

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0278
Proposed development:	Building Alterations & Additions, Use of Premises as Starbucks Coffee Shop & Associated Outdoor Dining Area & Signage (Shop 152)
Property address:	569 - 595 High Street, PENRITH NSW 2750
Property description:	Lot 1 DP 1137699
Date received:	21 March 2018
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 building alterations and additions, use of the new premises as a Starbucks Coffee shop and an associated outdoor dining area and signage at Shop 152, Westfield Penrith, 569 - 595 High Street, Penrith. The subject site is zoned B3 Commercial Core under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposal includes modifications to the shopping centre building facade, consolidation of an existing mall area with an existing tenancy to create a new retail premises with a floor area of 187.8m², new services including rooftop plant and equipment, an outdoor dining area and signage. Although the proposal will result in the closure of a mall entrance from the southern-eastern corner of Riley Street and Henry Street, another mall entrance is located approximately 23m northwards. The proposal aims to activate this section of Riley Street and is of a suitable scale.

An assessment of the proposal 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.

Site & Surrounds

The subject premises is known as Shop 152, Westfield Penrith, 569 - 595 High Street, Penrith. The subject site is legally described as Lot 1 DP 1137699. The ground floor shop is part of Westfield Penrith (Penrith Plaza) shopping centre and is situated on the south-eastern corner of Riley Street and Henry Street. Westfield Penrith accommodates a range of retail and commercial uses and makes provision for several hundred car parking spaces.

Proposal

The applicant seeks approval for building alterations and additions, use of the new premises as a Starbucks Coffee shop and an associated outdoor dining area and signage at Shop 152, Westfield Penrith, 569 - 595 High Street, Penrith. The proposal includes modifications to the shopping centre building facade, consolidation of an existing mall area with an existing tenancy to create a new retail premises with a floor area of 187.8m², new services including rooftop plant and equipment, an outdoor dining area and signage.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- 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 4.15 (previously 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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within *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
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	Complies
Clause 5.6 Architectural roof features	N/A
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	Complies
Clause 8.1 Application of Part	Complies
Clause 8.4 Design excellence	Complies

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	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

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

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

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

Context and Setting

The proposed building form is of a suitable scale. The additional retail floor space, outdoor dining area and signage is compatible with the approved Riley Street dining precinct upgrade works (DA15/0951).

Site Design & Internal Design

The proposal is consistent with the existing retail shops in Westfield Penrith shopping centre. The proposed outdoor dining area is within the prescribed area for outdoor dining and is to be integrated with two (2) existing street trees adjacent to the building. The design it is not considered likely to result in any significant impacts on the public domain.

Access, Transport and Traffic

The proposed development will close an existing mall entrance, however there is a mall entrance in close proximity to the north of the premises. In addition, the premises is nearby ample on-site and off-street parking spaces and also public transport links.

Noise and Vibration

The nature and scale of the proposal is not considered likely to adversely impact on neighbouring tenancies or pedestrians in terms of noise and vibration.

Environmental Impacts

The proposal is of a minor scale and will not result in any significant impacts on the surrounding natural environment. Tree protection measures are to be imposed via conditions of consent to ensure the health and longevity of street trees outside the premises.

Socio-Economic Impacts

The proposal aims to activate the street frontage which will in turn stimulate economic activity and contribute to vitality of Penrith CBD. Given that the proposal is of a suitable scale and is not considered likely to result in any adverse impacts on surrounding businesses.

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

The proposal is of a suitable scale and provides suitable access. The premises has existing facilities and services and is in proximity to pedestrian links and public transport. The proposed works will have minimal impact on pedestrian traffic and the surrounding environment. Furthermore, the site is zoned B3 Commercial Core and the proposal is a permissible land use. The site is therefore suitable for the proposed development.

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
Property Development	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.

Section 94 - Developer Contributions Plans

The following development contribution plans apply to the proposal:

- Penrith City Centre Civic Improvement Plan

The following development contribution plans apply to the proposed development:

Calculation for Additional Retail Floor Space

Penrith City Centre Civic Improvement Plan

Additional Retail Floor Area	x	Contribution Rate
54.86 sq.m	x	\$105.00 per sq.m GFA

AMOUNT

Contribution Plan	Contribution Rate x Calculation Rate	Total
Penrith Civic Centre Improvement Plan	54.86 x \$105.00	\$5,760.00
NET TOTAL		\$5,760.00

Conclusion

In assessing this proposal against the relevant environmental planning policies, being *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, 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

That DA18/0278 for building alterations and additions, use of the new premises as a Starbucks Coffee shop and an associated outdoor dining area and signage at Shop 152, 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 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 stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan	Westfield Design & Construction Pty Ltd	C48237 (DA 80.0001)	14/03/18	A
Demolition Plan	Westfield Design & Construction Pty Ltd	C48237 (DA 80.0002)	14/03/18	A
Floor Plan, Roof Plan & Section	Westfield Design & Construction Pty Ltd	C48237 (DA 80.0003)	14/03/18	A
Elevations & Section	Westfield Design & Construction Pty Ltd	C48237 (DA 80.0010)	14/03/18	A
Section & Internal Ramp	Westfield Design & Construction Pty Ltd	C48237 (DA 80.0011)	14/03/18	A
Outdoor Seating Plan & Elevations (External Barrier Details 1)	Starbucks Coffee	B021-J013 (Sheet 1)	21/05/18	C
Loop & Leg Detail & Section (External Barrier Details 2)	Starbucks Coffee	B021-J014 (Sheet 1)	01/03/18	A
Finishes & Door Schedule	Starbucks Coffee	B021-A001 (Sheet 1)	21/05/18	B
Signage Elevations	Starbucks Coffee	B021-A020 - A021 (Sheet 1)	01/03/18	A
Signage Details	Starbucks Coffee	B021-J0030 (Sheet 1)	01/03/18	A
Waste Management Plan	Scentre Group Pty Ltd	--	--	--

2 A012 - Food Shop

The proprietor of the food business shall ensure that the requirements of the *NSW Food Act 2003*, *NSW Food Regulation 2010* and the Australian and New Zealand Food Standards Code are met at all times.

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of an Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

5 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved operating hours are as per existing Westfield Penrith shopping centre hours of operation.

6 A039 - Graffiti

The finishes of all structures and the building are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

7 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

8 A Special (BLANK)

The approved outdoor dining area shall comply with the following requirements at all times:

- The furniture shall be high quality in design and construction, and complement the existing streetscape. Lightweight plastic furniture, which may become airborne on windy days if not adequately weighted, is not permitted.
- The furniture is to be maintained in a clean and hygienic state at all times.
- The eating area is not to cause inconvenience or to disrupt pedestrian traffic along the footpath or thoroughfare.
- No food is to be prepared or stored outside. No hot food counters, boilers or urns shall be placed on public areas or areas external to the premises.
- All furniture which is not fixed to the ground must be put away inside the premises when it is closed.

9 A Special (BLANK)

An outdoor dining license permit shall be issued before commencement of the outdoor dining area.

Demolition

10 B001 - Demolition of existing structures

The existing structures nominated for demolition on the approved plans shall be demolished as part of the approved works.

11 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

12 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

13 B004 - Dust

Dust suppression techniques are to be employed during demolition and construction works to reduce any potential nuisances to surrounding properties.

14 B005 - Mud/Soil

Mud and soil from vehicular movements to and from the site during demolition and construction works must not be deposited on the road.

15 B006 - Hours of work

Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building that do not involve external walls or the roof, and that do not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

16 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.

17 **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.

18 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other 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 Principal 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

19 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

20 **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.

Utility Services

21 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Construction

22 H001 - Stamped plans and erection of site notice

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.

23 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 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.

24 H041 - Hours of work (other devt)

Construction works or 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

25 K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

26 K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application including payment of application and inspection fees, shall be lodged with and approved by Penrith City Council being the Roads Authority for any works required in a public road.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate.

27 K Special (BLANK)

Stormwater run-off from the building additions shall be directed to the site's existing drainage system.

Landscaping

28 L007 - Tree protection measures—no TMP with DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section C2 Vegetation Management of *Penrith Development Control Plan 2014*.

29 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

30 L012 - Existing landscaping (for existing development)

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

Development Contributions

31 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Penrith City Centre Civic Improvement. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5,760.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contribution plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The invoice accompanying this consent should accompany the contribution payment. The Development Contributions Plan for \$5,760.00 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

32 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

33 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 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*.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C8 Public Domain

C8.4 Outdoor Dining and Trading Areas

The proposed outdoor seating area was revised a number of times in accordance with Council's Landscape Architect's requirements. The length of the seating now has two (2) breaks between and the tree barriers were deleted. The proposed outdoor seating area has a 3.865m separation distance from the building facade, this is only marginally less than the preferred 4m minimum separation distance stipulated under the approved Riley Street dining precinct upgrade works (DA15/0951). Overall, the design is compatible with the outdoor dining theme in that the height and length of outdoor seating is not too dissimilar to the approved outdoor seating in the immediately surrounding area. The proposal provides for high quality furnishings which will integrate with the two (2) existing street trees and provide amenity to the streetscape. Furthermore, the adjoining tenancy (Jack Little) has a similar outdoor dining configuration.

C9 Advertising and Signage

C9.4 Commercial, Mixed Use and Industrial Zones

The proposal includes (2) under awning hanging signs and a surface mounted sign. The under awning signs are proposed around the southern corner of the premises and the wall mounted sign will be along the western facing shopfront window. The signage design is consistent with neighbouring tenancies with respect to the positioning and overall size and number of signs. The proposed signage being of a minor scale is compatible with the signage theme along Riley Street.

E11 Penrith

Part A-Penrith City Centre

E11.2 Building Form

The external building facade modifications predominantly include glazing with bi-folding windows. This design provides amenity via articulation, solar access and natural ventilation in addition to safety and security and is consistent with the existing building design. The open-style glazing theme is an appropriate street interface.

E11.3.1 Permeability

The proposal will result in the closure of a mall entrance. However, a site inspection revealed that this mall entrance has low frequency use and another mall entrance is located approximately 23m northwards which is of acceptable walking distance. Therefore, it is unlikely that the proposal will have any significant impacts on pedestrian links for Westfield Penrith and the surrounding area.

E11.3.2 Active Street Frontages and Address

The proposal aims to activate this section of surrounding Riley Street and makes provision for an outdoor dining area. Given the nature of the Riley Street dining precinct, the proposal is a compatible land use.