

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0323
Proposed development:	Supercheap Auto Business Identification Signage, Car Parking Awning Structure & Modifications to Existing Parking Bays (Tenancy T390)
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110
Date received:	26 April 2017
Assessing officer	Sufyan Nguyen
Zoning:	Zone B5 Business Development - LEP 2010 RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for signage and the installation of a LED screen and an awning structure at 13 - 23 Pattys Place, Jamisontown. The subject site is zoned B5 Business Development under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposal is ancillary to a CDC approved Supercheap Auto retail store and requires modifications to existing car parking spaces. The proposed awning structure relates to a service bay area for the installation of non-mechanical vehicle accessories and cosmetics.

The proposed signage is of a suitable scale which will ensure there are minimal impacts on the visual quality and character of the Penrith Homemaker Centre.

Conditions are recommended to ensure the proposed LED screen and service bay do not result in any adverse impacts on the complex.

The application has been notified to nearby and adjoining premises and publicly exhibited for a period of fourteen (14) days. No submissions were received in response.

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.

Site & Surrounds

The site is known as the Penrith Homemaker Centre at 13 - 23 Pattys Place, Jamisontown and is legally described as Lot 10 DP 1046110. The subject premises is a Supercheap Auto retail store and is situated on the northern side of Pattys Place.

The surrounding area is characterised by commercial and industrial land uses. Green open space adjoins the site to the north. The broader road network includes the intersection of the M4 Motorway and Mulgoa Road approximately 370m to the south-east of the site.

Proposal

The applicant seeks approval for the erection of signage, the installation of a LED screen and an awning structure (servicing bay) and modifications to existing car parking bays in association with the Supercheap Auto retail store at 13 - 23 Pattys Place, Jamisontown.

The proposal includes the following aspects:

- 1 x corporate logo sign measuring 8000mm x 1800mm
- 5 x advertising signs (7000mm (W) x 2600mm (H); 6870mm (W) x 680mm (H); 5900mm (W) x 2380mm (H); 5455mm (W) x 2380mm (H); and 5910mm (W) x 2380mm (H))
- 1 x welcome sign (1200mm (W) x 260mm (H))
- Colour LED screen (8000mm x 4500mm)
- Awning structure (8400mm (W) x 7040mm (H) x 6500mm (D)) including the consolidation of 3 car spaces into 2 car spaces
- Electric car charging station (2 parking bays)
- 24 hour parcel pick-up lockers signage

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 includes business identification and advertising signage which is ancillary to a Supercheap Auto retail premises on the site. The site is situated within the Penrith Homemaker Centre and is subject to a B5 Business Development zoning. The surrounding area comprises of commercial and industrial development and a broad range of signage themes. The proposed signage is considered to be of a high quality design which will provide effective communication without compromising the visual amenity of the surrounding area.

Schedule 1 (Assessment Criteria):

Criteria	Comments
Character of the area	The Penrith Homemaker Centre accommodates commercial land uses and associated signage. The proposal is compatible with the context of the locality.
Special areas	The proposal is not within or in close proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes.
Views and vistas	The proposal does not obstruct any important views or vistas and is not within a skyline view. The location and extent of signage will ensure the viewing rights of other advertisers are not comprised.
Streetscape, setting or landscape	The proposed signage is consistent with the existing signage designs in the locality. The LED screen is of a large-scale, however its siting is wholly contained within the Penrith Homemaker Centre and it will be of very low visibility from Mulgoa Road. Overall, the proposal is not considered to create visual clutter which will ensure that there will be no adverse impacts on the visual quality of the surrounding area.
Site and building	The scale and design of the signage and LED screen is in proportion relative to the size of the building. In addition, 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 proposal includes a LED screen on the building facade.
Illumination	The proposed LED screen is of a large scale but it is not considered to result in any adverse impacts on the safety of pedestrians or motorists given its proposed location and siting.
Safety	The proposal is not considered 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 the *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
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.10 Heritage conservation	N/A
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

Clause 1.2 Aims of the plan

The proposal aims to promote a retail store which will in turn drive economic activity. The site is not in proximity to any places of environmental significance and the minor works are unlikely to result in any adverse impacts on the surrounding environment. The proposed development therefore satisfies the aims of the plan.

Clause 2.3 Zone objectives

The proposal seeks to market a Supercheap Auto retail premises. As the proposed signage is ancillary to this permissible land use in the B5 Business Development zone, the objectives of the B5 zone are therefore satisfied.

Clause 4.3 Height of buildings

The proposal does not require any alterations to the building height. The maximum 12m height of buildings standard applicable to the site therefore remains satisfied.

Clause 7.5 Protection of scenic character and landscape values

The premises is wholly contained within the Penrith Homemaker Centre and the proposal is of very low visibility from Mulgoa Road and will not be visible from any places with scenic value. This will ensure that there will be no adverse impacts on the scenic character and landscape values of the surrounding 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	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Does not comply - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	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

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

Context and Setting

The premises is within the Penrith Homemaker Centre which is characterised by commercial land uses and a diverse range of signage themes. Although the proposed LED screen is an unconventional form of signage, its siting and the context of the surrounding complex will ensure that overall, the proposal is consistent with the character of the locality.

Traffic Impacts

The proposed development will have no impacts on local traffic conditions subject to recommended conditions of consent.

Signage Design

The design principles of *Penrith Development Control Plan 2014* have been satisfied, such as design quality and the nature of the proposed signage relative to the signage themes of the surrounding area.

Socio-Economic Impacts

The proposal aims to promote a Supercheap Auto retail outlet which will boost economic growth in the Penrith Homemaker Centre. Given the overall benefits of the associated commercial land use, the proposal is supportive of economic development and is unlikely to impact on the surrounding businesses.

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 signage supports the commercial activity on the site
- The proposal does not affect existing facilities or services
- The proposal will have minimal impacts on traffic flows and the surrounding environment
- The development site is not subject to any natural hazards, nor does it contain any significant ecosystems or threatened species
- The proposal does not involve any earthworks or the removal of any significant flora and fauna

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of *Penrith Development Control Plan 2014*, the proposed development was notified to nearby and adjoining premises. Council notified thirty-five (35) premises in the immediate and surrounding area. The application was exhibited between 17 May and 1 June 2017. No submissions were received in response.

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

Given the nature and scale of the proposal in addition to the proposal being largely 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 including the *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, 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 recommended conditions.

Recommendation

That DA17/0323 for Supercheap Auto signage and the installation of a LED screen and awning structure (service bay) at 13 - 23 Pattys Place, Jamisontown be approved subject to the attached 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	CV Signage Solutions	SCA_Penrith_Concept Store - 4 of 4	21/03/2017	G
Elevation Plan	CV Signage Solutions	SCA_Penrith_Concept Store - 1 of 4	21/03/2017	G
Fitment Shade Plan	CV Signage Solutions	SCA_Penrith_Concept Store- 2 of 4	21/03/2017	G

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 the premises and all structures 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 approved LED screen shall not display any flashing or spinning elements and shall not distract passing motorists or pedestrians or impact on visual amenity.

6 A Special (BLANK)

The installation of the approved signage shall be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the signage or internal illumination shall be contained wholly within the body of the signage and/or not be visible from the public domain.

7 A Special (BLANK)

The installation of the approved LED screen shall not unduly reduce or compromise the structural integrity of the existing building.

8 A Special (BLANK)

The approved LED screen shall not include any audible content at any time.

9 A Special (BLANK)

The approved LED screen shall only display information in association with the Supercheap Auto retail store.

10 A Special (BLANK)

There shall be no customer vehicles (awaiting installations) parked adjacent to the approved service bay at any time. In cases where there is queuing, customers shall be advised to park opposite the premises in the centre's car parking bays.

11 A Special (BLANK)

The approved LED screen shall only operate during the approved operating hours of the Supercheapauto retail store. The screen shall be switched off outside of business hours.

12 A Special (BLANK)

The approved service bay shall not be used to carry out any mechanical vehicle servicing or repairs.

13 A Special (BLANK)

The approved service bay is restricted to use for the installation of non-mechanical vehicle accessories and cosmetics only including the following:

- Wiper blades
- Seat covers
- Wheel covers
- Dash mats
- Bonnet/headlight protectors
- Dash cams
- Licence plate holders, frames and security screws
- Blind spot mirrors
- Roof boxes/baskets
- Bike racks
- Roof racks and roof rack accessories

14 **A Special (BLANK)**

The approved LED screen's brightness level shall not distract or dazzle motorists or pedestrians.

15 **A Special (BLANK)**

No works undertaken in the approved service bay shall spill out onto the adjacent car park aisle or footpath area.

16 **A Special (BLANK)**

Council reserves the right to review the nature and content of the approved LED screen at any time in the future should issues of concern regarding its use become apparent.

Environmental Matters

17 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

18 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

19 **E01A - BCA compliance for Class 2-9**

All aspects of the signage and awning structure 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

20 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.

21 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 Council, or
- alternatively, any other sewage management facility approved by Council.

(b) 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.

22 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.

Engineering

23 K Special (BLANK)

Stormwater run-off from the approved car parking awning structure shall be discharged to the site's existing stormwater drainage system.

Certification

24 **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.

25 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

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 B - DCP Principles

The proposal aims to promote a Supercheap Auto retail store which will in turn stimulate economic activity, support employment and assist in strengthening the local region. In consideration of the extent of proposed works, the proposal poses no threats to the surrounding natural and built environments. The proposal therefore contributes to sustainable development which satisfies the DCP principles.

Part C - City-wide Controls

C9 Advertising and Signage

C9.4. Commercial, Mixed Use and Industrial Zones

The original plans were considered to constitute as a proliferation of advertising signs. The revised design is of a suitable scale and reduced the overall visual prominence of the signage to ensure that there will be minimal impacts on the visual quality of the Penrith Homemaker Centre.

The proposal includes a large LED screen (8000mm x 4500mm) above the front entrance which will display inaudible promotions. The large-scale LED screen is not generally a type of advertising which is commonplace and although the LED screen may seem excessive, the premises is located at the northern centre point of the Penrith Homemaker Centre and the screen will be of very minimal view from Mulgoa Road. Given the context of the site being amongst commercial land uses only and it being screened from Mulgoa Road, the LED screen is not considered likely to result in any adverse impacts. Furthermore, the car park is restricted to a 10km/hr speed limit and it is unlikely that the LED screen will create a traffic hazard. Conditions are recommended to ensure that the LED screen is inaudible and displays relevant marketing information only.

C10 Transport, Access and Parking

C10.5. Parking, Access and Driveways

The proposal includes the installation of an awning structure in front of the premises. This requires the consolidation of three (3) car parking spaces into two (2) car parking spaces and it is to act as a service bay for the loading of bulky goods and the installation of non-mechanical vehicle accessories and cosmetics. Although a plan of management was submitted, there are concerns regarding the queuing of customer vehicles around the proposed service bay. Conditions are therefore recommended to ensure that the proposed service bay will not disrupt on-site parking or cause traffic congestion or involve any mechanical vehicle servicing or repairs.

In addition, the site is not subject to a strata title and there are no allocated on-site car spaces per tenant. Therefore, the proposal does not raise any concerns regarding the allocation of on-site parking.