

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0279
Description of development:	Business Identification Signs to existing warehouse use
Classification of development:	Class 10b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 22 DP 1178567
Property address:	54 Tyrone Place, ERSKINE PARK NSW 2759

DETAILS OF THE APPLICANT

Name & Address:	Ideatoaction Pty Limited 50 Level 11 Clarence Street SYDNEY 2000 Nsw
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	21 May 2019
Date the consent expires	21 May 2024
Date of this decision	20 May 2019

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Jacqueline Klincke
Contact telephone number:	+612 4732 8391

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following stamped approved plans and documents 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	Drawing Reference	Version	Prepared By	Date
Site Plan	SP 001.1	1	Idea to Action	2 April 2019
Sign 1 – Design	Sign 1-01	1	Idea to Action	2 April 2019
Sign 1 – Manufacture	Sign 1-02	1	Idea to Action	2 April 2019
Sign 1 – Materials	Sign 1-03	1	Idea to Action	2 April 2019
Sign 2 – Design	Sign 2-01	1	Idea to Action	2 April 2019
Sign 2 – Manufacture	Sign 2-02	1	Idea to Action	2 April 2019
Sign 2 – Materials	Sign 2-03	1	Idea to Action	2 April 2019
Sign 3 – Design	Sign 3-01	1	Idea to Action	2 April 2019
Sign 3 – Manufacture	Sign 3-02	1	Idea to Action	2 April 2019
Sign 3 – Materials	Sign 3-03	1	Idea to Action	2 April 2019
Sign 4 – Design	Sign 4-01	1	Idea to Action	2 April 2019
Sign 4- Manufacture	Sign 4-02	1	Idea to Action	2 April 2019
Sign 4 – Materials	Sign 4-03	1	Idea to Action	2 April 2019
Sign 5 – Design	Sign 5-01	1	Idea to Action	2 April 2019
Sign 5 – Manufacture	Sign 5-02	1	Idea to Action	2 April 2019
Sign 5 – Materials	Sign 5-03	1	Idea to Action	2 April 2019

- Erosion Sediment Control Plans, prepared by Idea to Action, undated.

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

- 3 The finishes of the approved signs are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 The signage shall be erected strictly in accordance with the manufacturer's or engineer's specifications, and the relevant Australian Standards. Any installation fixtures associated with the sign shall be wholly contained within the body of the sign and not be visible from the public domain.
- 6 The signs shall not be illuminated in any way.
- 7 Given that the sign is ancillary to the existing approved developments on the site, the signs must not contain any advertising of a person/business who does not carry out business at the premises or place. The sign is limited to:

- (a) the nature of the person or business, and
- (b) the nature of the business carried on at the premises at which the sign is displayed, and
- (c) may include the address of the premises, logos or other symbols that identify the businesses. and
- (d) may include any way finding requirements for accessing the site.

Environmental Matters

- 8 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.
- 9 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

- 10 All aspects of the signage 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

- 11 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.

- 12 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 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

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

Certification

14 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 6.6 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 6.6 of the *Environmental Planning and Assessment Act 1979*.

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

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.

SIGNATURE

Name:	Paul Anzellotti Acting Principal Planner
Signature:	

For the Development Services Manager