

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1492
Proposed development:	Business Identification Signage (Suites H004 & H006, Nepean Village)
Property address:	148 Station Street, PENRITH NSW 2750
Property description:	Lot 80 DP 709313
Date received:	24 November 2014
Assessing officer	Mathew Rawson
Zoning:	ZONE B4 MIXED USE PCCLEP 2008
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for external signage at 148 Station Street, Penrith. This proposal is defined as business identification signage and the subject site is zoned B4 - Mixed Use under the Penrith City Centre Local Environmental Plan 2008. Although stand alone signage is not a permissible land use in the zone, the development is considered to be ancillary to an existing use, being the business which it is advertising, and it is therefore a permissible use with Council consent.

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 faces west / north-west and is located on Station Street. The lot is rectangular and narrow. The portion of the site facing the street presents a modest 19th Century Victorian Cottage which is a recognised State Heritage Listing (No. 2260217). The building subject to the proposal is a separate two-storey construction built in a neo-Victorian style which was an attempt to minimise potential impacts on the heritage item. The building does not face the street but is oriented south, facing the car park of the surrounding Centro Nepean Shopping Centre. This building is contemporary and has been added to the site in recent times. The commercial building comprises several food shops and forms part of the Centro Nepean Shopping Centre Complex.

The internal fit-out of the shop has been approved and certified under Complying Development Certificate number 2014/0086 issued by Lorus Building Approvals & Certification.

Proposal

The proposal includes the erection of an external illuminated sign to be located within the Nepean Village Shopping Centre Complex. The location of the signage is proposed to be over the existing ground floor awning structure, which overlooks the shopping centre car park.

The commercial building is the subject of this proposal. No works are proposed to the heritage item.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- Development Control Plan 2007 (City Centre)
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The 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 No 64—Advertising and Signage

Clause 3 – Aims, Objectives etc

The proposed development is considered to be consistent with the aims and objectives of the SEPP.

Clause 13 – Matters for Consideration

The development is considered to be consistent with the aims of the Policy and satisfies all relevant requirements of the Policy. It has been assessed against the criteria outlined in Schedule 1 (see below).

Part 3

This part is not applicable as the proposed development is defined as Business Identification Signage.

Schedule 1 Assessment Criteria (Clauses 8, 13 and 17)

An assessment has been undertaken of the application against relevant criteria and the application is considered satisfactory. The style of the proposed signage is considered to be consistent with the existing character of signage within the locality as there are existing examples of internally illuminated above roof signage at a similar scale. Additionally the signage is of recessive colours which, to an extent, matches the colour scheme of the existing building.

The signage is unlikely to cause any impacts in terms of the amenity of the locality due to the proposed internal lighting and its location well away from any public roads. Additionally the recommended conditions of consent will ensure no flashing or moving lights are used which could result in glare for pedestrians or motorists in the car park.

The proposed signage will be located on the same lot as a heritage item. The building subject to the improvements is entirely separate from the heritage item and does not share the same frontage as the heritage listed Victorian Cottage. Colours chosen are consistent with the colour scheme of the building to which the signage is attached and are sympathetic to the neighbouring heritage listed cottage. There are not considered to be any significant impacts on the heritage significance of the cottage which shares the lot.

Therefore, subject to the recommended conditions of consent the proposed signage is compliant with SEPP 64 due to the scale and type of the signage being generally consistent with the existing signage in the area.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	Complies
Clause 13 - Zone objectives	Complies
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	N/A
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	Complies
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 -Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	Complies
Clause 40 - Heritage conservation	Complies - See discussion
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	N/A
Clause 46 - Interpretation	N/A

Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	N/A
Clause 50 - zone objectives and land use table	N/A
Clause 51 - Height of buildings	N/A
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

Clause 40 - Heritage Conservation

The proposed business identification signage involves minor improvements to the external appearance of the building. The building subject to the improvements does not share the same frontage as the heritage listed Victorian Cottage and therefore involves negligible impact. Colours chosen are consistent with the colour scheme of the building to which the signage is attached and sympathetic to the neighbouring heritage listed cottage. There are no significant impacts on the heritage significance of the cottage which shares the lot. Accordingly the development is considered to be consistent with the intent of this clause.

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

The draft zoning of the allotment under Stage 2 of the Penrith Local Environmental Plan 2010 remains B4 - Mixed Use. The proposal remains consistent with the relevant aims and objectives of the Plan generally as well as the B4 zone. There are no clauses of the draft EPI which would have significant implications for the permissibility or design of the proposed development.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	N/A
Chapter 2.4 - Erosion and sediment control	N/A
Chapter 2.5 - Heritage management	Complies
Chapter 2.6 - Landscape	N/A
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	N/A
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	N/A

Development Control Plan 2007 (City Centre)

Provision	Compliance
Part 2 - Building form	Complies
Part 3 - Pedestrian amenity	Complies
Part 4 - Accessing, parking and servicing	N/A
Part 5 - Sustainable development	N/A
Part 6 - Residential development controls	N/A
Part 7 - Controls for special areas	N/A
Part 8 - Controls for special developments	N/A

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

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, will be imposed as conditions of consent where applicable.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

Impacts raised in referral comments

No issues of concern raised, subject to the imposition of recommended conditions of consent.

Other impacts identified in assessment

Subject to the recommended conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural, social or economic environments of the locality due to its scale, location and consistency with surrounding uses.

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

The subject site is deemed suitable for the following reasons:

- The zone and draft zone permit the proposed use.
- The use is consistent and compatible with surrounding/adjoining land uses.
- Recommended conditions of consent will ensure that the proposal will have minimal effects on the surrounding environment during the construction stage.

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

The proposed development will not generate any significant issues of public interest.

Conclusion

Subject to the recommended conditions of consent the proposal is considered to be consistent with the relevant sections of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan, relevant State Environmental Planning Policies and the Penrith City Centre Development Control Plan because it does not contravene any development standards and will not result in any significant impacts on the natural, social or economic environments.

The site is suitable for the proposed development, the proposal does not conflict with the public interest, and there is unlikely to be negative impacts arising from the proposed development. Accordingly, the application is worthy of support and recommended for approval, subject to recommended conditions.

Recommendation

1. That DA14/1492 for external signage at 148 Station Street, Penrith, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans numbered AR.DA.00 to AR.DA.03 drawn by Theresa Pan, dated Nov 2014 and 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.

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

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

All signage to be illuminated during night times shall be switched off by 11.00pm daily. The signage shall not be fitted with flashing or moving lights at any time and illumination shall not distract passing motorists or impact on residential amenity. Any wiring or installation fixtures associated with the signage or internal illumination must be contained wholly within the body of the signage and must not be visible from the public domain.

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

Erection of the signage shall not unduly reduce or compromise the structural integrity of the existing buildings.

Environmental Matters

6 [D009 - Covering of waste storage area](#)

All waste materials stored on-site 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 are to be fully enclosed when the site is unattended.

7 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of at a lawful waste management facility. Details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

8 [E003 - Structural alterations](#)

The signage is to be erected in accordance with the manufacturer's specifications. Prior to the issue of an Occupation Certificate, a structural engineer's report is to be submitted to Council.

9 [E01A - BCA compliance for Class 2-9](#)

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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

10 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 the council, or
- alternatively, any other sewage management facility approved by council.

(b) If the work involved in the erection or demolition of a building 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, a 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.

11 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 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.

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 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.