

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/1515
<b>Proposed development:</b>	Alterations to an Existing Shop Front and Additional Signage and Poster Boards
<b>Property address:</b>	11 Dunheved Road, WERRINGTON COUNTY NSW 2747
<b>Property description:</b>	Lot 11 DP 733094
<b>Date received:</b>	28 November 2014
<b>Assessing officer</b>	Donna Clarke
<b>Zoning:</b>	SPEC.BUS.(HWAY/SERV.AREA)& SPEC.USES(T/I/INE)IDO.27
<b>Class of building:</b>	Class 6
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a development application for Commercial Additions and Alterations at Lot 11 Dunheved Road, Werrington County. Under Penrith IDO 27, the subject site is zoned 'special business highway' and 'special uses - transmission'. The site has historically been approved as a shop. The proposed advertising signage is ancillary to the use as a shop and is a permissible land use in the zoning with Council consent.

Key issues identified for the proposed development and site include:

- Existing unauthorised signage exists on the site that is proposed for removal (Note: the application was reduced from that previously proposed under DA14/0749).
- Number of wall signs per elevation.

The application has been notified to adjoining properties and no submissions received.

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

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### **Site & Surrounds:**

The site is located within the Werrington Shopping Centre and surrounding commercial premises includes, but is not limited to Supa IGA, Werring Swim School, Gym & Squash Fitness Centre, Pool Shop and Shinne Nail & Beauty Salon. Opposite the development is residential land use.

The shop does not face Dunheved Rd, however one proposed sign is along that facade.

### **Site constraints:**

Easements · Electricity Easement present under Infrastructure Zoning within the carparking of the Local Centre.

Flooding · Site is not subject to flooding.

Bushfire-prone land · Site is not bushfire prone.

Telegraph poles/ sewerage lines/ street trees · Existing poles and trees will not impact the proposed additions and alterations.

Existing building and structures: N/A

### **History**

Previous applications for the site included DA14/0749 for 1x Illuminated Sign that was withdrawn due to the applicant being unable to produce requested information confirming the authority for the existing signage on the site.

# Proposal

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The proposed development involves:

- Removal of signage to the right of the door on the the rear facade (BWS Shopfront Elevation) of the building fronting Lavin Crescent Car Park.
- Addition of signage
- External alterations involving the installation of new glazing to match the existing.

The proposed signage comprises:

1. To Dunheved Road - BWS - approx. 8m<sup>2</sup>
2. To Carpark above posterboards - BWS - approx. 2.7m<sup>2</sup> - illuminated
3. To Carpark - BWS - approx. 3.6m<sup>2</sup>
- 4-9. To Carpark - 6 x Posterboards - approx. 1m<sup>2</sup>.

There is no change proposed to the size of the shop.

Council previously received DA14/0749 for signage on the site, which was subsequently withdrawn by the applicant. Council raised the following concerns and the current application has removed some signage and is replacing with glass facade:

## **"1. Approval of existing signage**

A recent inspection of the site and perusal of Council records revealed the existing advertising signs/boards along the external wall of the BWS bottleshop may not have development consent.

An audit of Council records indicates the following:

- In 2000, Council granted development consent (DA002115) for a Supermarket refurbishment however it does not appear that the consent refurbishment included advertising signs or structure.
- In 2003, a Complying Development Certificate was issued by Davis Langdon Australia (reference CDC 36458) (on 25 September 2003) for Woolworths Limited for 'internal refurbishment and shop fitout, it does not appear that certificate included the provision of advertising signs or structures (NB: Our records associated with this Complying Development Certificate do not include plans and therefore Councils investigation is preliminary).

Concerns are raised over the appropriateness of the additional illuminated sign on the building facade having regard to the number of signs already fixed to the shop facade. Therefore based on the this concern, you are requested to demonstrate written consent has been granted for the existing wall signs along the elevation of the BWS bottleshop, in order for a comprehensive assessment of the proposal to occur."

## Plans that apply

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- Penrith Interim Development Order No.27
- Development Control Plan 2006
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

### • 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

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

The proposal includes signage as follows:

1. To Dunheved Road - BWS - approx. 8m<sup>2</sup>
2. To Carpark above posterboards - BWS - approx. 2.7m<sup>2</sup> - illuminated
3. To Carpark - BWS - approx. 3.6m<sup>2</sup>
- 4-9. To Carpark - 6 x Posterboards - approx. 1m<sup>2</sup>.

The table below demonstrates compliance with SEPP 64.

<b>SEPP 64 ASSESSMENT</b>
<p><b>Clause 3</b></p> <p>The aims of the SEPP are to ensure that signage (including advertising)</p> <ul style="list-style-type: none"><li>(i) <i>is compatible with the desired amenity and visual character of an area;</i></li><li>(ii) <i>is of high quality design and finish;</i></li><li>(iii) <i>to provide time-limited consents for the display of certain advertisements.</i></li></ul> <p>The Policy <u>does not regulate the content of signs</u> and does not require consent for a change in the content of signage. Notwithstanding this, the content of the signage is consistent with the approved use of the site. It is acceptable for the posterboards to be changed to promote sale items and the like.</p> <p>The proposed signage is of high quality and is in keeping with the overall design and appearance of the building.</p>
<p><b>Clause 8</b></p> <p>Under Clause 8, a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</p> <ul style="list-style-type: none"><li>(a) <i>that the signage is consistent with the objectives of this Policy</i></li><li>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</i></li></ul>

### Part 3

The proposal is defined as:

**wall advertisement** means an advertisement that is painted on or fixed flat to the wall of a building, but does not include a special promotional advertisement or building wrap advertisement.

Clause 22 - Wall advertisements is satisfied as the signage is:

- only one wall advertisement per building elevation,
- it is integrated with the design of the building on which it is to be displayed,
- does not exceed 10% of the above ground elevation,
- does not protrude more than 300 millimetres from the wall,
- does not protrude above the parapet or eaves,
- does not extend over a window or other opening,
- does not obscure significant architectural elements of the building, and
- a building identification sign or business identification sign is not displayed on the building elevation.

The proposal includes more than 1 wall advertisement per elevation. The proposal includes two wall advertisements, however the elevation is of such a length that it is capable of containing two wall signs without appearing cluttered. The posterboards are promotional advertisements and is not included as a wall sign.

An assessment under Schedule 1 has been also undertaken for the proposed sign.

#### Schedule 1

##### 1. Character of the area

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible and consistent with community expectations of the site. The proposed signage will be in character with the surrounding area and will maintain a design that is within the expectation of Council.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is considered to be in keeping with advertising signage for the shopping centre.

##### 2. Special areas

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?	The proposal would not detract from the amenity or visual quality of the area. This is considered to be a sufficient distance for the signage to not be a nuisance.
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##### 3.Views and vistas

Does the proposal obscure or compromise important views?	The proposal would not obscure or compromise any views and is in keeping with the size and scale of development in the surrounding area.
Does the proposal dominate the skyline and reduce the quality of vistas?	The low scale of the proposed sign would not dominate the skyline or diminish existing vistas. The proposed wall signs do not encroach beyond the main building lines.
Does the proposal respect the viewing rights of other advertisers?	The proposed design will be consistent in bulk and scale to adjoining properties and ensure that it will not dominate existing signs.

#### 4. Streetscape, Setting or Landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage ensures compatibility in respect to the existing buildings. The proposal is considered unlikely to adversely impact upon the immediate streetscape given the high level of use on the site and constant exposure to the public domain.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal is considered to contribute to the streetscape and ensures a uniform design of which is high quality.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal is considered to provide a clear identity to the site and provide a sense of place.
Does the proposal screen unsightliness?	The use on the site is not considered to be unsightly.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal will erect signage that would not protrude above existing buildings, structures or the like.
<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?	The dimensions of the building signage are appropriate given the scale of the proposed building.
Does the proposal respect important features of the site or building, or both?	The proposal is considered to be in respect to all features on the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is considered to be contemporary in design and provides a compatible relationship between all buildings within the vicinity of the site.
<b>6. Associated Devices and Logos with Advertisements 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?	Illumination is only proposed for one sign. Within the sign, the BWS logo is the feature.
<b>7. Illumination</b>	
Would illumination result in unacceptable glare?	Illumination is only proposed for one sign. It faces the car park and glare is not considered to be an issue. All associated cables are going to be concealed or integrated within the frame of the sign. The signage will not be animated, flashing or moving and it complies with AS 4282 - 1997, Control of the obtrusive of outdoor lighting.
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 - faces the car park.
Can the intensity of the illumination be adjusted, if necessary?	No
Is the illumination subject to a curfew?	No
<b>8. Safety</b>	

Would the proposal reduce the safety for any public road?	The proposal would not reduce the safety of Dunheved Road. Only one sign faces this street and is setback from the road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal would not cause any adverse impacts to pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No sightlines will be altered as a result of the proposal.

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

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

### **Penrith Interim Development Order No.27**

Provision	Compliance
All Clauses	

The site is identified as being zoned 'special business highway' and 'special uses - transmission' under Penrith IDO No. 27.

The use of the site remains unchanged from that previously approved. There are multiple approvals for shops, therefore the shops have historic approval and any resulting prohibitions under the IDO are addressed by way of existing use rights. Accordingly, the permissibility of the use remains unchanged.

Advertising signs are ancillary to the use and as such is permissible.

There are no controls within the IDO relevant to this application.

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

The following draft Environmental Planning Instruments (EPI's) apply to the site:

#### ***Penrith Local Environmental Plan 2010 (Stage 2 Exhibited)***

The site is proposed to be zoned B2 - Local Centre under the Draft LEP - Stage 2. The use and advertising remains permissible.

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

### Development Control Plan 2006

Provision	Compliance
Chapter 3.1 - Advertising signs	Complies - see Appendix - Development Control Plan Compliance
Chapter 3.2 - Baby care rooms	N/A
Chapter 3.4 - Health care consulting rooms	N/A
Chapter 3.6 - Outdoor eating and trading areas - Penrith and St Marys CBD's	N/A
Chapter 3.3 - Child care centres	N/A
Chapter 3.5 - Siting and aesthetics of telecommunication facilities	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

The application has been referred to Council's Building Surveyors for assessment. The proposal complies with the requirements of the Regulations.

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

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

### Built and Natural Environment

- The proposed alterations and additions will enhance the public domain and the public/private interface.
- The proposed development will complement the character of the place and its local and regional context.
- No adverse impacts of the proposed development are anticipated on urban design matters such as visual impacts, workability, and connections to existing movement and infrastructure systems

### Social and economic

- The proposal is anticipated to improve the amenity of the area as it occurs within the Werrington Shopping Centre and therefore it is not anticipated to threaten the local community's desired future character of the area

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed alterations and additions
- The use is compatible with surrounding land uses
- The proposal will enhance the amenity of the site

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

### Community Consultation

No submissions made.

### 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

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2010, 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 as it will provide effective advertisement of the service being provided to the community.

Support for this application would set a favourable standard given it involves the removal of unlawfully erected advertising and signage.

The proposed design is site responsive, complies with key development standards and is in the public interest.

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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1. That DA14/1515 for Commercial Alterations and Signage at Lot 11 Dunheved Road, WERRINGTON COUNTY, be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 A001

The development must be implemented substantially in accordance with the plans listed below, 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.

Plan / Document	Prepared by	Dated
Statement of Environmental Effects	Flexem	November 2014
Feasibility Plan	Woolworths Limited	29/07/14

### 2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 3 A Special (BLANK)

#### **Illumination of Signage**

The approved illuminated signage is to comply with the following requirements:

- All associated cables are to be concealed or integrated within the frame of the sign.
- The signage is not be animated, flashing or moving.
- The signage must comply with AS 4282 - 1997, Control of the obtrusive of outdoor lighting.
- Illuminated signage is to be switched off at 10pm.

### 4 A Special (BLANK)

The approved signage comprises:

1. To Dunheved Road - BWS - approx. 8m<sup>2</sup>
2. To Carpark above posterboards - BWS - approx. 2.7m<sup>2</sup> - illuminated
3. To Carpark - BWS - approx. 3.6m<sup>2</sup>
- 4-9. To Carpark - 6 x Posterboards - approx. 1m<sup>2</sup>.

All other signs relating to BWS must be removed.

### 5 A Special (BLANK)

During works, all unauthorised signs must be removed and written notification provided to Council.

## BCA Issues

### 6 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
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As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

## 7 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

### 8 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

### 9 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.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2006

### Part 3 - City wide specific land uses

#### *Advertising Signage*

Signage in commercial/business areas is allowed to identify the business and should not result in a proliferation of signage or be a distraction to motorists or create safety problems for pedestrians.

This application proposed one sign along Dunheved Road on the blank facade of the building.

Signage is also proposed along the frontage of the shop, facing the car park.

In accordance with the DCP, the proposed signage is:

- constructed of high quality, durable materials
- designed to be integrated into the building. It is noted that the signage has been reduced along the carpark facade from that previously proposed and the area to the right of the door will now be glazed.
- contained wholly within the site.
- is confined to the ground level of the building.
- is contained within the confines of the wall to which it is to be mounted.
- is located on the fascia.

The shop is located within an existing shopping centre with numerous tenants. In order to achieve visibility, it is acceptable to have a sign on the front facade, as well as the Dunheved Road facade.

The proposal does not include under awning signs (as no awnings to the building) or free standing signage.

The DCP states:

*"6. In the case of multiple occupancy of building or sites -*

*(a) each development should have a single directory board listing each occupant of the building. Multiple freestanding signs will not be supported;*

*(b) only one sign is to be placed on the face of each premises either located on or over the door of the shop, unit, office, suite etc.;*

*(c) one under awning sign shall be permitted for each shop, unit, office, suite etc. In the case where the shop, office, suite etc. has more than one street frontage, one under awning sign may be permitted to each street frontage; and*

*(d) the minimum distance between under awning signs shall be 3m."*

Two signs are proposed along the frontage of the shop, with 6 smaller posterboards which can be changed to advertise products on sale. Given that there is no opportunity for under awning signs, it is considered reasonable to have more than one advertising sign on the facade.

The proposed alterations and additions include the removal of some unauthorised signage and replacement with glazing to improve the appearance of the facade.