

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA16/0533
Description of development:	Illuminated Pylon Sign
Classification of development:	Class 10b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 12 DP 1176987
Property address:	127 - 141 Station Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	HB Group C/- Stimson & Baker Planning PO Box 1912 PENRITH NSW 2751
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(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	22 July 2016
Date the consent expires	22 July 2018
Date of this decision	19 July 2016

POINT OF CONTACT

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

Assessing Officer:	Sufyan Nguyen
Contact telephone number:	+612 4732 8568

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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. The objector cannot appeal if a Commission of Inquiry was held.

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.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H 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 approved plan 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 plan and by the following conditions.

Drawing Title	Plan No.	Prepared By	Dated	Revision
Pole Sign to Street Corner	SD4A	McKay Architects	26/05/2016	-

- 2 The approved signage shall only be illuminated between the hours are from 8am to 11pm daily.
- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 4 The installation of the sign shall be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the sign or internal illumination must be contained wholly within the body of the sign or must not be visible from the public domain.
- 5 The existing approved pylon sign (DA13/1286) shall be removed as detailed on the stamp approved plan.
- 6 No alterations, attachments or additional signage shall be undertaken to the approved pylon sign without Council consent.

Environmental Matters

- 7 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

8 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).

9 The pylon sign is to be erected in accordance with the structural engineers specifications.

Construction

10 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 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

11 To reduce distraction and confusion of drivers at the signalised intersection of Mulgoa Road and Ransley Street, Penrith, the electronic messaging component of the sign is not to use green, red or orange/amber colours in the messages. In addition, the wording and/or messages are not to flash or move across the screen.

12 Prior to the issue of any Occupation/Completion Certificate, all redundant signage at the location is to be removed by the applicant.

Landscaping

- 13 All landscape works are to be constructed in accordance with the stamped approved Arborist Report (1500-REP-27-DR-A) prepared by Abel Ecology on 17/02/2016 for the approved Hog's Breath Café restaurant (DA16/0219).
- 14 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained.
- 15 At least four (4) suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, shall be planted in a suitable location within 10m from the pylon sign.
- Two (2) of these replacement trees shall be planted in the prior location of trees four (4) and (5) as illustrated on the stamped approved plans of DA16/0219. Replacement trees shall be planted prior to the issue of an Occupation Certificate.
- 16 The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.
- 17 The Trees must be retained and protected in accordance with the arborists report recommendations.

Certification

- 18 On completion of the earthworks, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met has in fact been met. 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.

SIGNATURE

Name:	Sufyan Nguyen
Signature:	

For the Development Services Manager