

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0588
Proposed development:	Nando's Restaurant Signage (Tenancy FS003, Nepean Village Shopping Centre)
Property address:	148 Station Street, PENRITH NSW 2750
Property description:	Lot 80 DP 709313
Date received:	17 June 2015
Assessing officer	Gannon Cuneo
Zoning:	Zone B4 Mixed Use - LEP 2010
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 Local Environmental Plan 2010. Signage is permissible in B4 zone and includes business identification signage. 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 was approved on 23/11/2007.

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

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2010
- 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.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
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Clause 1.2 Aims of the plan	Complies
Part 2 Permitted or prohibited development	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Part 3 Exempt and complying development	N/A
Part 4 Principal development standards	N/A
Clause 4.3 Height of buildings	Complies
Part 5 Miscellaneous provisions	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.10 Heritage conservation	Complies
Clause 6.3 Development control plan	N/A
Clause 7.1 Earthworks	N/A
Clause 7.2 Flood planning	N/A
Clause 7.3 Development on natural resources sensitive land	N/A
Clause 7.4 Sustainable development	N/A
Clause 7.5 Protection of scenic character and landscape values	N/A
Clause 7.6 Salinity	N/A
Clause 7.7 Servicing	N/A
Clause 7.8 Active street frontages	N/A
Clause 7.9 Development of land in the flight paths of the site reserved for the proposed	N/A
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	N/A
Clause 7.11 Penrith Health and Education Precinct	N/A
Clause 7.12 Maximum gross floor area of commercial premises	N/A
Clause 7.13 Exhibition homes limited to 2 years	N/A
Clause 7.14 Cherrywood village	N/A
Clause 7.15 Claremont Meadows	N/A
Clause 7.16 Glenmore Park Stage 2	N/A
Clause 7.17 Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
Clause 7.18 Mulgoa valley	N/A
Clause 7.19 Villages of Mulgoa and Wallacia	N/A

Clause 7.20 Orchard Hills	N/A
Clause 7.21 Twin Creeks	N/A
Clause 7.22 Waterside	N/A
Clause 7.23 Location of sex services premises and restricted premises	N/A
Part 8 Local provisions Penrith City Centre	
Clause 8.1 Application of Part	Complies
Clause 8.2 Sun access	Complies
Clause 9.6 Development control plan for land to which this Part applies	

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	N/A
Part C3 - Water management	N/A
Part C4 - Land management	N/A
Part C5 - Waste management	N/A
Part C6 - Landscape design	N/A
Part C7 - Culture and heritage	Complies
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	Complies
Part C10 - Transport, access and parking	N/A
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	N/A
Part C13 - Infrastructure and services	N/A
Part D3 - Commercial and retail development	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

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

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 permits 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
Heritage	No objections

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

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

Conclusion

In assessing this application against the current relevant instruments being the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 64 - Advertising and Signage, Penrith Local Environmental Plan 2010 and Penrith DCP 2014, with appropriate conditions, the proposal satisfied that requirements.

With the recommended conditions of consent, it is considered unlikely to have a negative impact on the surrounding properties and environment, the site is suitable for the development proposed and is considered to complement the existing surrounding developments.

Recommendation

1. That DA15/0588 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 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	Drawing Ref	Revision	Prepared By	Dated
Architectural Plans	A01 – A03	A	CDC Design	10.06.2015
Signage Details	Sheet 1 & 2 - 2	-	Forte Signs Australia Pty Ltd	02/2014

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.

3 A Special (BLANK)

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.

4 A Special (BLANK)

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

5 A Special (BLANK)

The signage shall be installed in accordance with the manufacturers or engineers specifications.

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 in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, 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 E Special (BLANK)

All works must be carried out in accordance with the requirements of the Building Code of Australia.

Construction

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 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.