskine Park. The site is 6.662 hectares in size, irregular in shape, and is located approximately 250m south of the intersection between Lenore Drive and Erskine Park Road.

The site is within the Southern Area of the Erskine Business Park and is part of the Western Sydney Employment Area (WSEA) zoning which accommodates a diverse range of business and industrial land uses. The subject site is currently occupied by an existing warehouse facilities approved under development consent DA16/0333 and DA16/0558.

#### **Site Constrains:**

The property is identified as partially bushfire prone land.

## Proposal

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The proposed development includes the following:

- Installation of two (2) business identification pylon signs (3.5m h x 1.255m w x 0.301m d)
- Installation of three (3) directional/wayfinding signs

Correspondence from the applicant dated 30 April 2019 confirmed all proposed signs are not illuminated.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- 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 proposal 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 79C(1)(a)(i) The provisions of any environmental planning instrument

#### **State Environmental Planning Policy (Western Sydney Employment Area) 2009**

The site is in the vicinity of the Erskine Business Park which is zoned under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The proposal seeks to install two (2) business identification pylon signs and three (3) wayfinding signs in association with the existing warehouse facilities. Given that the proposal will ensure pedestrian and vehicular amenity and safety and improve the overall wayfinding of the site, the proposal satisfies the aims and objectives of the WSEA SEPP.

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

An assessment has been undertaken of the proposed signage against the relevant criteria within the *State Environmental Planning Policy No. 64 - Advertising and Signage*.

The proposed signage is consistent with the aims and objectives of SEPP 64. An assessment of the proposal under Schedule 1 has been undertaken below.

Criteria	Assessment	Compliance
1. Character of the Area <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>	The proposed signs are sympathetic to the building architecture, general built environment and surrounding character of the area. The design of the signs are complementary to the streetscape and other business identification signage in the street.	Yes

<p>2. Special Areas</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 signs do not detract from the amenity or visual quality of any heritage areas, any environmentally sensitive areas, natural/conservation areas, open space areas, waterways, landscapes or residential areas.</p>	<p>Yes</p>
<p>3. Views and Vistas</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 signs will not compromise or obscure important views or vistas. The new signs proposed will not dominate the skyline and are respectful of other business' viewing and advertising rights.</p>	<p>Yes</p>
<p>4. Streetscape, setting or landscape</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 of the locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<p>The proposed signs are designed in a satisfactory scale, proportion and form and are in keeping with the character of the streetscape. The proposed sign will contribute to the visual interest of the building and the local area. The proposed signage does not protrude above any buildings, structures or tree canopies in the area.</p>	<p>Yes</p>
<p>5. Site and building</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> </ul>	<p>The signage is compatible in scale and proportion with the buildings on site and are appropriately located to complement the building and pedestrian/vehicular entrance points.</p>	<p>Yes</p>
<p>6. Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> <li>Have any safety devices, platforms, lighting devices or logos been design as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	<p>The proposed signs will display business logos, the street address, and other wayfinding information.</p>	<p>Yes</p>

<p>7. Illumination</p> <ul style="list-style-type: none"> <li>• Would illumination result in unacceptable glare?</li> <li>• Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>• Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>• Can the intensity of the illumination be adjusted, if necessary?</li> <li>• Is the illumination subject to a curfew?</li> </ul>	<p>The proposed signs are non-illuminated and will not cause any impact to drivers, pedestrians or surrounding residences.</p>	<p>Yes</p>
<p>8. Safety</p> <ul style="list-style-type: none"> <li>• Would the proposal reduce the safety for any public road?</li> <li>• Would the proposal reduce the safety for pedestrian and cyclists?</li> <li>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<p>The signs will not reduce the safety to roads, pedestrians or cyclists during the installation process.</p>	<p>Yes</p>

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

An assessment has been undertaken of the proposal against the relevant criteria within *Sydney Regional Environmental Plan Non 20—Hawkesbury-Nepean River (Non 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
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies

#### Clause 2.3 Permissibility

The subject site is zoned IN1 General Industrial under the *Penrith Local Environmental Plan 2010* and *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The proposed development is identified as *business identification signage* which is ancillary to the existing use of the site as a warehouse facility, and is permissible with Council consent. A condition of consent has been recommended to ensure that the approved signs only indicate the name, nature, address, logo and wayfinding information of the business, and must not contain any advertising not related to the business conducted on site.

### Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation of Land SEPP* are at present applicable to the subject site but while so, does not affect or alter the recommendations of this report.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
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	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	N/A
E6 Erskine Business Park controls	Complies

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

There are no planning agreements applying to this application.

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

The application submitted is assessed as being capable of complying with the applicable provisions of the Building Code of Australia, relevant Australian Standards, and those related to fire safety as required under the Regulations. No concerns are raised and standard conditions of consent are recommended in this regard.

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

### **Context and Setting:**

The potential impacts of the signage and associated works complies with the aims and objectives within the relevant planning instruments including SEPP 64, WSEA SEPP 2009, and DCP 2014. It is considered that the proposal will have a minimal impact upon the streetscape and surrounding locality noting their size, location and non-illumination. The setbacks of the sign from neighbouring properties and along Tyrone Place for road users is expected to ensure there is minimal visual impact.

### **Access, Transport and Traffic:**

Access is provided to the site from Tyrone Place. The proposed signs will not have any adverse impacts on the access, transport and traffic and instead, will help improve wayfinding throughout the site for vehicles and pedestrians.

### **Noise and Vibration:**

The proposed development is not expected to create an acoustic nuisance during the installation of the signs. The ongoing use of the signs is also not anticipated to create an acoustic nuisance.

### **Site Design:**

The design and location of the proposed signs are appropriate for the locality.

### **Water, Soil, Air and Microclimate:**

The proposed signs will have minimal to no impact on water, soil or air quality. Erosion and sediment control measures will be required where appropriate during their provision.

### **Social and Economic Impacts:**

The proposed sign will have minimal adverse impacts and will maintain the current social and economic conditions of the site and surrounding area.

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

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

- The proposal is of a minor scale,
- Sufficient services and facilities are available,
- The proposal will have negligible impacts on the surrounding environment,
- The proposal does not involve the removal of any significant flora or fauna, and
- The subject site currently maintains two (2) warehouse facilities as the primary operational use which will be assisted via the provision of the proposed signage.

## Section 79C(1)(d) Any Submissions

### **Community Consultation**

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, notification of the proposed development was not required. No submissions were received in this regard.

### **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, in addition to the proposal being largely 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 the proposal against the relevant planning instruments being the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*, *State Environmental Planning Policy No. 64 - Advertising and Signage*, and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. It does not contravene any development standards and will not have a significant impact on the surrounding immediate natural, social or economic environments.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts from the proposed development. Therefore, the application is worthy of support, subject to the recommended conditions.

## **Recommendation**

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That DA19/0279 for the installation of two (2) business identification signs and three (3) directional signs at 54 Tyrone Place, Erskine Park, be approved subject to the attached conditions.

# CONDITIONS

## General

### 1 A001

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

Description	Drawing Reference	Version	Prepared By	Date
Site Plan	SP 001.1	1	Idea to Action	2 April 2019
Sign 1 – Design	Sign 1-01	1	Idea to Action	2 April 2019
Sign 1 – Manufacture	Sign 1-02	1	Idea to Action	2 April 2019
Sign 1 – Materials	Sign 1-03	1	Idea to Action	2 April 2019
Sign 2 – Design	Sign 2-01	1	Idea to Action	2 April 2019
Sign 2 – Manufacture	Sign 2-02	1	Idea to Action	2 April 2019
Sign 2 – Materials	Sign 2-03	1	Idea to Action	2 April 2019
Sign 3 – Design	Sign 3-01	1	Idea to Action	2 April 2019
Sign 3 – Manufacture	Sign 3-02	1	Idea to Action	2 April 2019
Sign 3 – Materials	Sign 3-03	1	Idea to Action	2 April 2019
Sign 4 – Design	Sign 4-01	1	Idea to Action	2 April 2019
Sign 4- Manufacture	Sign 4-02	1	Idea to Action	2 April 2019
Sign 4 – Materials	Sign 4-03	1	Idea to Action	2 April 2019
Sign 5 – Design	Sign 5-01	1	Idea to Action	2 April 2019
Sign 5 – Manufacture	Sign 5-02	1	Idea to Action	2 April 2019
Sign 5 – Materials	Sign 5-03	1	Idea to Action	2 April 2019

- Erosion Sediment Control Plans, prepared by Idea to Action, undated.
- 2 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**  
**The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 **A039 - Graffiti**  
The finishes of the approved signs are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 **A046 - Obtain Construction Certificate before commencement of works**  
A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 **A Special (BLANK)**  
The signage shall be erected strictly in accordance with the manufacturer's or engineer's specifications, and the relevant Australian Standards. Any installation fixtures associated with the sign shall be wholly contained within the body of the sign and not be visible from the public domain.
- 6 **A Special (BLANK)**  
The signs shall not be illuminated in any way.
- 7 **A Special (BLANK)**  
Given that the sign is ancillary to the existing approved developments on the site, the signs must not contain any advertising of a person/business who does not carry out business at the premises or place. The sign is limited to:
- (a) the nature of the person or business, and
  - (b) the nature of the business carried on at the premises at which the sign is displayed, and
  - (c) may include the address of the premises, logos or other symbols that identify the businesses. and
  - (d) may include any way finding requirements for accessing the site.

## Environmental Matters

8 **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.

9 **D009 - Covering of waste storage area**

All waste materials stored onsite are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

## **BCA Issues**

10 **E001 - BCA compliance**

All aspects of the signage 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**

11 **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 onsite, 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 Occupation Certificate has been issued for the development.

## 12 [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 and 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

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

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

## Certification

### 14 [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 6.6 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 6.6 of the *Environmental Planning and Assessment Act 1979*.

### 15 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the signage.

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 Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C9 Advertising and Signage

##### 9.1 General Requirements for Signs

Section C9.1 of the Penrith DCP sets out a number of controls related to signage. In this regard, the proposed signs relate to the use of the buildings as it specifically identifies the business operating within the premises, have been designed of a high quality which is compatible with the architectural design of the existing buildings within the locality. Furthermore, the signage is wholly contained within the property and is sympathetic to the surrounding industrial character of the area. Therefore, the proposal meets the objectives and controls within the DCP.

##### 9.4 Commercial, Mixed Use and Industrial Zones:

An initial review of the plans identified up-lighting proposed for the business identification pylon sign. Correspondence from the applicant dated 30 April 2019 clarified that both proposed signs are not illuminated and therefore complies with the DCP control in regards to illumination. Subsequently, the up-lights identified on the plans have been removed and marked in red on the stamped approved plans, and a condition of consent has been recommended ensuring that the signs shall not be illuminated. Also, condition of consent has been recommended to ensure that the approved signs only indicate the name, nature, address, logo and wayfinding information of the business, and must not contain any advertising not related to the businesses on the premises.