

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0334
Proposed development:	Occupation and Fitout of a Business Premises - Training and Counselling Services
Property address:	32 - 52 Harris Street, NORTH ST MARYS NSW 2760
Property description:	Lot B DP 152452 Lot C DP 152452 Lot 1 DP 1127305 Lot 2 DP 1127305 Lot A DP 152452
Date received:	5 April 2018
Assessing officer	Lucy Goldstein
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the occupation and fit out for a business premises training and counselling services at 32-52 Harris Street, North St Marys.

The proposed use involves providing holistic health and wellness education programmes to members of the public on a regular basis. The programmes are described as being designed by trained health professionals (such as dietitians, physiotherapists, occupational therapists) and delivered through structured programmes combining a mix of tutorial style lessons and physical training sessions. As such, the proposal is consistent with the definition of a business premise.

Under Penrith Local Environmental Plan 2010 (Penrith LEP 2010), the subject site is zoned IN1 General Industrial. It is noted that a business premise is not identified as a permitted land use in the Land Use Table for the IN1 General Industrial zone. However, clause 2.5 of Penrith LEP 2010 enables additional permitted land uses to be carried out on land referred to in Schedule 1. Clause 29 of Schedule 1 identifies the subject site, and permits with consent, development for the purposes of a business premise. Pursuant to Schedule 1, the proposal is a permitted land use with consent.

The subject site is Council owned land and the Local Planning Panel is the relevant determining authority, where Council is the owner.

In accordance with the requirements of Penrith Development Control Plan 2014, the proposal was notified to nearby and adjoining residences. Council received no submissions.

An assessment under Section 4.15 (formerly S79C) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

Site & Surrounds

The subject site, legally described as Lot A DP 152452, commonly known as 32-52 Harris Street, North St Marys is located adjacent to St Marys Train Station, on the northern side of the railway, at the corner of Harris Street and Forrester Road.

The site is rectangular in shape, with an approximate land area of 2871m² and frontage to Forrester Road. The site has been previously developed, containing an existing multi-deck car park, with vacant commercial premises on the ground floor. The ground floor, vacant premises are the subject of this application only. The vacant premises are currently partitioned into three separate tenancies (DA11/1203), and the subject application seeks to connect them to form one premise.

The surrounding land uses include general industrial uses to the north and west, a car parking lot to the east, and the railway to the south of the site.

Council's record's indicate that the following applications have applied to the site:

- Pre-lodgment Application PL17/0117 Relocation of Community Training Facility and Increase in Number of Occupants
- Development Application DA11/1203 Construction of Fire Walls to Separate Tenancies

Proposal

The application seeks consent for the use of the site as a *business premise* and internal fit out of the ground floor premise. The proposed *business premise* involves providing holistic health and wellness education programmes to member's of the public. The structured programmes combine a mix of tutorial sessions, and hands-on training, and are offered via a set schedule arrangement.

- *Workplace Wellness Programmes*
These programmes are designed to educate employees about healthy living, and covers a range of health topics, such as nutrition, exercise, mental health issues, quit-smoking programmes etc. The programmes are designed to be conducted both offsite, at client's workplaces, and at the subject site in which the application seeks consent.
- *Healthy Eating and Weight Loss*
These structured programmes are conducted onsite, and combine a mix of classroom style education sessions, and physical activity components. The programmes require individuals/work places to register for the programmes, and are not offered on a drop-in basis. As part of the programmes, health check-ups including blood sugar and blood pressure testing, and weight monitoring is performed onsite.
- Further to the above, a range of ancillary programmes are proposed, including women's self defence course, work place injury management/occupation rehabilitation services.

In addition to the proposed use of the site, the development involves:

- Provision of seven (7) onsite car parking spaces;
- Internal fit out including installation of two doors to connect the existing three tenancies, and installation of toilets within each room.

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 development has been assessed in accordance with the matters for consideration under Section 4.15 (formerly S.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 application against relevant criteria of Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory, subject to recommended conditions of consent. The development will not generate adverse impacts in relation to water quality, air quality, cultural heritage, and flora/fauna and therefore is consistent with the policy.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	Complies - See discussion

Clause 2.3 Permissibility

The application seeks consent for the use of the site as a business premise. Under Penrith LEP 2010, a *'business premise means a building or place at or on which:*

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.'*

The proposal involves providing holistic health education programmes to members of the public on a regular basis. The programmes are described as being designed by trained allied health professionals (such as dietitians, physiotherapists, occupational therapists) and delivered to members of the public. In considering the above definition, the proposed use is consistent with a *business premise*.

Under the provision of Penrith Local Environmental Plan 2010, the subject site is zoned IN1 General Industrial. It is noted that a *business premise* is not identified as a permitted land use in the Land Use Table for the IN1 General Industrial zone.

Notwithstanding this, clause 2.5 of Penrith LEP 2010 enables additional permitted land uses to be carried out on land described or referred to in Schedule 1. Clause 29 of Schedule 1 states that:

29. Use of certain land at 32–52 Harris Street, St Marys

(1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as "28" on the Additional Permitted Uses Map.

(2) Development for the purposes of business premises and community facilities is permitted with development consent.

Given that the subject site is identified on the Additional Permitted Uses Map, pursuant to Schedule 1, Clause 29, the proposal is a permitted land use at the site with development consent, in which the application seeks.

Clause 2.3 Zone objectives

The proposal is consistent with the objectives of the IN1 General Industrial zone, specifically:

- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To promote development that makes efficient use of industrial land.

Clause 4.3 Height of buildings

The proposal seeks consent for the use of the site and internal fit-out only, and will not result in any alterations to the existing building height. Therefore, the proposal complies with the maximum building height of 12.0m.

Clause 4.4 Floor Space Ratio

It is noted that under Penrith LEP 2010, the subject site is not identified having a maximum floor space ratio.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
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	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	N/A
D4.1. Key Precincts	Complies
D4.2. Building Height	Complies - see Appendix - Development Control Plan Compliance
D4.3. Building Setbacks and Landscape	Complies - see Appendix - Development Control Plan Compliance
D4.4. Building Design	Complies
D4.5. Storage of Materials and Chemicals	N/A
D4.6. Accessing and Servicing the Site	Complies - see Appendix - Development Control Plan Compliance
D4.7. Fencing	Complies - see Appendix - Development Control Plan Compliance
D4.8 Lighting	Complies - see Appendix - Development Control Plan Compliance

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

In order to ensure compliance with the Regulations, conditions of consent are recommended to be imposed relating to building fire safety.

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

Context and Setting

The application does not propose external building works, and as such, the proposal will not result in changes to the existing built form. Further to this, the site is situated within an industrial area, with smash repair businesses to the north of the site, public car parking to the east of the site, and the railway to the south of the site. Given the surrounding land uses, the proposal is unlikely to result in adverse acoustic and amenity issues.

Community Impacts

The development has potential to generate positive community and economic impacts.

Car Parking and Traffic

The application seeks a variation from the required car parking rate under Penrith DCP 2014. The proposal provides seven (7) onsite car parking spaces, resulting in a shortfall of four (4) car parking spaces. As required under Penrith DCP 2014, business premises within the St Marys City Centre shall provide one (1) car space per 60m². Given that the subject site has a floor area of 642m², the development is required to provide eleven (11) onsite car parking spaces.

The accompanying Statement of Environmental Effects provides justification for the variation to the development standard, stating that:

- *'A multi-storey off-street car parking compound is currently located on the property subject to this application. [The proponent] understands that seven (7) of the available spaces within this facility will be reserved for use solely by staff and patrons of the proposed business. Considering the site of the off-street parking compound the use of the parking area in relation to the proposed development is unlikely to affect the overall availability of car parking at the premises.*
- *St Marys Station. This station is located immediately south of the site and provides a railway connection between the site and the wider Sydney Metropolitan area.*
- *Bus transport facilities. These are located on the southern side of the rail corridor and provide local public transport options which could be used by staff and customers to access the proposed development.'*

In considering the site's city-centre location, its proximity to public transport and off-street public car parking, and given development is to be used on an appointment only basis, the proposed shortfall of car parking spaces is considered acceptable.

Accessibility Matters

The existing building provides pedestrian ramp access from Forrester Road ensuring suitable access is provided into the development. It is however noted that proposal does not include the provision of accessible toilet facilities which are addressed by way of a recommended condition of consent. This is to be detailed on revised plans prior to the issue of a construction certificate. It is also noted that a dedicated accessible car parking space is not indicated however ample accessible spaces are available within the communal parking directly adjacent to the development.

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

Given that the development is compatible with the surrounding land uses, the site is well connected to public transport with St Marys train station located adjacent to the site, and adequate car parking is provided, and the proposal is unlikely to result in adverse amenity issues given the surrounding land uses, the proposal will not generate significant issues of public interest.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents.

Council notified ten (10) residences in the area, with the public exhibition of the application occurring between 16 April 2018 and 30 April 2018. In response, Council received no submissions.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Environmental - Public Health	No objections - subject to conditions

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

The proposed development is permissible pursuant to Schedule 1 of Penrith LEP 2010, and the proposal meets the aims and objectives of the relevant environmental planning instruments. Further to this, the development will not alter the existing built form and is unlikely to adversely impact on adjoining properties. Given this, the development will not generate significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, the proposal generally 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 recommended for approval, to conditions.

Recommendation

1. That development application DA18/0334 for the occupation and fit out for a business premises training and counselling services at 32-52 Harris Street North St Marys be approved subject to the attached conditions (Development Assessment Report Part B).

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 attached plans and by the following conditions.

Drawing Title	Drawing Reference	Prepared By	Dated
Site Plan	-	-	16/04/2010
Floor Plan	-	Insite	24/5/2018

2 [A008 - Works to BCA requirements](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - Occupation Certificate](#)

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

4 [A026 - Advertising sign](#)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

5 [A029 - Hours of Operation and Delivery Times](#)

The operating hours are from 4:00am to 10:00pm Mondays to Sundays.

6 [A030 - No retail sales](#)

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

7 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

8 [A039 - Graffiti](#)

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

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

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

10 **A Special**

Exercise machines are to be located only within the designated 'exercise area' as identified on the stamped approved floor plan.

11 **A Special - Client Attendance**

Client attendance shall be arranged on an appointment only basis.

12 **A Special - Land Use**

The development is required to comply with the 'Business Premises' definition within Penrith Local Environmental Plan 2010, and the operational details outlined in the development application.

Environmental Matters

13 **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 the areas are to be fully enclosed when the site is unattended.

14 **D014 - Plant and equipment noise**

The operating noise level of plant and 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.

BCA Issues

15 **E003 - Structural alterations**

The structural alterations to the buildings shall not unduly reduce or compromise:

- the existing level of fire protection afforded to persons accommodated in or accessing the building, or
- the existing level of resistance to fire of the building, or
- the existing safeguards against the potential spread of fire to adjoining buildings.

16 **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.

17 **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.

18 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

19 F111 - Premises construction

The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

20 F112 - Hand wash basin

A hand wash basin in the treatment room/s is to be provided where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).

21 F118 - Sterile needles & sharps

All needles and sharps that penetrate the skin are to be sterile.

22 F119 - Sharps containers

An appropriate sharps container must be provided at the premises that complies with either AS/NZS 4261:1994 "*Reusable containers for the collection of sharps items used in human and animal medical applications*", if reusable sharps are used; or that complies with AS 4031-1992 "*Non-reusable containers for the collection of sharp medical items used in health care areas*", if non-reusable sharps are used.

23 F120 - Sharps disposal

All sharps generated from the operation of the business must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal etc) must be provided to Council prior to the issuing of the occupation certificate and commencement of the business.

24 F122 - Staff belongings

Staff belongings and other items not associated with the business shall be kept completely separate from skin penetration activities and equipment and maintained in a clean condition.

25 F126 - Protective equipment - gloves

Ensure operators carrying out skin penetration procedures (other than the use of wax for hair removal purposes) wear gloves and appropriately dispose of the gloves immediately after completing the procedure.

26 F127 - Protective equipment – gown/apron

Ensure operators carrying out skin penetration procedures (other than the use of wax for hair removal and colonic lavage) wear a clean gown or apron during the procedure.

27 [F139 - Chinese medical board registration](#)

Skin penetration operators using the title, Chinese Medical Practitioner, Acupuncturist, Chinese Herbal Medicine Practitioner, Oriental Medicine Practitioner or Chinese Herbal Dispenser, are required to register with the Chinese Medical Board of Australia. A copy of this registration is to be provided to Council prior to the issuing of the occupation certificate and commencement of the business.

Construction

28 [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 is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, 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.

29 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 the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) 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.

30 H006 - Submission of and implement waste management plan

Prior to the issue of a Construction Certificate, a completed waste management plan shall be submitted to Penrith City Council for consideration and approval.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials 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.

Landscaping

31 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Certification

32 **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.

33 **Q01F - Notice of Commencement & Appointment of PCA2**

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 1979, 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 of 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 C - City-wide Controls

Part C. City-Wide Controls

C2. Vegetation Management

The application does not propose the removal of any vegetation on the site. This will be ensured through conditions of consent.

C.5 Waste Management

The application was not accompanied by a waste management plan, which is required under Penrith DCP 2014 for applications seeking change of use of buildings for rural/ residential/ commercial/ industrial developments. To ensure satisfactory waste arrangements are achieved, it is recommended a condition of consent be imposed, requiring a waste management plan be provided and approved by the principle certifying authority, prior to the use of the building.

C.9 Advertising and Signage

The accompanying Statement of Environmental Effects states that *'No external signage is currently proposed and any signage would be subject to a separate development application where that signage is not exempt.'* This is recommended to be ensured through conditions of consent.

C10. Transport, Access and Parking

As discussed in this report, the application seeks a variation from the required car parking rate under Penrith DCP 2014. The proposal provides seven (7) onsite car parking spaces, resulting in a shortfall of four (4) car parking spaces. Under Penrith DCP 2014, business premises within the St Marys City Centre are required to provide one (1) car space per 60m². Given that the subject site has a floor area of 642m², the development is required to provide eleven (11) onsite car parking spaces.

The accompanying Statement of Environmental Effects provides satisfactory justification for the shortfall of four (4) car parking spaces, stating that adequate public car parking is available within the multi-deck car parking compound on the site/adjoining site, and the site's proximity to public transport connections, including North St Marys train station and bus facilities.

In considering the site's city-centre location, its proximity to public transport and off-street public car parking, and given development is to be used on an appointment only basis, the proposed shortfall of car parking spaces is considered acceptable.

Part D. Land Use Controls: D.4 Industrial Development

4.2 Building Height; 4.3 Building Setbacks and Landscape

The proposal does not involve external works to the building, and as such will not result in any changes to the building height, and building setbacks.

4.6 Accessing and Servicing the Site; and 4.8 Lighting

The existing building provides primary pedestrian access via Forrester Road, and includes ramp access to the building. To ensure the development provides safe pedestrian access, and the development is consistent with Crime Prevention Through Environmental Planning principles, particularly given the proposed operating hours of 4:00am to 10:00pm Monday to Sunday, relevant conditions regarding lighting and entrance design are recommended.

4.7 Fencing

The application does not propose the addition of any fencing.