

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0714
Proposed development:	Shopfront Alterations, Fit-Out & Use as Dry Cleaning Business & Associated Singage (Shop L02)
Property address:	1 - 11 Town Terrace, GLENMORE PARK NSW 2745
Property description:	Lot 2 DP 865459
Date received:	4 August 2017
Assessing officer	Jake Bentley
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a use, fit-out, shopfront alterations and signage for a dry cleaning. Under the Penrith Local Environmental Plan 2010 the proposed dry cleaning business is defined as a 'commercial premises' and the proposed sign is defined as a 'business identification sign'. The subject site is zoned B2 Local Centre and the proposed 'commercial premises' and 'business identification sign' are permitted with consent within the B2 zone.

The subject shop (shop L02) is located on the eastern side of Glenmore Park Town Centre Stage 2 with a frontage to Town Terrace, Glenmore Park. The neighbouring shops have been allocated as retail area under DA14/0765. A sporting field (Ched Towns Reserve) is located opposite the premises on the other side of Town Terrace.

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 a corner lot located on the western side of Town Terrace and on the southern side of Glenmore Parkway, Glenmore Park. The subject site is approximately 1.087 hectares in area with a slope falling towards Town Terrace.

The surrounding area to the south is occupied by the existing Glenmore Park Town Centre which includes a KFC restaurant to the south-west, car park to the south and Penrith City Council's Youth and Community Centre to the south-east. The surrounding area to the north and west is occupied by residential uses and a skate park and Ched Towns Reserve to the east.

The site currently has approval for the extension of the Glenmore Park Town Centre under DA14/0765 (as amended) which including two new supermarkets, commercial floor space, speciality shops, retail kiosks and associated car parking.

Proposal

The proposed development involves:

- The use of Shop L02 in the extended Glenmore Park Town Centre as a new commercial premises
- Shopfront alterations including the installation of a self-serve red box for customer pick-up and drop-off
- Installation of an illuminated business identification sign

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

An assessment has been undertaken of the proposal against relevant criteria within State Environmental Planning Policy No. 64—Advertising and Signage.

The proposed signage is consistent with the aims and objectives of SEPP 64. An assessment under Schedule 1 has been undertaken below.

Criteria	Compliance – Yes/No
1. Character of the area	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	Yes
2. Special areas	
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	No

3. Views and vistas	
<i>Does the proposal obscure or compromise important views?</i>	No
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	No
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Yes
4. Streetscape, setting or landscape	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	Yes
<i>Does the proposal screen unsightliness?</i>	Yes
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	No
<i>Does the proposal require ongoing vegetation management?</i>	No
5. Site and building	
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	Yes
6. Associated devices and logos with advertisements and advertising structures	
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	N/A
7. Illumination	
<i>Would illumination result in unacceptable glare?</i>	No

<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	No
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	No
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	N/A
<i>Is the illumination subject to a curfew?</i>	No
8. Safety	
<i>Would the proposal reduce the safety for any public road?</i>	No
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	No
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	No

The proposed business identification sign is located under the canopy of the shopfront and is in relation to a drycleaning business within a shopping centre. The proposed illuminated sign fronts a sporting field and the locality is commercial in character. The proposed sign is therefore considered to have a minor impact only on its surroundings.

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 - See discussion
Clause 4.3 Height of buildings	Complies - See discussion

Clause 2.3 Zone objectives

The proposed development is in accordance with the B2 zone objectives, in particular the following:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed development will provide employment opportunities and service the needs of the growing community.

Clause 4.3 Height of buildings

The proposal is for external alterations and signage where the building height remains unaltered. The maximum 15m height of buildings provision applicable to the site is therefore satisfied.

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	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	N/A
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 - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
E7 Glenmore Park controls	Complies - see Appendix - Development Control Plan Compliance

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

Subject to the imposition of several conditions of consent, Council's Building Surveyor raised no objection to the proposed development

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

Context and Setting

The proposed building exterior, use and signage will complement the Glenmore Park Town Centre. While currently not occupied, the surrounding tenancies fronting Town Terrace and Luttrell Street will comprise of a mix of retail uses. The proposal is compatible with the context of the locality and will provide a dry cleaning service to the local community.

Environmental Impacts

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

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

The subject site has approval for the construction of Glenmore Park Town Centre Stage 2, shop L02 wherein the subject premises is located. In view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development did not need to be notified to nearby 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
Environmental - Environmental management	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, primarily being 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 DA17/0714 for shopfront alterations, fit-out & use as a dry cleaning business & associated signage (Shop L02) at 1-11 Town Terrace, Glenmore Park, be approved subject to the following 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 approved plans and by the following conditions.

Drawing Title	Dated	Prepared By	Review
Site Plan	OCT 2015	Benier Francis	30.1.2017
Floor Plan	1.3.2017	Phillip and Maureen Clarke Design Consultants	5.7.2017
Shopfront Elevations	3.3.2017	Phillip and Maureen Clarke Design Consultants	5.7.2017
Waste Management Plan		Paul Farrugia	

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

3 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours are to be in accordance with the development consent for Stage 2 of the Glenmore Park Town Centre as approved via DA14/0765.

4 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

5 [A039 - Graffiti](#)

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

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

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

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

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

Environmental Matters

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

All excavated 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.

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.

9 [D014 - Plant and equipment noise](#)

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise. Noise levels from the premises shall not be audible within a habitable room of any residence between 10pm and 7am.

10 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer, then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

11 **D Chemical bunding of solvents and waste**

All solvent waste must be stored in a plastic container (chemically resistant polyurethane) contained in a spill tray (stainless steel) or banded area which is larger than the solvent or waste stored. Separated waste containers used for waste water to drip into from equipment must be banded and labelled.

12 **D Disposal of hazardous waste including perchloroethylene (PERC) waste**

Disposal of hazardous waste such as PERC must be removed by an approved waste transporter and taken to directly to an EPA licensed receiving facility. Documentation of disposal of waste must be provided to Council upon request.

13 **D Labelling of hazardous waste**

Labelling of hazardous waste must be done in accordance with AS/NZS 4452:1997.

14 **D PERC storage**

Storage of PERC must comply with the relevant Dangerous Goods (Storage and Handling) Regulation 2012 for storage of solvent waste.

15 **D Pollution Incident Response Management Plan**

Prior to the issue of an Occupation Certificate a Pollution Incident Response Management Plan shall be approved for spills of dangerous goods. The plan must include:

- evacuation procedures
- location of material safety data sheets and identification of information if chemical is spilt
- isolation/containment of spill for flammable and non-flammable chemicals
- ceasing of equipment use upon spill occurring during clean-up
- clean-up of residuals
- employee induction requirements
- location and instructions on how to use spill kit (must be kept on the premises)

16 **D Storage of chemicals and bunding**

Chemicals and separator water must be banded. Chemicals must be stored in a solid, impermeable container or tray (which is larger than the volume of the chemical) and away from sewer and stormwater drains. All chemicals must be stored away from extreme heat and clearly labelled with their original labels.

BCA Issues

17 **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.

18 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

19 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 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.

Certification

20 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C5 Waste Management

The application specifies that generated waste will be emptied and disposed of using the shopping centre bins in accordance with centre rules. Conditions of consent will require all waste to be disposed of in an appropriate manner.

C8 Public Domain

The proposed shop entrance will be through a glass sliding door providing solar access, natural surveillance to and from the public domain and accessibility into the shop. The proposed illuminated business identification sign will provide increased lighting for pedestrian safety and is under a shopfront awning which will reduce light spill. The sign is to be located 3.510m above the ground to negate vandalism and is appropriately located to identify the business.

The proposal includes the installation of a self-serve red box within the shopfront which will provide for dry cleaning pick-up and drop-off in a safe manner.

C9 Advertising and Signage

The proposed business identification sign is located underneath the shop-front awning and is contained within the awning to promote an integrated design. The identification sign runs for 2.09m, is suspended 1m from the awning and is 3.510m above the ground. The sign is located above the shop and addresses Town Terrace which provides clear identification when approaching the shop from the street. The identification sign does not dominate the shop-front and has an external finish which complements the shop-front.

The proposed identification sign will be illuminated with 3D lettering. The sign is back lit and recessed behind the shop-front awning to minimise light spill and to reduce the impact on the architectural design of the building during day-light hours.

C10 Transport, Access and Parking

Penrith Development Control Plan 2014 specifies that 1 parking space per 40m² of ground floor area shall be provided for business and office premises. Stage 2 Glenmore Park Town Centre was approved under DA14/0765 and includes an additional 423 parking spaces. The subject shop has a gross floor area of approximately 42m² which would require 1 parking space in accordance with Penrith DCP 2014. The proposed shop-front alterations and signage will not increase the gross floor area of the shop and parking is therefore considered satisfactory.

C12 Noise and Vibration

The proposed dry-cleaning business will only have minor noise and vibration impacts on its surroundings. The appliances used will be washers, dryers, a conveyer belt and sewing machine during operating hours. The proposed dry cleaning business will operate from 9:00am to 5:30pm Monday to Friday and 9:00am to 4:00pm Saturdays which is in accordance with the operating hours approved for the shopping complex under DA14/0765. The shop is likely to have a limited number of customers attending at any one time and therefore will only have minor impacts on its surroundings.

E7 Glenmore Park

The subject site falls within Glenmore Park Stage 1. The site is located within the Glenmore Park Town Centre as shown in Figure E7.2 of the Penrith DCP 2014. The proposed business will provide a service to the community and contribute to the town centre being the focal point for the local community. The shop-front alterations and signage will provide efficient access to the shop and contribute to the character of the locality by promoting an active street frontage.