

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0047
Proposed development:	Fit-Out & Use as Laundromat (Shop 9)
Property address:	30 Day Street, COLYTON NSW 2760
Property description:	Lot 151A DP 26030
Date received:	27 January 2017
Assessing officer	Sufyan Nguyen
Zoning:	Zone B1 Neighbourhood Centre - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the fit-out and use as a laundromat within an existing retail premises at Shop 9, 30 Day Street, Colyton. The subject site is zoned B1 Neighbourhood Centre under the *Penrith Local Environmental Plan 2010* and the proposed development which is defined as neighbourhood shop, is permissible with Council consent.

The key issue identified and addressed as part of the assessment of the proposal was in regard to the excessive number of signs.

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, subject to conditions.

Site & Surrounds

The subject site is known as Shop 9, 30 Day Street, Colyton and is legally described as Lot 151A DP 26030. The premises is within a commercial block of shops located at the intersection of Day Street (eastern side) and Carpenter Street (northern side). The premises has a floor area of 66.3m² and is irregular in shape.

The surrounding area is characterised by established residential development. A range of facilities and services are located within a 680m which includes shops, schools, places of worship and green open space.

The broader road network includes Bennett Road approximately 385m to the east of the site, the intersection of the Great Western Highway and Mamre Road 1.62km to the north-west and the intersection of the M4 Motorway and Mamre Road 1.82km to the south-west. Available public transport modes include a bus service 39m to the south-west and the St Marys train station 2.1km to the north-west.

Proposal

The applicant seeks approval for a fit-out and use as a laundromat at 30 Day Street in Colyton. The proposal includes the installation of six (6) washing machines and three (3) double stack dryers (commercial grade) and also includes signage.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- 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

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 4.3 Height of buildings	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies - See discussion

Clause 1.2 Aims of the plan

The proposed commercial activity will provide for a day-to-day service for the benefit of the community which will assist in strengthening the local region in regards to economic activity. The construction works are limited to a fit-out and signage and is not considered to adversely impact on the surrounding natural and built environments. The proposal is supportive of sustainable outcomes and therefore satisfies the aims of the plan.

Clause 2.3 Zone objectives

The proposed small-scale business is situated within an existing small commercial block of shops. The proposal is considered to be a suitable service for the context of the neighbourhood area. Furthermore, the amended signage is compatible with the existing signage in the surrounding area. The aims of the B1 Neighbourhood Centre are therefore satisfied.

Clause 4.3 Height of buildings

The proposal is for a fit-out only and does not required any major building modifications. The maximum 8.5m height of building control applicable to the site remains satisfied.

Clause 7.7 Servicing

Connection to existing services and facilities will provide adequate servicing for the proposal. In addition, a Sydney Water trade wastewater discharge schedule has been provided.

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	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	N/A
C9 Advertising and Signage	Complies - 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
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A

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

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety regulations, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the Environmental Planning and Assessment Regulation 2000.

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

Context and Setting

The proposal is for a fit-out and use only. Therefore, the built form remains unaltered which raises no concerns raised in this regard. The premises is within a small commercial block of shops within a residential area. The proposal is compatible with the context of the locality.

Site Design and Internal Design

The proposed open floor plan layout permits access and mobility for customers of all ages. Compliance with BCA requirements will provide for the health and safety of the future users.

Access, Transport and Traffic

The premises provides adequate on-site parking spaces at the rear of the site and on-street parking spaces directly outside the site. The local road network has the capacity to support the additional traffic generated by the proposal. Moreover, there are available bus services in reasonable walking distance. The proposal will therefore have minimal impacts on traffic flows in the surrounding area.

Utility Services

Connections to existing utility services will support the additional servicing demand associated with the proposal.

Noise and Vibration

To maintain the acoustic privacy and amenity of the surrounding area, a standard condition restricting construction work hours is recommended.

Environmental Impacts

There are no significant land resources in close proximity to the site. The proposal does not require any soil works or the removal of any significant biodiversity or threatened species. The amounts of waste to be generated are considered to be manageable. Furthermore, compliance with the Commercial Trade Wastewater Permit (19546) and BCA requirements will ensure energy and water efficiency requirements are satisfied.

Socio-Economic Impacts

The proposal aims to establish a new commercial activity for the benefit of the community which will in turn drive economic growth in the locality. Given the nature and small scale of the proposed business, it is unlikely there will be any adverse impacts on the community or adjoining commercial land uses or surrounding property values.

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

The premises is a part of a small block of commercial shops which accommodates a range of facilities. The proposed commercial activity is compatible with the context of the locality. The proposal is a small scale business which is unlikely to generate unmanageable traffic flows. The site has connections to existing facilities and services. On-site and on-street car parking spaces are available. A bus service is located adjacent to the site to the south-west. The proposed fit-out will have negligible impacts on the built and natural environments. Additionally, there are no natural hazards or places of heritage significance in the locality. The site is therefore 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 proposed development was notified to nearby and adjoining properties. Council notified eleven (11) properties in the immediate and surrounding area. The application was exhibited between 6 February and 20 February 2017. No submissions were received in response.

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 - Environmental management	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 largely 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 including the *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 recommended conditions.

Recommendation

That DA17/0047 for a fit-out and use as a laundromat at Shop 9, 30 Day Street, Colyton 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 stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Surveyor Plan/Floor Area	Matthew Freeburn	31 361 Pages 1 - 2	06/05/2014	1
Floor Plan	-	-	-	-
Signage	-	-	-	-

2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

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

(a) A separate development application for the erection of a sign or advertising structure not approved under this consent and other than an advertisement listed as exempt development is to be submitted to Penrith City Council, complying with the requirements of Section C9 Advertising and Signage of the *Penrith Development Control Plan 2014*.

(b) Refer to stamped approved plans for amended signage layout.

(c) Shopfront glazing must not be obscured by signage or furnishings that would prevent surveillance to and from the street.

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

The operating hours are from 6:00 am to 9:00 pm daily.

5 [A030 - No retail sales](#)

No retail sale of goods shall be conducted from the subject premises.

6 [A032 - Goods in buildings](#)

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

7 [A039 - Graffiti](#)

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

8 [A Intruder Alarm](#)

Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

Demolition

9 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition/fit-out to reduce any potential nuisances to surrounding properties.

Environmental Matters

10 [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.

11 **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 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.

12 **D014 - Plant and equipment noise**

Noise and vibration from the use of the equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

13 **D Complaints relating to noise**

In the event of receiving complaints in regard to excessive noise, the person in control of the premises shall at their own cost arrange for an acoustical report (by a suitably qualified and experienced person) and submit a report to council specifying the proposed methods for control of noise emanating from the premises.

14 **D Trade Waste Agreement Sydney Water**

Business operations discharge of waste water must comply with the requirements set out in the Sydney Water Corporation Trade Wastewater Discharge Schedule permit No. 19546.

BCA Issues

15 **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.

16 **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.

Utility Services

17 [G003 - Section 73 Certificate for single rural dwellings & dual occs only](#)

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 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

18 [H006 - Submission of and implement waste management plan](#)

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval prior to the issues of an Construction Certificate.

The waste management plan shall be prepared in accordance with *Penrith Development Control Plan* 2014, and shall address all waste materials generated through operation and that are likely to result from the proposed development, with details of the estimated waste volumes, onsite 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.

19 [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

20 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal aims to establish a small-scale business. The day-to-day service will provide for the needs of the community which will contribute to economic growth in the locality. The construction works is for a fit-out and use only and is unlikely to result in any adverse impacts on the surrounding environments. Given that the proposal is supportive of Penrith City's vision of achieving a prosperous and sustainable region, the DCP principles are satisfied.

Part C - City-wide Controls

C1 Site Planning and Design Principles

C1.1 Site Planning

The premises is a part of a small block of commercial shops situated within a well-established residential area. The proposed development is of a minor scale and unlikely to result in any adverse impacts on the character of the locality. The proposal will meet the day-to-day needs of the community and is considered appropriate for the context of the area.

C3 Water Management

C3.1 The Water Cycle/Water Conservation

The discharge of greywater will be managed by the requirements set out in the permit provided by the Sydney Water Corporation Trade Wastewater Discharge Schedule. This will ensure the proposal adheres to best practices in order to minimise impacts on the water cycle.

C5 Waste Management

C5.3 1 Waste Management Plans

The premises contains a regular indoor bin which will be serviced by the staff on a daily basis. Given the nature and scale of the proposal, minimal waste will be produced. A waste management plan is recommended in the conditions of consent.

C9 Advertising and Signage

9.1. General Requirements for Signs

The proposal initially included signage surrounding the shopfront window which included advertising along the bottom of the front facade. The total number of signs and overall design was considered to be excessive which would result in the proliferation of signage. This is due to the cumulative impacts of the commercial block of shop's existing signage in addition to the context of the neighbourhood centre.

The proposed signage is reduced to the awning, side pillars and front entrance door as marked in red on the stamp approved plans. This will ensure the proposal provides effective business identification signage without comprising the amenity of the surrounding area.

C10 Transport, Access and Parking

C10.2 1 Car Parking Rates

A retail premises shop in a neighbourhood area must make provision for one (1) car parking space per 30m². The premises has a floor area of 66.3m² which requires three (3) parking spaces. The site makes provision for approximately twenty (20) shared informal on-site parking spaces at the rear of the premises. In addition, the premises is a part of a commercial block of shops which is situated on a corner lot where the dual frontages provide on-street parking spaces. The site is also in close proximity to bus services which will assist in reducing traffic flows via providing alternative modes of transport.

C13 Infrastructure and Services

C13.2 Utilities and Services Provision

The site has connections to adequate facilities and services which have the capacity to cope with the additional servicing demand associated with the proposal. The Commercial Trade Wastewater Permit (19546) with Sydney Water will ensure satisfactory arrangements are in place.