

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/0313
<b>Proposed development:</b>	Child Care Centre Business Identification Sign
<b>Property address:</b>	61 Wardell Drive, SOUTH PENRITH NSW 2750
<b>Property description:</b>	Lot 22 DP 703827
<b>Date received:</b>	21 April 2017
<b>Assessing officer</b>	Sufyan Nguyen
<b>Zoning:</b>	RE1 Public Recreation - LEP 2010
<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 signage at 61 Wardell Drive, South Penrith. The subject site is zoned RE1 Public Recreation under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposed business identification signage is in association with the Platypus Playground Children's Centre on the site. The design is conservative and the siting is appropriate which will ensure that there will be minimal impacts on the surrounding area and traffic conditions.

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

### Site & Surrounds

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The site is known as 61 Wardell Drive, South Penrith and is legally described as Lot 22 DP 703827. The site has a land area of 1.355 ha and is irregular in shape. The site has a steep slope of up to 6m which falls towards the north-eastern corner and is partially affected by an overland flow path. Currently, the property accommodates the Platypus Playground Children's Centre.

The surrounding area comprises of low density residential housing. A range of facilities and services are within a 770m radius including local shops, a medical centre, a fitness centre, schools, churches and green open space.

The broader road network includes the intersections of The Northern Road and Tukara Road approximately 132m to the south-east of the site and the M4 Motorway and The Northern Road 690m to the south-west. Available public transport modes include a bus service 132m to the west.

### Proposal

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The applicant seeks approval for the erection of business identification signage in association with the Platypus Playground Children's Centre at 61 Wardell Drive, South Penrith. The steel frame for the signage measures 3000mm (H) x 1300mm (W) and has a top mounted arc shaped sign measuring 1800mm (H) x 1240mm (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 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

### Section 79C(1)(a)(i) The provisions of any environmental planning instrument

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

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

#### Schedule 1 (Assessment Criteria)

Criteria	Comments
<b>Character of the area</b>	The surrounding area is characterised by residential housing but includes the adjoining Mary Mackillop Primary School north of the site. Given that the proposed signage is of a low-scale design, the proposal will have minimal impacts on the character of the area.
<b>Special areas</b>	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.
<b>Views and vistas</b>	The proposal will not obstruct any important views or vistas and is not within a skyline view and there are no other advertisers in the immediate area with the exception of the primary school which is distant from the subject site.
<b>Streetscape, setting or landscape</b>	The proposed signage is of a minor scale and appropriately sized relative to site's land area. The design contains neutral colours and is not considered to create visual clutter or any adverse impacts on the streetscape.
<b>Site and building</b>	The scale and design of the signage is in proportion to the size of the building on the site. The proposal does not require any vegetation management as a result of the proposed signage.
<b>Associated devices and logos with advertisements and advertising structures</b>	The proposed sign is integrated with its steel frame and does not include any lighting.
<b>Illumination</b>	The proposal does not include any illuminated signage.
<b>Safety</b>	The proposed signage has an acceptable front setback and is not considered likely to reduce safety for local traffic or pedestrians.

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

An assessment has been undertaken of the proposal against relevant criteria within 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 5.9 Preservation of trees or vegetation	Complies
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion

#### Clause 1.2 Aims of the plan

The proposal seeks to inform the community of an existing child care centre. This will in turn create socio-economic activity in the locality and will support the sustainability of a suburban area. The proposed signage is of a conservative design which is not considered to result in any adverse impacts on the visual quality of the streetscape. The proposal therefore satisfies the aims of the plan.

#### Clause 2.3 Zone objectives

The proposed signage is associated with the Platypus Playground Children's Centre on the site. The objectives of the RE1 Public Recreation zone are satisfied given that the child care centre is a permissible land use in the RE1 Public Recreation zone.

#### Clause 7.1 Earthworks

The proposed earthworks required to install the signage are of a minor scale and are therefore unlikely to result in any detrimental effects on drainage patterns or soil stability in the immediate area.

#### Clause 7.2 Flood planning

Although the site is slightly flood affected, the siting of the sign is not within the overland flow path and will therefore not result in any flood impacts or risk to 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	Complies
C3 Water Management	N/A
C4 Land Management	Complies
C5 Waste Management	Complies
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

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

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

Subject to the recommended conditions of consent, the proposed development will comply with the relevant requirements of the Regulations.

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

### **Context and Setting**

The proposed sign is considered to be low key and is not considered likely to result in any adverse impacts on the character of the locality.

### **Traffic Impacts**

The proposed sign is not an illuminated sign and the siting and scale is appropriate. This will ensure that there will be no impacts on local traffic conditions.

### **Signage Design**

The proposed sign satisfies the design principles of the *Penrith Development Control Plan 2014*, such as design quality and the nature of the sign relative to the Platypus Playground Children's Centre.

### **Socio-Economic Impacts**

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

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

The site is deemed suitable for the proposed development for the following reasons:

- The proposed signage supports the child care centre on the site
- The proposal does not affect existing facilities or services
- The proposal will not impact on local traffic flows or the acoustic or visual privacy of adjoining properties
- The development site does not contain any significant ecosystems or threatened species
- The proposal does not involve major earthworks or the removal of significant flora and fauna

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

### Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, notification of the proposed development was not required.

### Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

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

Given the nature and scale of the proposal in addition to the proposal being compliant with the applicable development controls, the proposed development will not generate any significant issues of public interest.

## Conclusion

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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 conditions.

## Recommendation

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That DA17/0313 for signage at 61 Wardell Drive, South Penrith 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 following plans stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan	Rosemarie Canales	MP-A-1704-01	14/04/2017	B
Elevation	Rosemarie Canales	MP-A-1704-02	14/14/2017	A
Waste Management Plan	Rosemarie Canales	-	18/04/2017	-

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

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

3 [A039 - Graffiti](#)

The finishes of the signage structure 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 works.

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

Lighting of the approved sign is not permitted by this consent. The approved signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.

## Environmental Matters

6 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

## BCA Issues

7 [E001 - BCA compliance](#)

All aspects of the sign 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

## 8 H002 - All forms of construction

Prior to the commencement of construction works:

(a) If the work involved in the erection of the sign is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

## 9 H041 - Hours of work (other devt)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all construction works.

## Landscaping

### 10 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

### 11 L012 - Existing landscaping (for existing development)

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

## Certification

### 12 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

Prior to the commencement of any works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the *Environmental Planning and Assessment Act 1979*.

#### Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the *Environmental Planning and Assessment Act 1979*.

### 13 Q05E - Compliance Certificate for earthworks if Construction Certificate not required

On completion of the works, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance with all conditions of consent. The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part B - DCP Principles

The proposal aims to inform the community of a child care centre. This will in turn stimulate economic activity, support employment and contribute to strengthening the local region. Given the limited extent of works required to install the proposed sign, the proposal poses no threats to the surrounding natural and built environments. The proposal is therefore supportive of Penrith City's vision of achieving long term economic and social security which satisfies the DCP principles.

### Part C - City-wide Controls

#### C9 Advertising and Signage

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

The proposed sign is ancillary to the Platypus Playground Children's Centre on the site and reflects the nature of this land use. The siting in front of the car park has an acceptable front setback and the overall design is low key which will ensure that there will be minimal impacts on the visual quality of the streetscape and the character of the locality.