

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0699
Proposed development:	Shopfront Alterations & Signage (Shop L04 - Zambrero)
Property address:	1 - 11 Town Terrace, GLENMORE PARK NSW 2745
Property description:	Lot 2 DP 865459
Date received:	31 July 2017
Assessing officer	Jane Hetherington
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 shopfront alterations and signage (Shop L04 - Zambrero) at 1-11 Town Terrace, Glenmore Park. The subject site is zoned B2 Local Centre under the provisions of *Penrith Local Environmental Plan 2010*. The development is ancillary to a food and drink premises which is a permissible land use in the B2 zone subject to Council consent.

In accordance with Penrith Development Control Plan 2014 the application did not have to be notified/advertised.

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 located within the Stage 2 Glenmore Park Town Centre. The subject proposal relates to tenancy L04, which is located on the lower ground floor of the mixed use building which fronts Luttrell Street. The neighbouring tenancies are also used as retail and commercial spaces within the complex.

Proposal

The proposed development involves:

Signage

- 1 x internally illuminated business sign "Zambrero Mexican with a Mission" to the face of the building awning measuring 2928mm wide x 800mm high;
- 1 x Window Vinyl "CoCo Mexico" measuring 1978mm wide x 1155mm high;
- 1 x internally illuminated business sign "CoCo Mexico" facing inter-tenancy wall measuring 1220mm wide x 1200mm high; and
- 1 x painted wall graphic "Mexican with a Mission" facing inter-tenancy wall measuring 1500mm wide x 2289mm high.

Shopfront Alterations

- 1 x double swing door (facing Luttrell Street); and
- 1 x sliding window (facing Luttrell Street).

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 6, the provisions of SEPP 64 apply to the development as the proposal incorporates signage.

Under the 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.

Schedule 1 (Assessment Criteria):

Criteria	Comments
Character of the area	The proposed signage provides effective and clear identification of the use of the restaurant on-site and is compatible with the streetscape and locality.
Special areas	To the east of Luttrell Street is playing fields zoned RE1 Public Recreation. The signage is consistent to signage in the surrounding locality and not considered to detract from the amenity or visual quality of this adjoining open space area.
Views and vistas	The proposal does not detract, obscure or dominate important views or vistas.
Streetscape, setting or landscape	The scale, proportion and form of the proposed signage is relative to the use of the site.
Site and building	Given the size and location of the signage to be displayed, the proposal is consistent with the scale, proportion and form appropriate to the building and site.
Associated devices and logos with advertisements and advertising structures	This section is not applicable to the subject signage.
Illumination	Two of the proposed signs are to be internally illuminated. It is recommended that a condition of consent be included to ensure that the illuminated signage do not contain any flashing or animated elements which would create pedestrian or traffic confusion.
Safety	The minor scale of signage is not considered likely to reduce safety for local traffic or pedestrians.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application 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
Clause 4.3 Height of buildings	Complies - See discussion

Clause 2.3 Permissibility

The development is ancillary to a food and drink premises which is a permissible land use in the B2 zone subject to Council consent.

Clause 4.3 Height of buildings

The proposal is for external alterations and signage only 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
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 - 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 79C(1)(a)(iv) The provisions of the regulations

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

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

Context and Setting

The proposed building exterior and signage will complement the Glenmore Park Town Centre. While currently not occupied, the tenancies fronting Luttrell Street, will comprise of a mix of retail uses. The proposal is compatible with the context of the locality.

Environmental Impacts

The proposal is for minor works only and does not involve any earthworks. 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 79C(1)(c)The suitability of the site for the development

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 have to be notified to nearby and adjoining residents.

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 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 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

1. That DA17/0699 for shopfront alterations & signage (Shop L04 - Zambrero) 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	Drawing No	Prepared By	Dated
Cover Page/ Site Plan	D000 (Issue J)	Zambrero Pty Ltd	30/06/2017
Graphics Schedule	D003 (Issue J)	Zambrero Pty Ltd	30/06/2017
Elevations – Shopfront & Front of House	D200 (Issue J)	Zambrero Pty Ltd	30/06/2017
Perspectives	D300 (Issue J)	Zambrero Pty Ltd	30/06/2017

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 [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.

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

The erection of any new signage structures shall not unduly reduce or compromise the structural integrity of the existing building/structure.

6 [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

7 [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.

8 [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 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

9 [E006 - Disabled access and facilities](#)

Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".

10 **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.

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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.

11 **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.

Certification

12 **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

C9 Advertising and Signage

The proposed signage is consistent with the objectives of the DCP. The signage is of a scale that is appropriate to the building and is not considered to raise any safety concerns for pedestrians or motorists.