

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0314
Proposed development:	Child Care Centre Business Identification Sign
Property address:	205 Great Western Highway, EMU PLAINS NSW 2750
Property description:	Lot 7042 DP 93967
Date received:	21 April 2017
Assessing officer	Sufyan Nguyen
Zoning:	RE1 Public Recreation - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for signage at 205 Great Western Highway, Emu Plains. The subject site is zoned RE1 Public Recreation under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposed business identification signage is in association with the Emu Plains Kids Place child care centre and Emu Village out of school hours care on the site. The amended design makes provision for a rectangular design which preserves heritage values. The overall design is conservative and the siting is appropriate, which ensure that there will be minimal impacts on the surrounding area and traffic conditions.

An assessment of the proposal 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 site is known as Emu Plains Kids Place child care centre at 205 Great Western Highway, Emu Plains and is legally described as Lot 7042 DP 93967. The site has a land area of 6,171m² and is an irregular trapezium in shape. The site adjoins Emu Plains Community Centre - Emu Village out of school hours care, Emu Plains tennis courts and Dukes oval. Directly opposite the site (north-western side of Lawson Street) is low density residential development and Lennox Village shopping centre (south-westwards) and to the south is Darcy Smith Oval.

The broader road network includes the intersections of the Great Western Highway and Russell Street approximately 740m west-south-westwards and the M4 Motorway and Russell Street/Leonay Parade 1.069km south-westwards. Available public transport modes includes a bus stop located directly outside the site and the Emu Plains railways station 1.24km north-eastwards.

Proposal

The applicant seeks approval for the erection of business identification signage in association with the Emu Plains Kids Place child care centre and Emu Village out of school hours care at 4 Lawson Street, Emu Plains. The steel frame for the signage measures 3000mm (H) x 1340mm (W) and has a top mounted rectangular shaped sign measuring 1800mm (H) x 1340mm (W) x 3mm (D).

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- 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 No 64—Advertising and Signage

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

Schedule 1 (Assessment Criteria)

Criteria	Comments
Character of the area	The surrounding area is characterised by a mix of community centres, recreational facilities (outdoor), residential housing and is in proximity to Lennox Village shopping centre. Given that the proposed sign is of a low-scale design, the proposal will have minimal impacts on the character of the area.
Special areas	The site adjoins a number of heritage listed items including Emu Plains Public School, War Memorial Emu Park and Melrose Hall. Westbank House is located opposite the site to the east and the Orange Grove cottage north-eastwards. The proposed sign is located within the Emu Plains Kids Place car park and the low key siting coupled with the revised design will ensure that the proposal does not result in any adverse impacts on heritage conversation.
Views and vistas	The proposal will not obstruct any important views or vistas and is not within a skyline view or in proximity to any other advertisers in the immediate area.
Streetscape, setting or landscape	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.
Site and building	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.
Associated devices and logos with advertisements and advertising structures	The proposed sign is integrated with its steel frame and does not include any lighting.
Illumination	The proposal does not include any illuminated signage.
Safety	The proposed sign provides a generous 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 *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 5.10 Heritage conservation	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion

Clause 1.2 Aims of the plan

The proposal aims to inform the community of the existing child care centre and out of school hours care. This will in turn drive socio-economic activity and strengthen the local area. Although the site is situated amongst a number of heritage listed items, the amended sign with respect to the principles of heritage conversation will ensure that there are no significant impacts on heritage values. The proposal therefore reflects the aims of the *Penrith Local Environmental Plan 2010*.

Clause 2.3 Permissibility

The site is subject to a RE1 Public Recreation zoning and the proposal is defined as a building identification sign which is permissible with Council consent in the RE1 zone under *Penrith Local Environmental Plan 2010*.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

The proposed development is ancillary to an existing child care centre and out of school hours care and satisfies the objectives of the RE1 zone.

Clause 2.3 Zone objectives

The proposed development aims to promote the associated Emu Plains Kids Place child care centre and Emu Village out of school hours care. The objectives of the RE1 Public Recreation zone are satisfied with the sign being ancillary to this permissible use in the RE1 zone.

Clause 5.10 Heritage conservation

The amended signage is for a rectangular design and reduces the overall colour scheme. This design is compatible with the context of the historical area and will conserve the heritage significance of the heritage items in the locality.

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.

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
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	Complies - see Appendix - Development Control Plan Compliance
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 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the 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 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 non-illuminated. The siting and scale is appropriate which will ensure that there will be no significant impacts on local traffic conditions.

Signage Design

The proposal satisfies the design principles of the *Penrith Development Control Plan 2014*, such as design quality and the nature of the sign relative to the Emu Plains Kids Place child care centre and Emu Village out of school hours care.

Socio-Economic Impacts

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

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 proposed sign supports the child care centre and out of school hours care on the site
- The proposal does not affect existing facilities or services
- The proposal will not adversely 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 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.

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	Not supported

Heritage

Council's Heritage Officer advised that the original design of the proposed sign incorporated a 1980's style design being a tubular steel frame with a curved top. This design was not considered to be historical correct as traditional signs are generally a rectangular design. Furthermore, the graphics resulted in visual clutter due to the colour scheme. The amended sign makes provision for a rectangular frame and changed the graphics of two (2) orange arrows to black arrows. This ensures that the proposal reflects traditional design elements and is compatible with the context of the heritage conversation area and does not result in any adverse impacts on the local area.

Section 79C(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

In assessing this application against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, 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

That DA17/0314 for the erection of a sign at 205 Great Western Highway, Emu Plains 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 Title	Prepared By	Reference No.	Dated	Revision
Site Plan	Rosemarie Canale	MP-A-1705-01	14/04/2017	A
Elevation	Rosemarie Canale	MP-A-1705-02	17/07/2017	B
Specification	Inhouse Consulting Engineers	16395 - S2	10/08/2017	A
Waste Management Plan	Rosemarie Canales	-	18/04/2017	-

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

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 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 two (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 two (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.

8 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

(a) If the work involved in the erection of the sign 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.

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 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 earthworks, 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 promote the existing child care centre and out of school hours care which is of a benefit to the community. This will in turn boost economic activity, support employment and assist in strengthening the locality. Given the limited extent of works involved, there will negligible impacts on the surrounding natural and built environments. The proposal is therefore supportive of the key principles of sustainable development and therefore satisfies the DCP principles.

Part C - City-wide Controls

C7 Culture and Heritage

C7.1.3. Heritage Conservation Areas

The site adjoins a number of places of heritage significance. Council's Heritage Officer raised a number of issues regarding the original design as it incorporated a tubular steel frame and a curved top section which did not reflect traditional signs. In addition, the graphics contained visual clutter. The amended sign makes provision for a rectangular design and reduces the overall colour scheme. This ensures that the proposal is compatible with the context of the locality and will not result in any adverse impacts on heritage conversation.

C9 Advertising and Signage

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

The proposed business identification sign is ancillary to the Emu Plains Kids Place child care centre and Emu Village out of school care on the site and reflects the nature of these land uses. The siting in front of the car park has a generous 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 local area.