

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/0110
Proposed development:	Business Identification Signage - RSEA Safety (Building B)
Property address:	130 Batt Street, JAMISONTOWN NSW 2750
Property description:	Lot 1 DP 1243160
Date received:	22 February 2021
Assessing officer	Mahbub Alam
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone B5 Business Development - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for business identification signage to an approved specialised retail premises (Building B) at 130 Batt Street JAMISONTOWN NSW 2750. The subject site is zoned B5 Business Development under Penrith Local Environmental Plan 2010 (LEP 2010). The development is ancillary to a specialised retail premises, which is a permissible land use in the B5 zone with Council consent, and as approved under DA14/1485 (construction of two industrial buildings) and CDP21/0079 (specialised retail premises use).

The painting of the building shown on the plans does not require consent as it can be undertaken as exempt development, and while the colour is bright, SEPP (Exempt and Complying Development Codes) 2008 allows for repainting without stipulation on colours.

In accordance with Penrith Development Control Plan 2014, the application was not required to be notified to surrounding and adjoining properties.

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 recommended conditions.

Background

- Construction of two industrial buildings (A & B) under DA14/1485.
- CDP21/0079 was a separate CDC approval issued by a private certifier for a specialised retail premises use and fit-out of Building B. The CDC was issued on 2 February 2021.

Site & Surrounds

The subject site is legally defined as Lot 1 DP 1243160 and is known as 130 Batt Street, Jamisontown. The site has an 'L' configuration, with a primary frontage of 43m to Batt Street and a secondary street frontage of 60m to Mulgoa Road. The property has a total area of approximately 8741m² and is currently occupied by two (2) industrial buildings (Building A and Building B) approved under development consent no. DA14/1485. This proposal applies to Building B.

Proposal

The subject application seeks approval for the following signage at the approved specialised retail premises, including the following:

- **Sign A** – Non-Illuminated Prismatic Chevron Motif: Router/Profile Cut ACM Panels with 3M Diamond Grade Yellow/Green vinyl adhered to Face & Fixed to surface (600mm high). This is more a decorative detail to the building rather than signage.
- **Sign B** – Non-Illuminated RSEA Logo: Router/Profile Cut ACM Panels with 3M Diamond Grade Yellow/Green vinyl adhered to Face & Fixed to surface (5,700mm wide x 2,250mm high).
- **Sign C** – Non-Illuminated Category Icons: Router/Profile Cut Black ACM Panels & Fixed to surface (Circle Dia: 1,500mm).
- **Sign D** – Non-Illuminated RSEA Logo: Router/Profile Cut ACM Panels with 3M Diamond Grade Yellow/Green vinyl adhered to Face & Fixed to surface (3,900mm wide x 1,500mm high).
- **Sign E** – Non-Illuminated RSEA Logo: Router/Profile Cut Black ACM Panels & Fixed to surface (5,700mm wide x 2,250mm high).
- **Sign F** – Non-Illuminated Prismatic Chevron Motif: Router/Profile Cut ACM Panels with 3M Diamond Grade Yellow/Green vinyl adhered to Face & Fixed to surface (600mm high) x 14 Strips + 1 Spare. This is more a decorative detail to the building rather than signage.
- **Sign G** – Non-Illuminated RSEA Logo: Router/Profile Cut ACM Panels with 3M Diamond Grade Yellow/Green vinyl adhered to Face & Fixed to surface (8,250mm wide x 3,180mm high).

The external painting of the building is deemed to be exempt development.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 55—Remediation of Land
- 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 development 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 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The SEPP (Western Sydney Aerotropolis) 2020 contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 13 kilometre 'wildlife buffer zone' of the Western Sydney Airport site.

Consideration has been given to Clause 21 of the SEPP and the proposed development. The objective of Clause 21 is to regulate development on land surrounding the Western Sydney Airport site where wildlife may present a risk to the operation of the airport. Certain types of development then trigger the requirements for further consideration under Clause 21. The proposed development, relating to business identification signage to an existing building, is not one of the types of uses that warrant additional consideration under the SEPP with regard to wildlife and the operation of the airport.

The subject site is also identified as being located within the Obstacle Limitation Surface Map area. Clause 24 of the SEPP relates to development that would penetrate the prescribed air space for the airport and be a 'controlled activity'. The proposed development neither penetrates the prescribed air space, nor is it a controlled activity, therefore not triggering any additional considerations under this clause.

State Environmental Planning Policy No 55—Remediation of Land

Under the provisions of Clause 7 Contamination and remediation to be considered in determining a development application, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A review of Council's systems and historical aerial views of the site does not indicate that any land contamination activities have occurred on the subject site. In this regard, the site is considered suitable for the proposal with regard to land contamination.

State Environmental Planning Policy No 64—Advertising and Signage

In accordance with Clause 6, the provisions of State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64) apply to the development as the proposal incorporates signage.

Under this policy, the proposed signage is broadly defined as signage which means:

“all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:

- (a) Building identification signs, and*
- (b) Business identification signs, and*
- (c) Advertisements to which Part 3 applies,*

but does not include traffic signs or traffic control facilities”.

In accordance with Clause 8 (granting of consent to signage), the proposal is consistent with the aims and objectives as set out in Clause 3(1)(a) and satisfies the assessment criteria specified in Schedule 1, as detailed below.

SEPP 64 – Schedule 1 Assessment Criteria	
Criteria	Commentary
1. Character of the Area	The B5 Business Development zone comprises of commercial land uses and associated signage including pylon signs. The proposed signage is not out of character with the existing signage of the locality which includes significant wall and pylon signs.
2. Special Areas	The signage does not unreasonably intrude into the surrounding visual catchment. The surrounding amenity of nearby residential premises will not be reduced. The site is not in proximity to any environmentally sensitive areas, heritage or conservations areas.
3. Views and Vistas	The proposal does not detract, obscure or dominate important views or vistas, as it forms a part of the approved external building facade for the facility, and does not go outside of this facade.
4. Streetscape, Setting or Landscape	The scale, proportion and form of the proposed signage is suitable relative to the prevailing character of the surrounding streetscape, setting and landscape.
5. Site and Building	The size and location of the signage to be displayed is consistent with the scale, proportion and form of the building and site.
6. Associated Devices and Logos with Advertisements and Advertising Structures	All signage is identified as business identification signage and will not comprise third party advertising.
7. Illumination	No illumination is proposed.
8. Safety	The minor scale of the signage is not considered likely to reduce safety for local traffic (including vehicles and cyclists) 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 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned B5 Business Development under Penrith Local Environmental Plan 2010, and the proposed signage is permitted as ancillary to the previously approved use within the zone.

Clause 2.3 Zone objectives

The proposed signage is ancillary to the existing permissible land use which is permissible in the B5 Business Development zone. The objectives of the B5 zone are considered to be satisfied.

Clause 4.3 Height of buildings

The proposal does not require any alterations to the existing building height.

Clause 7.5 Protection of scenic character and landscape values

The subject building has a setback of approximately 62m from Mulgoa Road. The proposed signage will be partially obscured by the existing petrol station (Seven Eleven) from Mulgoa Road and this will assist in minimising visual impacts from Mulgoa Road. The proposed signage will also be obscured by existing mature street trees and surrounding existing large commercial buildings. This will ensure that there will be no adverse impacts on the scenic character and landscape values of the surrounding area.

It should be noted that the painting of the building shown on the plans does not require consent as it can be undertaken as exempt development, and while the colour is bright, SEPP (Exempt and Complying Development Codes) 2008 allows for repainting without stipulation on colours.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments that directly apply to the proposal.

Section 4.15(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	N/A
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	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 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applicable to the subject site or development.

Section 4.15(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions under the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as consent conditions where required. Subject to the recommended consent conditions, the development proposal complies with the requirements under Section 143 of the *Environmental Planning and Assessment Regulation 2000*.

Section 4.15(1)(b) The likely impacts of the development

Context and Setting

The premises is within a precinct which is characterised by commercial and industrial land uses and a diverse range of signage themes. The proposal is consistent with the character of the locality.

Traffic Impacts

The proposed development will have no impacts on local traffic conditions.

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 and its suitability in the locality.

Socio-Economic Impacts

The proposal aims to promote the previously approved specialised retail premises and will boost economic growth. The proposal is supportive of economic development and is unlikely to impact on the surrounding businesses.

Environmental Impacts

The proposal is for signage works only. There are no significant land and water resources in close proximity to the site. The proposal does not require the removal of any significant biodiversity or threatened species. The amount of waste to be generated by the proposal is considered to be manageable.

Section 4.15(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 retail 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 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Penrith Development Control Plan 2014, the application was not required to be notified to surrounding and adjoining properties.

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 4.15(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

In assessing this proposal against the relevant environmental planning policies, including State Environmental Planning Policy No. 64 - Advertising and Signage, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. 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

That DA21/0110 for signage to an approved specialised retail premises at 130 Batt Street JAMISONTOWN NSW 2750, be approved subject to the following conditions.

General

1 [A001 - Approved plans table](#)

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.

Description	Plan No.	Prepared By	Date
RSEA Penrith External Site Plan - Elevations (North & East)	1/4, Version 02	RSEA Safety Penrith	14/01/2021
RSEA Penrith External Site Plan - Elevations (South & West)	2/4, Version 02	RSEA Safety Penrith	14/01/2021
RSEA Penrith External Site Plan - Site Map	4/4, Version 02	RSEA Safety Penrith	14/01/2021

2 [A039 - Graffiti](#)

The signage is to be maintained to a high standard at all times. Any graffiti or vandalism shall be immediately removed/repaired.

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

The erection of the signage shall not unduly reduce or compromise the structural integrity of the existing building.

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

The signage shall not be illuminated or fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.

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

The installation of the signage shall be carried out strictly in accordance with the manufacturer's specifications.

BCA Issues

6 [E01A - BCA compliance for Class 2-9](#)

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

7 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) 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.

8 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 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 2014

Part B - DCP Principles

The proposal aims to promote the previously approved specialised retail premises 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

The proposed signage clearly identifies the previously approved specialised retail premises. Its scale is compatible to the building on-site and the surrounding locality. Its design and materials are of a high quality and it is not considered to present a negative impact to the visual amenity of the surrounding development.