

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/1178
Proposed development:	Penrith Homemaker Centre Entrance Sign
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110
Date received:	27 November 2018
Assessing officer	Jacqueline Klincke
Zoning:	Zone B5 Business Development - LEP 2010 RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of a new free standing stonewall sign at 13-23 Pattys Place, Jamisontown.

Under the *Penrith Local Environmental Plan 2010*, the proposal is defined as a business identification sign. The subject site is zoned B5 Business Development and signage is a permissible land use in the zone with Council consent. In addition, the proposal is ancillary to the use of the site as a specialised retail premises (Penrith Homemaker Centre).

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to the recommended conditions of consent.

Site & Surrounds

The subject site is identified as Lots 10 and 11 DP 1046110 and located on the western side of Mulgoa Road at 13-23 Pattys Place, Jamisontown. The site is irregular in shape with a total land area of 6.429 hectares.

The site is characterised by a specialised retail premises and parking facilities, and is currently occupied by Penrith Homemaker Centre. The surrounding land uses include a number of industrial and commercial premises sharing similar characteristics and design features.

Proposal

The proposed development includes the following aspects:

- The construction of a new business identification sign that will be free standing, affixed to the natural ground and embedded within the existing grassed area
- The sign shall be 1.2m h x 5m w

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 4.15 - Evaluation

The proposal has been assessed in accordance with the matters for consideration under Section 4.15 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

An assessment has been undertaken of the proposal against the relevant criteria within the *State Environmental Planning Policy No. 64 - Advertising and Signage*.

The proposed sign is consistent with the aims and objectives of SEPP 64. An assessment of the proposal under Schedule 1 has been undertaken below:

Assessment Criteria		Comment	Compliance
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 type and design of the proposed sign is compatible with the locality of the specialised retail premises and existing signage currently installed on site. The sign is characteristic of similar signage and will not be adversely perceived within the locality and will not be out-of-place.	Yes
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Another freestanding sign, but on a larger scale identifying the 'Penrith Homemaker Centre' can be found on the corner of Mulgoa Road and Worsley Street on the north-western side of the site. The proposed sign, being smaller in scale, is suitable for Pattys Place where traffic is less frequent than Mulgoa Road, whilst still providing a defined entry feature.	N/A

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 proposed stonewall is minor in scale and will not detract from the amenity or visual quality of the locality.	Yes
3. Views and vistas	Does the proposal obscure or compromise important views?	No, the proposed sign is 1.2m in height and will not obscure important views.	Yes
	Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposed height of the stonewall structure is 1.2m high, by 5m long. The sign will not exceed the surrounding building height which resembles 2 storey buildings. Therefore, the sign will not dominate the skyline or visual catchment.	Yes
	Does the proposal respect the viewing rights of other advertisers?	The sign will not impede on any viewing rights of other signage within the area. The structure is within the confines of the subject site and does not encroach upon the rights of other advertisers within the vicinity.	Yes
4. Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed sign is of a scale and proportion that is appropriate and compatible with the scale and nature of buildings on the north-eastern side of the site. The sign will also not be adversely perceived from within the locality and will not be uncharacteristic. The structure will not extend beyond the heights of nearby plans or buildings, the sign will not be visually dominant and is appropriate in the context of its landscaping.	Yes
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The modern design will be visually pleasing and create a sense of arrival for customers approaching the Centre via Pattys Place.	Yes

	Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal provides for a structured appearance that will not result in visual clutter providing consistent form and size of signage elements within the area to ensure an appropriate response to the streetscape.	Yes
	Does the proposal screen unsightliness?	No, the proposed sign does not screen unsightliness.	Yes
	Does the proposal protrude above buildings, structures or tree canopies in the area of the locality?	The proposed structure will not protrude above the nearby plants and buildings. The proposed height is 1.2m.	Yes
	Does the proposal require ongoing vegetation management?	No, the proposed sign will be located on natural ground and within the existing landscape of Pattys Place and will not involve any new plantings.	Yes
5. Site and building	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 sign will not be perceived as out-of-place due to the scale and nature of land uses at the site. The proposed structure is considered typical and characteristic of specialised retail premises and will provide a positive visual outcome, and a sense of identity when viewed from Pattys Place.	Yes
	Does the proposal respect important features of the site or building, or both?	The sign will not alter access to the site or the visibility of the buildings, both of which are considered to be important features, given the activities undertaken at the site.	Yes
6. Associated devices and logos with advertisements and advertising structures	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?	The laser cut aluminium letters stating the words 'Penrith Homemaker Centre' shall be fixed to the stonewall structure and will be displayed within the perimeter of the sign. No part of the aluminium letters will protrude past the face of the stonewall structure.	Yes
7. Illumination	Would illumination result in unacceptable glare?	No lighting is proposed with the sign.	N/A
	Would illumination affect safety for pedestrians, vehicles or aircraft?	No light will illuminate the sign internally or externally.	N/A
	Would illumination detract from the amenity of any residence or other form of accommodation?	No lighting is proposed with the sign.	N/A

	Can the intensity of the illumination be adjusted, if necessary?	N/A	N/A
	Is the illumination subject to a curfew?	N/A	N/A
8. Safety	Would the proposal reduce the safety for any public road?	The proposed sign is positioned within the setback area of the site and is not physically positioned so as to impede or obscure vehicular, cyclist or pedestrian flow along Pattys Place. The design and content of the proposed sign will be distinct and recognisable as part of the specialised retail premises and subsequently will not be confused for regulatory, road warning or directional signage.	Yes
	Would the proposal reduce the safety for pedestrian and cyclists?		
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

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 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
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 7.2 Flood planning	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies

Clause 2.3 Permissibility

The subject site is zoned B5 Business Development under the *Penrith Local Environmental Plan 2010*. The proposed development is identified as a business identification sign which is ancillary to the existing use of the site as a specialised retail premises, and is permissible with Council consent. A condition of consent has been recommended to ensure that the approved sign only indicates the name of the business; and must not contain any advertising not related to the business and operations conducted at the premises.

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	N/A
C3 Water Management	Complies
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	Complies
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

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

The proposal has been referred to Council's Building Surveyor who has recommended conditions of consent to ensure the development complies with the Building Code of Australia, the relevant Australian Standards and the regulations.

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

Context and Setting:

The proposal conforms to the aims of the LEP in relation to supporting and promoting developments that integrate with their surrounding areas and achieve a balanced environmental, social and economic outcome.

Access, Transport and Traffic:

The proposed development is not expected to create an acoustic nuisance during the construction of the sign. The ongoing use of the sign is also not anticipated to create an acoustic nuisance. The setbacks of the sign from surrounding buildings is expected to ensure there is minimal impact.

Site Design:

The design and location of the proposed sign is appropriate for the locality.

Water, Soil, Air and Microclimate:

The proposed sign will have minimal impact on water, soil or air quality. Erosion and sediment control measures will be required where appropriate.

Social and Economic Impacts:

The proposed sign will have minimal adverse impacts and will maintain the current social and economic conditions of the site and surrounding area.

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

In light of the above assessment, the site is suitable for the proposed development. Council can therefore be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

The application was not required to be notified in accordance with Appendix F4 of the *Penrith Development Control Plan 2014*.

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

In assessing this proposal against the relevant planning instruments being the *State Environmental Planning Policy No. 64 - Advertising and Signage*, *Penrith Local Environmental Plan 2010*, and the *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. It does not contravene any development standards and will not have any significant impacts on the surrounding/immediate natural, social or economic environments.

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 proposal. Therefore, the application is worthy of support, subject to the recommended conditions.

Recommendation

That DA18/1171 for the construction of a new business identification sign at 13-23 Pattys Place, Jaminsontown, be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the following stamp approved plans issued 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.

Description	Reference	Prepared By	Date
Car Park Entry	PHC_CPE:A1	The Sign Agency	16/10/18

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 A046 - Obtain Construction Certificate before commencement of works

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

5 A Special (BLANK)

The sign shall not be illuminated.

6 A Special (BLANK)

Given that the sign is ancillary to the existing approved development on the site, the sign must not contain any advertising relating to a person/business who does not carry on business at the premises. The sign is required to reflect the detail approved in the stamp approved plans. In the event the signage detail was to change, it is restricted to the following:

- (a) The name of the person or business, and
- (b) The nature of the business carried on at the premises or place at which the sign is displayed, and
- (c) May include the address of the premises and a logo or other symbol that identifies the business, and
- (d) May include any way finding requirements for access the site

Environmental Matters

7 D009 - Covering of waste storage area

All waste materials stored onsite 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 the areas are to be fully enclosed when the site is unattended.

BCA Issues

8 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).

Construction

9 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 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.

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) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) 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.

Landscaping

12 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

Certification

13 [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.

14 [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 occupation/use of the development.

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 proposed development involves the construction of a new business identification sign. The structure will be freestanding, affixed to the natural ground and embedded within the existing grass area of the site. A condition of consent has been provided to ensure that the approved sign must not contain general advertising of products, goods or services.

The proposed sign is reflective of the scale and nature of activities being undertaken at the site and will not result in any adverse impacts. As such, the sign is considered to be consistent with the character of the locality and appropriately integrated into the landscape setting of the streetscape. Therefore, the proposed development complies with the controls of the Penrith Development Control Plan 2014.