

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/0956
<b>Proposed development:</b>	Business Identification Signage (Tenancy L01 - Starr Partners)
<b>Property address:</b>	1 - 11 Town Terrace, GLENMORE PARK NSW 2745
<b>Property description:</b>	Lot 2 DP 865459
<b>Date received:</b>	12 October 2017
<b>Assessing officer</b>	Jake Bentley
<b>Zoning:</b>	Zone B2 Local Centre - LEP 2010
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for signage related to a Starr Partners real estate business. Under the Penrith Local Environmental Plan 2010 the proposed signage is defined as a 'business identification sign'. The subject site is zoned B2 Local Centre and a 'business identification sign' is permitted with consent in the B2 zone.

The subject premises (Tenancy L01) is located on the eastern side of Glenmore Park Town Centre Stage 2 with a frontage to Town Terrace, Glenmore Park. The neighbouring premises have been allocated for commercial uses 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 its use and fit-out as a real estate business through a complying development certificate issued by a private certifier (CDP17/1087).

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

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The subject site is bounded by Town Terrace/Luttrell Street and Glenmore Parkway, Glenmore Park. The site is approximately 1.087 hectares in area with a slope falling towards Town Terrace/Luttrell Street.

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. A skate park and Ched Towns Reserve is situated to the east.

The site 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

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The proposed development includes:

- Fascia business identification sign
- Internal shopfront sign

## Plans that apply

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- 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

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### • 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
<b>1. Character of the area</b>	
<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
<b>2. Special areas</b>	
<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
<b>3. Views and vistas</b>	

<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
<b>4. Streetscape, setting or landscape</b>	
<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>	N/A
<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
<b>5. Site and building</b>	
<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
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
<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
<b>7. Illumination</b>	
<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
<b>8. Safety</b>	
<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

### **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)**

<b>Provision</b>	<b>Compliance</b>
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 the installation of business identification signage.

The proposed business identification signage is permitted with consent in the B2 Local Centre zone under the *Penrith LEP 2010*.

#### **Clause 2.3 Zone objectives**

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

- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposed signage will contribute to the retail character of the locality and promote an active street frontage.

#### **Clause 4.3 Height of buildings**

The proposal is for 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	N/A
C4 Land Management	N/A
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	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
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 signage will complement the Glenmore Park Town Centre. While currently not occupied, the surrounding tenancies fronting Town Terrace/Luttrell Street will comprise of a mix of commercial uses. The proposal is appropriate for the locality.

## 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, 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

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

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

## Conclusion

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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

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That DA17/0956 for business identification signage 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 Pty Ltd	6.12.16
Signage Details	4.10.17	Integrated Design Group	3

### 2 [A039 - Graffiti](#)

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

### 3 [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.

### 4 [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

### 5 [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 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

### 6 [E001 - BCA compliance](#)

All aspects of the signage 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).

## Construction

## 7 [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**

### 8 [Q05E - Compliance Certificate for earthworks if Construction Certificate not required](#)

On completion of the works, a Compliance Certificate is to be obtained from the Principal Certifying Authority certifying compliance with all conditions of consent. 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 Compliance Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the certifier who issued the Compliance Certificate.



# **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 manner and at a lawful waste management facility.

#### **C8 Public Domain**

The proposed business identification signage will promote an active street frontage and will effectively identify the business premises from the street. The proposed illumination will increase security for pedestrians and negate vandalism.

#### **C9 Advertising and Signage**

The proposed signage will contribute to the character of the locality and is confined to be within the buildings ground floor extent.

The subject premises addresses Town Terrace/Luttrell Street and a sporting field. The proposed illumination will therefore have no impact on adjoining uses and is appropriate for the locality.

### **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 identification signage will contribute to the character of the Town Centre and enhance the area by promoting an active street frontage.