

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0083
Proposed development:	External Shopfront Alterations (Shop 54/55)
Property address:	569 - 595 High Street, PENRITH NSW 2750
Property description:	Lot 1 DP 1137699
Date received:	25 January 2016
Assessing officer	Sufyan Nguyen
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for external alterations and signage at Lot 1 DP 1137699, Westfield Penrith (Penrith Plaza), 569-595 High Street, Penrith. The site is zoned B3 Commercial Core under the *Penrith Local Environmental Plan 2010* and is permissible with Council consent.

The modern design will revitalise the surrounding area and compliment the planned upgrade for Riley Street (DA15/0951). The high quality finishes are compatible with neighbouring tenants and consistent with the future desired character and visual amenity of the streetscape.

An assessment 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

The subject site is situated on the western side of Riley Street, Penrith. The ground floor shop occupies Westfield Penrith (Penrith Plaza) shopping centre and is between Henry Street (North) and the Great Western Highway (South). Westfield Plaza accommodates a variety of retail and commercial land uses and makes provision for several hundred car parking spaces. Public transport facilities are available including bus services and Penrith train station being approximately 320m north-east of the premises.

Proposal

The proposed development consists of external alterations to Shop 54/55 to Nando's fast-food restaurant at Westfield Penrith. The proposal involves the following:

- Remove existing 'Suncorp' shopfront and awning sign, and replace with 'Nando's' 3D internally illuminated awning sign suspended by welded link chains.
- Replace existing shopfront entry doors & shopfront glazing with timber pivot doors and routed 'cockeral' graphic signage
- New full height timber pivot shopfront entry door
- New half height vertical bi-fold windows with decorative metal low tier cladding
- New fixed full height bi-folding doors
- Full height fixed toughened safety glass with rust finish trim
- Construct new dimmable, directional spot lights to illuminate future outdoor dining area

The proposed trading hours:

- Monday to Sunday - 11:00am to 10:00pm

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 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

In accordance with *Clause 8 - Granting consent to signage*, the proposal is consistent with the aims and objectives of *Clause 3 (1) (a)* and satisfies the assessment criteria specified in Schedule 1.

The proposal is compatible with the character of the vicinity and will provide visual amenity to the streetscape given the high quality design and finish. The proposed signage delivers effective communication and is suitable for the location. The proposed logo on the awning sign has a total area of 0.161m² and within the maximum area of 0.25m² under *Clause 20 (3)*.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with the Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent. The subject site is situated in an established commercial area which is not within the scenic corridor of the river. As there will be no environmental impact on the water or scenic qualities of the river, the proposal is satisfactory.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 7.8 Active street frontages	Complies - See discussion
Clause 8.1 Application of Part	Complies
Clause 8.4 Design excellence	Complies - See discussion

Clause 1.2 Aims of the plan

The proposed fit-out and signage is consistent with *Clause (2) (b)* of Penrith's vision for a sustainable city and will enhance the environment through high quality design and finish.

Clause 2.3 Permissibility

The site is zoned B3 Commercial Core under the *Penrith Local Environmental Plan 2010* and external shopfront alterations are permissible with Council consent.

Clause 2.3 Zone objectives

The proposal provides a service need for the local and wider community, and will strengthen the commercial core of the surrounding area.

Clause 7.8 Active street frontages

The proposal aims to promote and utilise pedestrian traffic, and therefore meets *Clause 7.8 (1)*.

Clause 8.4 Design excellence

The proposal presents a high standard of architectural design with materials and finishes that will compliment the vicinity.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
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Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
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	Complies
C10 Transport, Access and Parking	Complies
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
E11 Penrith	Complies

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

There are no planning agreements applying to the proposed development.

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

Fire Safety

Under Part 9 of the *Environmental Planning and Assessment Regulation 2000* owners of buildings must provide the FRNSW Commissioner with a copy of the Fire Safety Certificate for the building (along with the current Fire Safety Schedule). The Fire Safety Certificate is issued when essential fire safety measures have been assessed by a qualified person as being capable of performing to the standard defined by the Schedule. A condition of consent will be imposed to ensure that this occurs on an annual basis.

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, will be imposed as conditions of consent where applicable. As such subject to the recommended conditions of consent, the proposed development complies with the requirements of the Regulations.

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

Subject to the recommended conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural, social or economic environments of the locality due to its scale, location and consistency with surrounding uses.

The planned upgrade works to Riley Street, Penrith under DA15/0951 must be taken into consideration to ensure there are no conflicting works.

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

The subject site is considered suitable for the following reasons:

- The B3 Commercial Core zone permits the proposed development
- The design is compatible with the surrounding retail and commercial land uses
- The proposal is consistent with the visual character, visual amenity and street theme of the vicinity

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with *Clause 4.4 Notification and Advertising* of Appendix F4 of *Penrith Development Control Plan 2014*, notification of the proposed development is 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
Development Engineer	No objections - subject to conditions
Environmental - Public Health	No objections

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies being *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 proposal is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and recommended for approval subject to recommended conditions.

Recommendation

That DA16/0083 for external shopfront alterations at Shop 54/55 Westfield Penrith, 569-595 High Street, Penrith be approved subject to the attached conditions.

General

1 [A001](#)

The development must be implemented substantially in accordance with the following stamped plans approved 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.

Drawing Title	Plan #	Prepared by	Dated	Revision
External Works Layout Plan	A-01	Design Clarity	09/03/16	D
Site Plan	A-02	Design Clarity	09/03/16	A
Shopfront Elevations	A-03	Design Clarity	09/03/16	C
Shopfront Entry Details	E-01.2	Design Clarity	09/03/16	B
Suspended External Signage	S-01	Design Clarity	09/03/16	A

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

Environmental Matters

6 [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.

7 [D010 – Appropriate disposal of excavated or other waste](#)

All 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

8 E01A - BCA compliance for Class 2-9

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).

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

9 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.

10 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

11 H041 - Hours of work (other devt)

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 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.

Engineering

12 K Special Condition BLANK

The proposed works in the Riley Street frontage are to comply with the requirements of DA15/0951 and any related engineering conditions provided for by that approval.

13 K Special Condition BLANK

Prior to the issue of an Occupation Certificate, all works are to comply with Penrith City Council CBD Public Domain Technical Manual.

14 [K Special Condition BLANK](#)

Prior to the issue of a Construction Certificate, any civil works within the footway area are to be approved by Council.

Certification

15 [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.

16 [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.