

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0171
Proposed development:	Fit-Out & Use as Neighbourhood Shop - Chemist Warehouse
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110 Lot 11 DP 1046110 Lot 11 DP 1046110
Date received:	18 February 2014
Assessing officer	Jonathon Wood
Zoning:	RURAL 1(A1) (IDO 93) IN2 Light Industrial - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for 'building alterations involving the fit-out of the front portion of the premises as a neighbourhood shop'. The estimated cost of development is \$15,000.

The subject site is zoned IN2 Light Industrial under the Penrith Local Environmental Plan 2010 and a 'neighbourhood shop' is permitted with consent while 'retail premises', including a 'shop' are prohibited in the zone.

The applicant outlines in their Statement of Environmental Effects that the proposal is categorised as a neighbourhood shop, and a number of requests for additional information have been made to the applicant seeking clarification on the nature of the operations to confirm that the development proposal meets the definition of a neighbourhood shop.

The information submitted by the applicant over a period of time is considered sufficient to demonstrate that the proposal meets the definition of a neighbourhood shop, subject to conditions of consent.

By way of background:

- Additional detail was requested of the applicant on 14 April 2014 and a response received dated 6 May 2014 that did not contain any additional detail. The response included legal advice suggesting that no further information was necessary for Council to make a determination on the application.
- Further information was requested on 30 June 2014 that captured a number of outstanding matters raised previously and incorporated a number of key deficiencies identified by Gadens. Further information was submitted on 21 July that addressed this request and provided detail on a number of matters. Some of the matters requested to be addressed were not provided however the information submitted does provide sufficient detail to indicate that the proposal is a neighbourhood shop.
- Final request for information was sent on 15 October 2014 regarding concerns about the potential expansion of the pharmacy component as well as concerns regarding the inaccuracy of the 'heat areas' provided and the fact that the general merchandise contains a substantial number of personal care lines. Minor revisions to the plans were provided however concerns remain regarding the various goods in each category are so broad that they could permit a comparable operation to the current operations on the site. Conditions of consent are proposed to address this issue as the applicant has indicated on multiple occasions that the information provided is sufficient.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval as the proposal is a permissible use in the zone and the application satisfies the zone objectives and aims of the Penrith LEP 2010. A number of 'special conditions' are proposed to ensure the use operates as per the information submitted and that the proposal meets the definition of a neighbourhood shop.

Site & Surrounds

The site falls within the 'Homemaker Centre', located on Blaikie Road. The Centre contains a variety of bulky goods tenancies and showrooms. Chemist Warehouse currently operates from the site within Tenancy 230 with access via the internal arcade and loading dock access to the parking area.

The current proposal relates to approximately 198m² of the existing tenancy to be used as a neighbourhood shop, with the remaining operations (including OTC dispensary) covered under the existing consent applying to the site.

Proposal

The proposed development involves the establishment of a neighbourhood shop including the following aspects:

(a) Minor building alterations to the front portion of the premises to establish a neighbourhood shop with a total area of 198m². However the neighbourhood shop will rely on the loading dock to the existing distribution facility. The loading dock would be excluded from the definition of 'retail floor area'.

(b) The rear portion of the premises will continue to operate under the existing consent, including the dispensary.

(c) The neighbourhood shop is to sell the following goods:

- Coffee and tea;
- Newspapers and magazines;
- Milk and bread;
- Soft drinks;
- Confectionaries;
- Cosmetics;
- Beauty and health care products;
- Soaps;
- Vitamins and health foods;
- Skin care products;
- Toothpaste and mouth wash;
- Baby care products;
- Toilet paper and tissues;
- Hair care products;
- Household cleaning products;
- Batteries.

(d) The neighbourhood shop has the following operational elements:

- Staff: 30 staff at peak times and 13-17 staff at other times employed at the neighbourhood shop, existing distribution area and retail pharmacy dispensary area;
- Hours of operation: 8am to 7pm Monday, Tuesday, Wednesday, Friday, 8am to 9pm Thursday, 8am to 6pm Saturday and 9am to 6pm Sunday.

(e) Signage: There are a total of 9 signs proposed, including signage to the glazing.

It is noted that the floor plan gives limited delineation of different areas for goods and the layout represents a similar layout to the existing operations on the site. The applicant was requested to provide an updated floor plan showing the location of the various goods proposed to be sold from the premises and a 'heat map' over the location of various goods was generated by the applicant.

The floor layout shows fridge areas and a series of gondolas and perimeter racking for display of general merchandise.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• 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 55—Remediation of Land

The aim of this policy is to ensure that the land on which a development is proposed is not contaminated. Council is obliged as a part of the development assessment process to investigate previous land uses and determine whether potential contamination has taken place on the site. An investigation of Council's records for the subject site indicated the historic use of the site is of a general commercial nature and there are no known potentially contaminating activities currently occurring on the site.

Accordingly, Council can be satisfied that the provisions of this SEPP have been satisfied and no remediation of land is required prior to the issuing of development consent.

State Environmental Planning Policy No 64—Advertising and Signage

It is important to note that the proposal involves the erection of 'business identification signage' which means that the detailed provisions contained within Part 3 of the SEPP (which relate to 'advertisements') are not relevant to the application. The small external wall signs are replacements of existing signs and considered to be satisfactory.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP No. 20 applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aims of SREP 20.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality. The proposal will have minimal impacts and will not compromise the water or scenic qualities of the river environment given the proposal is an internal fitout.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A

Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	Complies - See discussion
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	N/A
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	N/A
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	N/A
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	N/A
Clause 6.6 Servicing	Complies
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A

Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Clause 1.2 Aims of the Plan

The proposal satisfies the aims of the LEP.

Clause 2.3 Zone Objectives

Clause 2.3(2) of the LEP requires a consent authority to have regard to the objectives for development in a zone when determining a Development Application. Having regard to the IN2 zone objectives, the proposal meets objective 4 (*'to enable other land uses that provide facilities or services to meet the day to day needs of workers in the area'*) in that it will meet the needs of people who work in the area.

Clause 2.3 Permissibility

The subject site is zoned IN2 Light Industrial pursuant to Penrith Local Environmental Plan 2010. Retail premises (including shops) are prohibited in the zone, while neighbourhood shops are permitted with consent.

Extracts of the relevant definitions are provided below:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,**
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

The key question is whether the proposal is categorised as a 'shop' or a 'neighbourhood shop'. The key distinction between the definitions is the requirement for a neighbourhood shop to sell *'general merchandise... to provide for the day-to-day needs of people who live or work in the local area'*.

The list of products to be sold from the site that are contained within the Statement of Environmental Effects (SEE) are summarised below into four (4) specific categories of goods:

1. Foodstuffs

- Coffee and tea
- Milk and bread
- Soft drinks
- Confectionaries
- Vitamins and health foods

2. Other

- Newspapers and magazines
- Batteries

3. Personal Care Products

- Cosmetics
- Beauty and health care products
- Soaps
- Skin care products
- Toothpaste and mouth wash
- Baby care products
- Toilet paper and tissues
- Hair care products

4. Cleaning Products

- Household cleaning products

Based on the nominated range of goods the proposal would reasonably satisfy the test of 'general merchandise', as opposed to just 'merchandise' which would generally have a specific range of goods limited to a specific category - i.e. a fruit shop selling fruit, a retail shop selling clothes, etc. This is based on the information in the SEE and this is not reflected in a significant level of detail on the floor plan which only shows a range of fridges and racking structures with no distinction between areas for particular goods other than '*general merchandise*' in green and '*general merchandise including pharmacy lines and personal care products*' in red. The general merchandise also includes personal care products.

Of key importance is whether the operation will sell a true range of goods that would be considered 'general merchandise' or whether the primary sale of goods will be personal care products with some nominal other goods like foodstuffs and cleaning products. In other words whether or not the operation is a shop selling personal care products with 'ancillary' other products like a refrigerator full of drinks/milk, a small rack of foodstuffs, etc.

A more detailed plan showing the respective floor areas of the relevant goods would enable full assessment of this issues and the applicant has not provided a definitive and well defined breakdown of various products despite a request for further information and the red 'heat' layouts provided, which provides for some breakdown of products. A request for anticipated sales volumes was also requested from to the applicant however no further detail was provided other than legal advice which suggests Council has sufficient information to deal with the application and that conditions of consent could reinforce the issue.

The proponent has provided adequate detail to confirm that a range and variety of product lines will be offered for sale by retail. The list of goods contained in the SEE would be categorised as general merchandise and the quantification of floor space and goods sold, although not fully detailed, is considered to be sufficient to demonstrate that the proposal would sell a range of merchandise. Based on the above, the proposal adequately demonstrates that the proposal will sell 'general merchandise' and satisfies the first limb of the neighbourhood shop definition. Conditions of consent are also able to be imposed to reinforce this and limit the area for the sale of personal care products to what is considered a reasonable and appropriate area in order to satisfy the definition of a neighbourhood shop.

The second limb of the definition relates to the need to *'provide for the day to day needs of people who live or work in the area'*. Given the range of merchandise proposed to be sold from the premises, it could reasonably be considered to provide for the day to day needs of people who live or work (emphasis added) in the area.

Clarification by way of detail on the anticipated sales volumes was sought but no further information was provided addressing the issue other than the legal advice. The legal advice outlined that based on case law the question of whether or not the development *'provides for the day to day needs of people who live or work in the area'* equates to the size of the premises, and as the proposal meets the 200m² control, this aspect is satisfied.

As the proposal is considered to sell general merchandise, the range of the merchandise would reasonably be considered to meet the day to day needs of people who live or work in the area having regard to the mix of goods and the day to day needs of workers within the IN2 zoned area of Jamisontown and potentially the residential area to the east of Mulgoa Road.

Therefore based on the above discussion, and the information submitted by the applicant, the proposal is defined as a neighbourhood shop with consent conditions to reinforce this.

Clause 5.4 Controls Relating to Miscellaneous Permissible Uses

Clause 5.4(7) limits the 'retail floor area' of neighbourhood shops to 200m². The proposal has a total retail floor area of 198m², noting that the loading dock does not form part of the retail floor area. The proposal satisfies the aims of the plan.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

The site is affected by Draft Penrith LEP 2010 (Stage 2) for which public exhibition has been completed. The subject site will remain zoned IN2 Light Industrial and there are no discernible changes to the controls applying to the site. The issue of permissibility remains as per the discussion against the current Penrith LEP 2010 as do the other relevant matters, noting the proposal satisfies these provisions.

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	N/A
Part C3 - Water management	N/A
Part C4 - Land management	N/A
Part C5 - Waste management	Complies
Part C6 - Landscape design	N/A
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	Complies
Part C10 - Transport, access and parking	Complies
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	N/A
Part C13 - Infrastructure and services	Complies
Part D4 - Industrial development	Complies - see Appendix - Development Control Plan Compliance

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

There are no Planning Agreements applying to this proposal.

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

Council's Health and Building Surveyor has reviewed the proposal and raised no objection subject to the imposition of recommended conditions in regard to access and fire safety requirements.

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

Traffic Generation, Parking and Loading

There is sufficient on-site parking to cater for the proposal and the existing loading dock is sufficient to deal with deliveries to the site. Council can be satisfied that the additional traffic to be generated by the proposal would not have an adverse impact on local traffic conditions.

Bulk and Scale

This application does not propose to increase the approved building bulk.

Social/Economic

The proposal will have minimal social/economic impacts on the locality given the scale of the operations.

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

The site is suitable for the proposed development having regard to the existing buildings on the site and the layout of the premises being conducive to the neighbourhood shop. The proposal will also serve to meet the needs of workers in the area which is a positive outcome.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development was not required to be notified to adjoining properties.

No submissions were received regarding the development application.

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

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

The proposed development is consistent with the relevant planning controls and is considered to be in the public interest.

Conclusion

The proposal has been assessed against the relevant environmental planning instruments and other matters set out under Section 79C of the Environmental Planning and Assessment Act 1979 and has been found to be satisfactory. Consequently, the proposal is supported from an environmental planning perspective and it is recommended for approval subject to conditions.

Recommendation

1. That DA14/0171 for Fit-Out & Use as a Neighbourhood Shop at 13-23 Pattys Place, Jamisontown, be approved subject to the following conditions.

General

1 A001

The development must be implemented substantially in accordance with the approved site plan (Ref. No. 07008, dated 8/12/08, prepared by Rice Daubney), floor plan (Ref. No. AMC 01.13/62, Rev. A02, dated 31/10/13, prepared by AM Solutions) and signage plans (Ref. No. 2465, dated 12/11/13, prepared by CS&G Signs Pty Ltd) as 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.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved operating hours are 8am to 7pm Monday, Tuesday, Wednesday, Friday, 8am to 9pm Thursday, 8am to 6pm Saturday and 9am to 6pm Sunday.

4 A032 - Goods in buildings

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

5 A039 - Graffiti

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

6 A046 - Obtain Construction Certificate before commencement of works

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

7 A Special (BLANK)

The development is to operate as a neighbourhood shop as defined under Penrith Local Environmental Plan 2010 and consistent with the information contained within the Development Application and the subsequent information prepared by Don Fox Planning dated 21 July 2014 and 30 October 2014, including the approved floor plan (Ref. No. AMC 01.13/62, Rev. A02, dated 31/10/13, prepared by AM Solutions).

In this regard, and to ensure consistency with the information provided in the submitted Development Application, the tenant is to retain product unit breakdowns of those items sold from the neighbourhood shop. These breakdowns are to demonstrate, to the satisfaction of Council, that the neighbourhood shop is selling a range of general merchandise including milk, bread, packaged foods, sunscreen, magazines, household goods, ice creams, batteries, chips, suncare products, snack food, confectionery, skincare products, prophylactics, health foods, newspapers, cleaning goods, personal care products, pharmacy lines and deodorant.

8 A Special (BLANK)

The display areas around the perimeter of the tenancy, facing towards the arcade of the subject complex, are to be stocked with a range of general merchandise consistent with the range depicted in "green" on the approved plans. These display areas are not to be stocked and displayed with a single product line (such as perfume and personal care products). This is in order to identify the premises to customers as stocking a range of general merchandise consistent with the definition of a neighbourhood shop.

9 A Special (BLANK)

This development consent is limited to a period of three (3) years from the date of issue of the Occupation Certificate. After this time, a new application will be required to be submitted to Council for continuation of the use.

Environmental Matters

10 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.

BCA Issues

11 E001 - BCA compliance

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).

12 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

13 E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

14 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.

Construction

15 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and 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

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

Prior to the commencement of any earthworks or 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.

17 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 occupation/use of the 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 2010

D4 - Industrial development

The proposal generally satisfies the provisions of Penrith DCP 2010 noting that the nature of the use means there are limited sections of the DCP relevant to the proposal. The external signage is considered satisfactory and there is ample parking provided across the broader site noting the recently rebuilt carpark in proximity to the Homemaker Centre that would be sufficient to cater for demand (noting that the nature of the use means that many customers will already be on the site working or shopping).