

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0846
Proposed development:	Shopfront Alterations & Singage (Shop L03 - Oporto)
Property address:	1 - 11 Town Terrace, GLENMORE PARK NSW 2745
Property description:	Lot 2 DP 865459
Date received:	11 September 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 signage and shopfront alterations to an Oporto restaurant. Under the Penrith Local Environmental Plan 2010 the proposed signage is defined as 'business identification sign'. The subject site is zoned B2 Local Centre and 'business identification sign' is permitted with consent within the B2 zone.

The subject shop (shop L03) 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 a retail area under DA14/0765. A sporting field (Ched Towns Reserve) is located opposite the premises on the other side of Town Terrace.

The subject premises has approval for use and fit-out through a complying development certificate issued by a private certifier.

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 includes two new supermarkets, commercial floor space, speciality shops, retail kiosks and associated car parking.

Proposal

The proposed development involves:

- Installation of an illuminated business identification sign on the face of the shop front awning
- Installation of an illuminated business identification sign under the shop front awning above the shop entrance
- Non-illuminated hand painted and acrylic business identification sign on interior wall
- 2x café partition business identification signs on the ground in front of the outdoor dining
- Alterations to shopfront including a double swing entry door, timber panels above glazing in shop front, timber cladding to columns and lights and 2x sliding shop front windows

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>	N/A
<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>	Yes
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 illuminated signage will have a limited impact on adjoining premises considering the subject shop addresses Town Terrace and a sporting field. The proposed signage and shopfront alterations are of a quality design and scale to identify the business premises without raising safety concerns.

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 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned B2 Local Centre under the *Penrith Local Environmental Plan (LEP) 2010*. The proposal is for shopfront alterations to shop L03 and associated signage.

The proposed signage falls under the definition of a 'business identification sign' which is permitted with consent in the B2 Local Centre zone under the Penrith LEP 2010. The proposed shopfront alterations are associated with the Oporto restaurant approved through a complying development certificate issued by a private certifier.

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.

Clause 4.3 Height of buildings

The proposal is for shopfront alterations and signage only which will not alter the current building height. 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	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
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
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 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 appropriate and will provide a sense of identity to the locality.

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 L03 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 given that there are no residential neighbours in the immediate vicinity.

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, 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 DA17/0846 for shopfront alterations and associated signage (Shop L03) 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	Drawing No.
Key Plan	7.9.2017	Zone Design	100
3D Images	7.9.2017	Zone Design	004
External Elevation	7.9.2017	Zone Design	301

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/repared.

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 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

6 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 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.

BCA Issues

7 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

8 [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.

Certification

9 [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

Conditions of consent will require all waste to be disposed of in an appropriate manor and at a lawful waste management facility.

C8 Public Domain

The proposed shop entrance will be through a glazed double swing door providing solar access, natural surveillance to and from the public domain and accessibility into the shop. The proposed illuminated business identification sign on the façade of the shopfront awning and above the shopfront entrance will provide increased lighting for pedestrian safety and effectively identifies the business. The proposed timber panels above the shopfront glazing, timber cladding to columns and 2x sliding windows create a smooth transition between private and public space and contribute to an active street frontage.

The proposed hand painted and acrylic business identification sign, 2x café partition business identification signs and planting provide safe separation between the public and private area and contribute to an active street frontage by providing a sense of identity to the locality.

C9 Advertising and Signage

The proposed business identification sign located on the shopfront awning and above the shopfront entrance are contained within the premises and promotes an integrated design. The shopfront awning identification sign is 8m wide and 1m in length, the above shopfront entrance sign is of an appropriate size for the locality. The signs are located above the shop and address Town Terrace providing clear identification when approaching the shop from the street. The identification signs do not dominate the shopfront and have an external finish which complements the shopfront.

The proposed awning and above shopfront illuminated identification signs will have minimal impact on adjoining properties considering the shop addresses Town Terrace and a sporting field. The proposed 2x café partition signs promote an integrated design and are of an appropriate size to minimise the proliferation of signage. The hand painted and acrylic business identification is contained within the shopfront and has minimal visual impact.

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 shopfront alterations and signage will provide efficient access to the shop and contribute to the character of the locality by promoting an active street frontage.