

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

|                              |  |
|------------------------------|--|
| <b>Application number:</b>   | DA18/0964  |
| <b>Proposed development:</b> | Construction of Inter-Tenancy Wall & Fit-Out & Use as Take Away Food & Drink Premises (Tenancy T260) |
| <b>Property address:</b>     | 13 - 23 Pattys Place, JAMISONTOWN NSW 2750   |
| <b>Property description:</b> | Lot 10 DP 1046110  |
| <b>Date received:</b>        | 27 September 2018  |
| <b>Assessing officer</b>     | Jake Bentley   |
| <b>Zoning:</b>               | Zone B5 Business Development - LEP 2010<br>RU4 Primary Production Small Lots - LEP 2010              |
| <b>Class of building:</b>    | Class 6  |
| <b>Recommendations:</b>      | Approve  |

### Executive Summary

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Council is in receipt of a development application for a take away food and drink premises within a portion of an existing tenancy. Under the Penrith Local Environmental Plan (PLEP) 2010 the proposal is defined as a 'take away food and drink premises'. The subject site is zoned B5 Business Development and the proposal is a permissible land use in the B5 zone with Council consent under the provisions of the PLEP 2010.

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the subject application did not require public notification.

An assessment under Section 4.15 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 located on the north-western side of Mulgoa Road in Jamisontown and is accessible via both Wolseley Street to the south-east and Pattys Place to the north-east. The site is occupied by two large buildings containing primarily specialised bulky goods retail premises with the adjoining southern site also occupied by similar uses and overall forming the 'Penrith Homemaker Centre'. The neighbouring sites to the north-west are zoned RU4 and are occupied by open paddocks including a transmission line and natural watercourse.

The subject tenancy is located within the north-western most building on-site and is known as Tenancy T260. The Statement of Environmental Effects submitted in support of the proposal indicates that the existing tenancy is currently vacant.

## Proposal

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The proposed development involves constructing a take away food and drink premises within an 80m<sup>2</sup> portion of an existing vacant tenancy. The proposal will result in two tenancies being created from the original tenancy with the proposed take away food and drink premises consuming 80m<sup>2</sup> of floor area and the remaining 180m<sup>2</sup> remaining vacant.

It is noted that the proposal includes signage to the external wall of the cool room and counter and top hammer signs to the shop front elevation. However, the Statement of Environmental Effects does not specify the future occupier of the premises and the plans provided are for indicative signage only. In this regard, a proper assessment of the signage could not be conducted and therefore the signage component will be crossed out in red on the stamped approved plans.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79BA - Bushfire prone land assessment

The document 'Planning for Bushfire Protection 2006' does not specify any bush fire specific performance requirements for the proposal, however the aims and objectives of the document apply.

The proposal will be located within an existing tenancy and the proposed physical works are minor. In this regard, there are no adverse impacts from a bush fire planning perspective envisioned as a result of the proposal.

### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (formerly 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

### **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 - See discussion |
| Clause 2.3 Zone objectives                                     | Complies - See discussion |
| Clause 7.2 Flood planning                                      | Complies - See discussion |
| Clause 7.5 Protection of scenic character and landscape values | Complies - See discussion |

**Clause 2.3 Permissibility**

The proposed development involves the construction of a take away food and drink premises (a type of food and drink premises) which is permissible with consent in the site's B5 zoning under the provisions of Penrith Local Environmental Plan 2010.

It is noted that the Floor Plan submitted in support of the proposal indicates that a total of four benches will be provided internally, however, considering the plan indicates a pick-up area and limited seating has been provided, it is envisioned that the proposal's dominant purpose will be for the preparation and sale of food and drink for immediate consumption away from the premises. In this regard, the proposal is defined as a take away food and drink premises, as opposed to a restaurant or café which would be a prohibited land use in the B5 zone.

**Clause 2.3 Zone objectives**

The B5 zone objectives are as follows:

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.*

The proposal will service customers attending the surrounding specialised retail premises and is not considered to be contrary to the B5 zone objectives.

**Clause 7.2 Flood planning**

The proposed development includes a fit-out of an 80m<sup>2</sup> portion of floor area within an existing tenancy. In this regard, there is no additional floor space being created and therefore there are no adverse flood impacts envisioned as a result of the proposal.

**Clause 7.5 Protection of scenic character and landscape values**

The proposed development is located within an existing building and will not be visible from the M4 Motorway, Mulgoa Road or any other public place located outside the building.

## 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 - see Appendix - Development Control Plan Compliance        |
| C2 Vegetation Management               | N/A  |
| C3 Water Management                    | Complies - see Appendix - Development Control Plan Compliance        |
| 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             | Does not comply - 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   |
| E13 Riverlink Precinct controls        | Complies   |

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

The proposal has been referred to Council's Building Surveyor who has recommended conditions of consent to ensure the development complies with the Building Code of Australia and the regulations.

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

The proposed development will provide for a food and drink service to customers that visit the centre. In this regard, there are no increased traffic or parking concerns considering the proposal will service customers of the surrounding uses within the building. The proposal provides an attractive address which will enhance the internal area of the built form and its open shop front will allow pedestrians using the internal footpath to flow in and out of the premises. The proposal utilises existing floor space and therefore there are no flooding impacts envisioned and the overall minor scale of the development results in a proposal which will not generate any significant adverse impacts.

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

The subject site is of a suitable zoning for the proposal and the existing building and tenancy is of a suitable size to accommodate the proposal. The natural constraints and planning considerations applying to the site being bush fire potential, flooding and scenic and landscape values are not major concerns considering the proposal is located within an existing building and utilises existing floor space. In this regard, the site is suitable for the proposed development.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the subject application did not require public notification.

## 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 - Public Health | No objections - subject to conditions |

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

There are no significant impacts relating to the public interest envisioned as a result of the proposal.

## Conclusion

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In assessing this proposal against the relevant environmental planning policies, primarily being 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 DA18/0964 for the construction of an 80m<sup>2</sup> take away food and drink premises within an existing tenancy at 13-23 Pattys Place, Jamisontown be approved subject to the attached 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 stamped approved plans and by the following conditions.

| Drawing Title                               | Drawing No. | Prepared By              | Dated     | Revision |
|---|-------------|--------------------------|-----------|----------|
| Site Plan                                   | T260        | Leffler Simes Architects | 22/3/2018 | P1       |
| Concept Plan                                | 1803        | Marten Sketch Design     | 11/6/2018 | SD1      |
| Floor, Elevations, Section and Ceiling Plan | TP_260      | Leffler Simes Architects | 24/4/2018 | P1       |
| Perspectives (4 pages)                      | -           | Martin Architecture      | -         | -        |

### 2 [A012 - Food Act](#)

The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

### 3 [A019 - Occupation Certificate](#)

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required **prior to the issue of an Occupation Certificate**. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

### 4 [A021 - Business Registration](#)

The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council **prior to the issue of an Occupation Certificate** and operation of the business.

### 5 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than signage listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Chapter C9 Advertising and Signage within Penrith Development Control Plan 2014.

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

The approved hours of operation are as follows:

Monday to Wednesday: 9:00am - 5:30pm

Thursday: 9:00am - 9:00pm

Friday: 9:00am - 5:30pm

Saturday: 9:00am - 5:00pm

Sunday: 10am - 4:00pm

### 7 [A032 - Goods in buildings](#)

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

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

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

## BCA Issues

9 **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.

10 **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.

## **Health Matters and OSSM installations**

11 **F001 - General Fitout**

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

12 **F022 - Commercial kitchen(exhaust system)**

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and AS 1668, Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extend at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000mm above floor level.

**Prior to the issue of an Occupation Certificate**, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and AS 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

13 **F025 - Food safety supervisor**

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

14 **F027 - Hand basins**

Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

A hand wash basin is required in the service area **and** in the kitchen.

15 **F030 - Hot water service**

Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.

16 **F031 - Floor & floor waste**

The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

17 **F032 - Floor covering**

Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

18 **F033 - Walls – food prep area**

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

19 **F034 - Walls – behind cooking appliances**

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

20 **F035 - Ceilings**

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

21 **F036 - Service pipes**

Service pipes, electrical conduits and refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible, pipes and conduits fixed on brackets, providing a minimum of 25mm clearance from the adjacent wall and 100mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

22 **F037 - Temperature control**

Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than -18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.

23 **F042 - Dishwasher**

All utensils and equipment must undergo a washing, sanitising and rinsing cycle using the dishwasher. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

24 **F043 - Hot & cold water at sinks**

All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54°C for washing.

25 **F044 - Sink & splashback construction**

The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.



26 **F046 - Cleaners sink**

if there is no floor waste provided, the cleaner's sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

27 **F047 - Fixtures & fittings**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joints, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200mm.

**NOTE:** False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

28 **F048 - Food prep benches**

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

29 **F050 - Light bulbs & tubes**

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

30 **F051 - Shelving**

Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).

31 **F052 - Coolrooms**

The coolroom and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the coolroom and freezer adjacent to the door. All metal work in the coolroom and freezer room must be treated to resist corrosion.

32 **F053 - Coolrooms – condensation**

Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

33 **F054 - Coolrooms – doors & alarms**

The coolroom and freezer room must be provided with:

- A door which can at all times be opened from inside without a key; and
- An approved alarm device located outside the room, but controlled only from the inside.

34 **F057 - Waste storage**

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

35 **F Waste Water**

The coffee machine must be plumbed with disposal of waste water to the sewer.

## Utility Services

### 36 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

## Construction

### 37 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on-site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

### 38 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 in the erection or demolition of a building 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.

### 39 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

### 40 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 6.6 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, the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

### 41 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the take away food and drink premises.

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**

### **C1 Site Planning and Design Principles**

The proposal provides for an open shop front with a perimeter of 16.997m facing the internal walkway of the building. In this regard, the proposal provides a welcoming and attractive address.

### **C3 Water Management**

The subject site is identified as being flood prone land however considering the proposal will be located within existing floor space, there are no adverse impacts from a flood planning perspective envisioned.

### **C5 Waste Management**

The applicant has provided commentary regarding waste management stating that current arrangements will be utilised as a shared loading dock is currently in place.

### **C8 Public Domain**

The proposal provides for an open style shop front providing an accessible and welcoming entrance for pedestrians which utilises the walkway within the building.

### **C9 Advertising and Signage**

The application includes proposed signage to the external wall of the counter and cool room wall as well as top hammer signs to the shop front elevation. However, the plans submitted in support of the proposal have not provided any detail of signage to the shop front elevation, only the proposed location and the counter and external wall signage is indicative only.

In addition, the applicant has stated that the occupier of the premises is unknown at this stage and the signage stated as 'Grain' is indicative only. In this regard, a proper assessment of the signage cannot be conducted at this stage as the content of the proposed signage is unknown. A condition of consent is recommended requiring a separate development application for signage except signage listed as exempt development. In this regard, the stamped plans are to be amended in red stating that the signage is not included as part of the consent.

### **C10 Transport, Access and Parking**

The proposal does not include an increase in floor space and it is envisioned that the proposal will serve customers of the surrounding premises within the complex. In this regard, the proposal is not envisioned to generate a significant increase in traffic or vehicles parking at the premises.

### **C12 Noise and Vibration**

The proposed hours of operation for the development are as follows:

Monday to Wednesday: 9am - 5:30pm

Thursday: 9am - 9pm

Friday: 9am - 5:30pm

Saturday: 9am - 5pm

Sunday: 10am - 4pm

The subject site is located within an existing building which is predominantly occupied by specialised retail premises. In this regard, there are no adverse noise or vibration impacts envisioned as a result of the proposal considering there are no sensitive noise receivers located in close proximity.