

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/0774
<b>Proposed development:</b>	Warehouse Signage
<b>Property address:</b>	54 Tyrone Place, ERSKINE PARK NSW 2759
<b>Property description:</b>	Lot 22 DP 1178567
<b>Date received:</b>	21 August 2017
<b>Assessing officer</b>	Ryan Gill
<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 a installation of signage on the northern wall of 54 Tyrone Place, Erskine Park.

The site is located in with the Western Sydney Employment Area as noted under the State Environmental Planning Policy (Western Sydney Employment Area) 2009. The proposal is ancillary to the existing facility which was determined on 5/9/2016 as DA16/0558 for a warehouse and office.

The site is zoned as IN1 General Industrial and E2 Environmental Conservation. The development is within the IN1 General Industrial Zone. Under the LEP 2010 the proposal is permitted within the zone with consent. The proposal would not adversely impact the area zoned as E2 Environmental Conservation as the development is taking place with the IN1 General Industrial zone.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and is recommended for approval, subject to the conditions recommended throughout this report.

### Site & Surrounds

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The subject site comprises of an allotment of 6.662 ha<sup>2</sup> with site dimensions of 203.33m x 216.83m x irr264.99m x irr349.10. To the north-east of the allotment jointing with Tyrone Place is 1,923m<sup>2</sup> being an assess easement . There is a 100m street frontage with Tyrone Place.

On the site there is already two warehouses currently under construction with one directly east of the proposed signage building. The subject site is surrounded by other warehouse developments. However, on the western half of the allotment is environmental conservation and is fenced off from the rest of the allotment.

Previous approvals related to the subject site are listed:

- CCP17/0457 Stage 3 Remainder of Works- Warehouse for Manufacture. Repair & Storage of Pallet Pooling - Determined on 07/06/2017
- DA16/0558.01 Modifications to Approved Warehouse to Include Mezzanine Storage Floor - Determined on 09/06/2017
- DA16/0558 Warehouse, Office, Truck Wash Bay & Yard Area for General Plant, Equipment & Earthmoving Equipment (Proposed Lot 201) - Determined on 05/09/2016

## Proposal

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The proposed development involves:

- Adding signage to the northern wall of the development that was approved via DA16/0558, on 05/09/2016,
- The proposed signage will be identical as the eastern wall, with the proposed size being 6.7m x 2.9m.

## 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 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 (Western Sydney Employment Area) 2009**

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy (Western Sydney Employment Area) 2009 and the application is satisfactory subject to recommended conditions of consent.

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

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 64—Advertising and Signage

The assessment undertaken under SEPP 64 Schedule 1 is in the table below.

Criteria	Compliance
<b>1. Character of the area</b>	
• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes
<b>2. Special Areas</b>	

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?	No
<b>3. Views and vistas</b>	
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	No
<b>4. Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes
Does the proposal screen unsightliness?	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
<b>5. Site and building</b>	
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?	Yes
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes
<b>6. Associated devices and logos with advertisement and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	No

Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A
<b>8. Safety</b>	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

The application meets the aims and objectives of the SEPP 64. The application is satisfactory subject to recommended conditions of consent.

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

An assessment has been undertaken of the application against relevant criteria and objectives with 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)**

<b>Provision</b>	<b>Compliance</b>
Part 2 Permitted or prohibited development	
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
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	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
D4.1. Key Precincts	N/A
D4.2. Building Height	N/A
D4.3. Building Setbacks and Landscape	N/A
D4.4. Building Design	Complies - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	N/A
D4.6. Accessing and Servicing the Site	N/A
D4.7. Fencing	N/A
D4.8 Lighting	N/A
E6 Erskine Business Park controls	Complies - see Appendix - Development Control Plan Compliance

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

The proposal as submitted would meet the applicable provisions of the BCA and Fire Safety requirements as under Part 9 of the *Environmental Planning and Assessment Regulation 2000*. The normal condition will apply to this regard.

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

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

- **Natural resources and systems eg. Air, water, soil**

The development is not subject to flooding, subsidence or slip. The area to the western half of the site is zoned E2 Environmental Conservation which will not be impacted by this proposed development.

- **Flora and fauna and threatened species**

The development would not impact the local flora and fauna of the area.

- **The character of the place and its local and regional context**

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

The development is unlikely to significantly impact on the amenity of the area and the streetscape.

The development is compatible with the surrounding and adjacent land uses.

The development is unlikely to significantly impact the amenity of the area in terms of solar access, visual and acoustic privacy, access to views or vistas.

- **Heritage conservation**

The property is not identified as having heritage significance.

The proposed development satisfied the objectives and requirement of the relevant aspects of the planning instrument.

- **Urban design matters such as visual impacts, workability, and connections to existing movement and infrastructure systems**

The proposal would not have an adverse impact on the visual landscape and will not limit the existing movement systems of the area.

- **Access, traffic and transportation impacts**

The development is unlikely to significantly impact on the local road system.

- **Social and economic impacts**

There will be no adverse social impacts on the surrounding area and there would be no adverse economic impacts

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

The site is suitable for warehouse signage for the following reasons:

- It is zoned IN1 General Industrial under *State Environmental Planning Policy (Western Sydney Employment Area)*
- Meets the objectives of the Development Control Plan and the *State Environmental Planning Policy (Western Sydney Employment Area)*
- Does not impact on the surrounding area.

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

### Community Consultation

#### Referrals

Under the Penrith Development Control Plan, this application was not required to be notified.

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

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

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being the *Penrith Local Environmental Plan 2010*, *Sydney Environmental Policy (Western Sydney Employment Area) 2009*, *State Environmental Planning Policy No 64 - Advertising and Signage*, and the Penrith Development Control Plan 2014 the proposal satisfies the aims, objectives and provisions of these policies.

In its current form, the proposal will have a positive impact on the surrounding character of the area. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

## **Recommendation**

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That DA 17/0774 for Business identifying signage at 54 Tyrone Place Erskine Park, be approved subject to the attached conditions.

# CONDITIONS

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## General

1 [A001](#)

The development must be implemented substantially in accordance with the plans numbered F-0110 10.00 issue D, drawn by Full Tilt Constructions and dated 26/07/2017 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 attached 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 [A046 - Obtain Construction Certificate before commencement of works](#)

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

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

The signage shall not use flashing lights at any time and should not distract passing motorists or impact on residential amenity.

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

The sign shall be fitted in the accordance with the manufacture's or engineer's specifications.

## BCA Issues

6 [E001 - BCA compliance](#)

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).

7 [E003 - Structural alterations](#)

The structural alterations to the buildings shall not unduly reduce or compromise:

- the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
- the existing level of resistance to fire of the building, or
- the existing safeguards against the potential spread of fire to adjoining buildings.

## Construction

8 [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 is 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.

## 9 H002 - All forms of construction

Prior to the commencement of construction works:

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.

## 10 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 and Council's Development Control Plan 2014 Chapter E6 - Erskine Business Park:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am 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

### 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:

- 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
- 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 Class 10

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

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

The proposal satisfactorily meets the controls and objectives of the Development Control Plan 2014 9.4 Commercial, Mixed Use and Industrial Zones. The signage meets this by:

- Relating to the use of the building and only names the business located in the building;
- It is contained within the property and does not affect the surrounding businesses in terms of their own advertising;
- It incorporates the building design and colour scheme together with the corporate colours logos.

The proposed signage is not different in design from the signage on the eastern wall of the building. The two signs are to be worked together to improve the identification of the building and will not impact on the surrounding amenity of the neighborhood.

### D4 Industrial Development

It is considered that the proposal is satisfactorily in meeting the controls of DCP 2014 D4.4 Building Design, as the signage will meet the requirements by meeting the following:

- 8 b) the signage is compatible with the overall design and form of the site, as the signage is to match with the same signage of the eastern elevation of the building,
- 8 e) gives a visual relief to the large wall surface on the northern elevation.

It is noted that this application is in addition to the approved DA16/0558 in which the signage of this application was left out of the original DA. The signage would not have adverse impacts on the building and would also not have an adverse impact on the industrial streetscape in terms of scale and design.

### E6 Erskine Business Park

Clause	Not Applicable	Complies	Does Not Comply	Comments
<b>6.1. Preliminary</b>	<input type="checkbox"/>			
6.1.1. Aims and Objectives of this Section	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
<b>6.2. Subdivision</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
<b>6.3. Site Development and Urban Design</b>	<input type="checkbox"/>			
6.3.1. Height	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.2. Site Coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
6.3.3. Setbacks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.4. Urban Design	<input type="checkbox"/>			
Architectural/Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
Siting/Building Orientation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.5. Signage and Estate Entrance Walls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.6. Lighting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.7. Fencing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3.8. Services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
6.3.9. Transmission Line Easement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
<b>6.4. Environmental Quality</b>	<input type="checkbox"/>			
6.4.1. Noise Pollution	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.4.2. Air Pollution	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.4.3. Storage, Transportation and/or Processing of Chemical Substances	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
6.4.4. Energy Conservation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.4.5. Trading/Operating Hours of Premises	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
<b>6.5. Drainage</b>	<input type="checkbox"/>			
6.5.1. Introduction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.5.2. Western Catchment – South Creek	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.5.3. Eastern Catchment – Ropes Creek	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
<b>6.6. Transport Network</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
<b>6.7. Biodiversity</b>	<input type="checkbox"/>			
6.7.1. Biodiversity Conservation Area and Landscape Buffer	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Proposed development is located on the eastern side of the lot. With the western half of the site being located within the Biodiversity Conservation Area. This development is not within the Biodiversity Conservation Area and will not have any adverse impact on the Biodiversity Conservation Area.
<b>6.8. Landscaping</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
<b>6.9. Landscape Areas</b>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	