

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0406
Proposed development:	Shopfront Alterations & Signage (Shop SP043 - Optus Store)
Property address:	122 Station Street, PENRITH NSW 2750
Property description:	Lot 1 DP 715198
Date received:	17 May 2017
Assessing officer	Sufyan Nguyen
Zoning:	Zone B4 Mixed Use - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for shopfront alterations and signage at 122 Station Street, Penrith. The subject site is zoned B4 Mixed Use zone under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposed works are ancillary to a recently CDC approved Optus store which occupies part of the Nepean Village shopping centre. Given that the proposal is of a minor scale, it is unlikely to pose any significant impacts on the surrounding area.

An assessment of the proposal under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval.

Site & Surrounds

The subject site is known as the Nepean Village shopping centre and is legally described as Lot 1 DP 715198. The site has a land area of 5.169 ha and is irregular in shape.

The Nepean Village shopping centre accommodates a range of retail shops and several hundred car parking spaces. A range of land uses adjoin the site including Penrith Showground opposite the site along Station Street and business uses to the south-west. Behind the site to the south-east is residential housing and to the north-east is a mix of commercial and residential land uses.

The broader road network includes the intersection of Mulgoa Road and Jamison Road approximately 840m to the south-west. Available public transport modes include a bus stop directly outside the site along Station Street.

Proposal

The applicant seeks approval for shopfront alterations and signage ancillary to a recently CDC approved Optus Store at 122 Station Street, Penrith.

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 proposed 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

The proposal includes business identification signage ancillary to an Optus store. The premises occupies the Nepean Village shopping centre and is subject to a B4 Mixed Use zoning. The proposed signage is considered to be conservative and of a high quality design which will provide effective communication without compromising the visual quality of the surrounding area.

Schedule 1 (Assessment Criteria)

Criteria	Comments
Character of the area	The Nepean Village shopping centre accommodates a range of commercial land uses and associated signage. Given that the proposed signage is of a low-scale design, the proposal will have minimal impacts on the character of the area.
Special areas	The proposal does not compromise any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes.
Views and vistas	The proposal will not obstruct any important views or vistas and is not within a skyline view.
Streetscape, setting or landscape	The proposed signage is of a minor scale and appropriately sized relative to the building. The contemporary design is suitable and is not considered to create visual clutter or any adverse impacts on the streetscape.
Site and building	The scale and design of the signage is in proportion to the size of the premises.
Associated devices and logos with advertisements and advertising structures	The proposed illuminated signage is integrated with the front building facade.
Illumination	The illuminated signage is minor and unlikely to result in any negative impacts.
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 proposal against relevant criteria within the *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 - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.2 Flood planning	N/A
Clause 7.8 Active street frontages	Complies - See discussion

Clause 1.2 Aims of the plan

The applicant seeks to promote an Optus store which will in turn stimulate socio-economic activity. Due to the nature of the proposal, there are no concerns regarding impacts on the environmental values of the surrounding area. The proposal therefore satisfies the aims of the plan.

Clause 2.3 Zone objectives

The proposed development aims to market the associated Optus store. The objectives of the B4 Mixed Use zone are satisfied with the signage being ancillary to this permissible use in the B4 zone.

Clause 5.10 Heritage conservation

The site adjoins the Victorian House and Kentucky Villa heritage items. However, the proposed signage is of a minor scale and has a generous separation distance from these two (2) listed heritage items which will ensure there will be no adverse impacts on heritage conservation.

Clause 7.8 Active street frontages

The proposal aims to promote an Optus store and will best utilise pedestrian traffic.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
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
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

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

Subject to the recommended conditions of consent, the proposed development will comply with the relevant requirements of the Regulations.

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

Context and Setting

The proposed signage is considered to be suitable relative to the context of the surrounding area and is not considered likely to result in any adverse impacts on the character of the locality.

Traffic Impacts

The proposed illuminated signage is of a minor scale and the siting is appropriate. This will ensure that there will be no impacts on local traffic conditions.

Signage Design

The proposed sign satisfies the design principles of the *Penrith Development Control Plan 2014*, such as design quality and the nature of the sign relative to the Optus store.

Socio-Economic Impacts

The proposal aims to promote an Optus store which will in turn stimulate economic growth in the locality. Given the minor scale, it is unlikely that the proposal will result in any negative impact on neighbouring and surrounding property values.

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

The site is deemed suitable for the proposed development for the following reasons:

- The proposed signage will support the Optus store premises
- The proposal does not affect existing facilities or services
- The proposal will not impact on local traffic flows or the visual quality of the surrounding area
- The development site does not contain any significant ecosystems or threatened species
- The proposal does not involve earthworks or the removal of significant flora and fauna

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

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.

Conclusion

In assessing this application against the relevant environmental planning policies being the *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, *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 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 DA17/0406 for shopfront alterations and signage at 122 Station Street, Penrith be approved subject to the attached conditions.

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	Prepared By	Reference No.	Dated	Revision
Site Plan	Collectivus	DES1808 0.0	11/04/2017	E
Shopfront Elevation	Collectivus	DES1808 2.0C	11/04/2017	E
Shopfront View	Collectivus	DES1808 2.1B	11/04/2017	E
Shopfront Signage Details	Collectivus	DES1808 2.2	11/04/2017	E
Finishes Schedule	Collectivus	DES1808 9.0 (MT04 & MT05)	11/04/2017	E

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

4 [A046 - Obtain Construction Certificate before commencement of works](#)

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

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.

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

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

7 [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.

BCA Issues

8 [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.

9 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

10 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 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.

11 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted for consideration and approval **prior to the issue of a Construction Certificate**.

The waste management plan shall be prepared in accordance with the *Penrith Development Control Plan 2014* and shall address all waste materials likely to result from the approved development, with details of the estimated waste volumes, on-site storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and/or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation/receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

12 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

13 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

Prior to the commencement of any 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 81A 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 81A of the *Environmental Planning and Assessment Act 1979*.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal is ancillary to an Optus store and aims to promote this retail premises. The proposed works are of a minor scale which will minimise any adverse impacts on the surrounding environment. The proposal is supportive of sustainable development and therefore satisfies the DCP principles.

Part C - City-wide Controls

C1 Site Planning and Design Principles

C1.2.3. Building Form - Height, Bulk and Scale

The proposal includes external matte white cladding and a stainless steel kicker along the bottom edge of the shopfront. This building facade treatment provides sufficient articulation.

C9 Advertising and Signage

C9.4. Commercial, Mixed Use and Industrial Zones

The integrated design and small-scale illumination will ensure the proposed signage is a suitable addition to the Nepean Village shopping centre. As there is total of two (2) signs only, the proposed signage does not result in the proliferation of signage. In addition, given that there is a bulky awning feature in front of the premises, the visual prominence of the proposed signage will be not be excessive.