

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/1179
Proposed development:	Fit-Out & Use as Take Away Food & Drink Premises (Tenancy T310A)
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110
Date received:	27 November 2018
Assessing officer	Jake Bentley
Zoning:	Zone B5 Business Development - LEP 2010 RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the conversion of an existing storage room to a takeaway food and drink premises at 13-23 Pattys Place, Jamisontown (Penrith Homemaker Centre). The proposal is defined as a *'takeaway food and drink premises'* which is a permissible land use within the site's B5 Business Development zoning under the provisions of Penrith Local Environmental Plan (PLEP) 2010.

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014 the application was notified to surrounding property owners and exhibited between 5 December and 19 December 2018. No submissions were received in response during this period.

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

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 currently occupied by open paddocks including a transmission line and natural watercourse.

The proposed works are located within the storeroom of the north-western most building on-site to the end of Pattys Place. It is noted that the subject site is impacted by various easements however none are within the location of the proposed works. In addition, the site is impacted by flooding, is bushfire prone land (partly) and is impacted by scenic and landscape values.

Proposal

The proposed development involves converting an existing storeroom to a takeaway food and drink premises including an indoor seating area, counter and kitchen. The tenancy is provided with a total area of 53m².

The original application was also provided with a proposed external seating area of 33m². Following discussions with Council, the application has been subsequently amended to remove this part of the application.

The application also seek consent to provide business identification signage above the roof cover of the removed outdoor seating area.

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 4.14 - Bushfire prone land assessment

The subject site (being the Homemaker Centre) is identified as being partially bush fire prone. In this regard, 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 storeroom. Therefore there are no adverse impacts from a bush fire planning perspective envisioned as a result of the proposal.

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 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
Clause 4.3 Height of buildings	Complies
Clause 7.2 Flood planning	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned B5 Business Development in which *'takeaway food and drink premises'* are permissible with consent under the provisions of PLEP 2010. It is noted that *'restaurants or cafes'* are prohibited in the B5 zone.

The subject development application originally included an outdoor seating component associated with the proposal. In this regard, the proposal provided for opportunities for consumption of food and drink in the immediate vicinity of the premises via the identified outdoor seating area and it was therefore considered that the proposal be defined as a *'restaurant or café'* which is a prohibited land use in the site's B5 zoning.

In response to the above permissibility concerns and following discussions with Council's officers, the applicant requested that the outdoor seating component of the subject development application be removed. It is noted that the proposal provides for some minor indoor seating, however it is now considered that the proposal be defined as a *'take away food and drink premises'* as the development will cater for customers of the centre providing for the consumption of food and drink away from the premises being the dominant use.

In this regard, the proposal as amended via the removal of the outdoor seating component is permissible within the site's B5 zoning.

Clause 7.5 Protection of scenic character and landscape values

The proposed development is suitably screened and distanced from both the M4 Motorway and Mulgoa Road. In this regard, the proposal will not generate any adverse visual impacts to its surrounds.

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
C4 Land Management	N/A
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
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
C13 Infrastructure and Services	Complies
E13 Riverlink Precinct controls	Complies

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

The subject development application has been referred to Council's Building Surveying Department which raised no objections to the proposal subject to recommended conditions of consent. In this regard, the recommended conditions of consent will ensure the proposal complies with the provisions of the Building Code of Australia and the regulations.

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

The proposed development is of a minor scale and will be utilised by customers of the centre therefore there are no concerns with the existing parking arrangements envisioned as a result of the proposal. The inclusion of the shop front glazing identifies the premises from the car park and existing on-site waste management arrangements can cater for the proposed development. In this regard, there are no adverse impacts envisioned as a result of the proposal. This is considered appropriate noting its location and the removal of the previously proposed outdoor seating area.

It is noted that a recommended condition of consent and marking of the stamped approved plans in red will ensure that the identified signage on the plans is not approved.

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

The site is of a suitable zoning to cater for the proposal and the existing electrical communication boards within the storeroom will not generate any impacts to the proposed development. The existing on-site waste arrangements and parking on-site are suitable for the proposal. In this regard, the site is considered to be suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014 the application was notified to surrounding property owners and exhibited between 5 December and 19 December 2018. 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
Environmental - Public Health	No objections - subject to conditions

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

There are no significant issues relating to the public interest envisioned as a result of the proposed development.

Section 94 - Developer Contributions Plans

There are no developer contributions applicable to the proposed development.

Conclusion

In assessing the proposed development against the relevant environmental planning policies, 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 proposal and there are no negative impacts envisioned as a result of the proposal. Therefore, the application as amended providing for the removal of the outdoor seating component and business identification signage is worthy of support, subject to recommended conditions of consent.

Recommendation

That DA18/1179 for the conversion of a storeroom to a take away food and drink premises 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 and documents 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	Drawing No.	Revision	Date
Architectural Plans (all Job No. 3131)				
Location Plan	Leffler Sims Architects	DA-01	A	19/11/2018
Proposed Floor Plan	Leffler Sims Architects	DA-03	B	09/01/2019
Elevations & 3D Views	Leffler Sims Architects	DA-04	C	09/01/2019

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 signage, other than an signage listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Chapter C9 Advertising and Signage of Penrith Development Control Plan 2014 and State Environmental Planning Policy No. 64 - Advertising and Signage.

6 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved operating hours for the Take Away Food and Drink Premises are as follows:

- Monday to Wednesday: 9am - 5:30pm
- Thursday: 9am - 9pm
- Friday: 9am - 5:30pm
- Saturday: 9am - 5:00pm
- Sunday: 10am - 4pm

Delivery and service vehicles generated by the development are limited to these operating hours.

7 A032 - Goods in buildings

All materials and goods associated with the use of the Take Away Food and Drink Premises shall be contained within the building at all times.

8 A039 - Graffiti

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

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 (BLANK)

No approval is expressed or implied by this development consent for the provision of any outdoor seating or an outdoor seating area in association with the Take Away Food and Drink Premises.

11 A Special (BLANK)

No approval is expressed or implied by this development consent for the operation of a restaurant or café as defined by the Penrith Local Environmental Plan 2010.

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

In the event that Council receives a complaint regrading excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and provide a report specifying proposed methods for control of noise emanating from the premises.

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

Any intruder alarm installed at the premises shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

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

The front of the premises, fronting the parking area, is to be maintained in a neat and tidy manner at all times.

Demolition

15 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

16 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on-site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environment Protection Authority to receive asbestos wastes.

Environmental Matters

17 [D009 - Covering of waste storage area](#)

All construction 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.

18 [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 at a lawful waste management facility. 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.

19 [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

20 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

21 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 Fit-out of Food Premises*.

22 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 Australian Standard AS 1668 Parts 1 & 2.

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

The exhaust hood must completely cover the equipment to be ventilation and extended 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 Occupational 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 Australian Standard 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

23 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.

24 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. Hand wash basin must be no more than 5 meters from where opened food is prepared, handled or served.

25 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.

26 [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.

27 [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.

28 [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.

29 [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.

30 [F036 - Service pipes](#)

Service pipes, electrical conduits, 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 25 mm clearance from the adjacent wall and 100 mm 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.

31 [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.

32 [F042 - Dishwasher](#)

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

33 [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.

34 [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.

35 [F045 - Food Prep Sink](#)

The food preparation sink must be provided in the kitchen

36 **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 joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- 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.

- 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.

- 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 – Section 4.2 and 4.3).

37 **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.

38 **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.

39 **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).

40 **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.

41 **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.

42 **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.

43 **F055 - Lockers**

Sufficient lockers must be provided in the food preparation area or store room specifically for the storage of cleaning materials, employees' clothing and personal belongings.

44 F056 - Storerooms

The storeroom must be constructed in accordance with AS 4674-2004 by providing the following:

- A smooth, even, non-slip floor surface.
- Coving at all intersections of the floor and walls with approved, recessed coving to a minimum concave radius of 25mm, 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. "Feather edge skirting" and non-rebated coving are not permitted.
- Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning.
- The ceiling 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 intersections of the walls and ceiling must be tight-jointed, sealed and dustproof. Drop in panel style ceilings are not permitted.
- Shelving or storage racks must be designed and constructed to enable easy cleaning.

Utility Services

45 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

46 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.

47 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) 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 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.

48 H041 - Hours of work (other devt)

Construction and demolition 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

49 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.

50 [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 development.

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 inclusion of the shop front glazing will assist in identifying the premises and customers will utilise the existing footpath to access the proposal.

C5 Waste Management

The Statement of Environmental Effects accompanying the development application states that the proposal will utilise existing on-site waste management arrangements.

C9 Advertising and Signage

It is noted that the identified outdoor seating area on the submitted plans is requested to be removed to address permissibility concerns regarding the proposed 'take away food and drink premises'. The submitted plans detail an awning above the outdoor seating area with a business identification sign located on the fascia of the awning. As the outdoor seating area is being removed, it is considered appropriate that the associated awning and attached business identification signage be marked in red on the stamped approved plans as not being approved via the subject development consent as the identified signage does not adequately identify the proposal which is located on a separate building elevation to the signage.

In this regard, a condition of consent is recommended requiring separate development approval for the erection signage other than signage listed as exempt development.

C10 Transport, Access and Parking

The Statement of Environmental Effects submitted in support of the proposal indicates that only 5 staff will be employed for the proposal. In addition, the proposed 'takeaway food and drink premises' will be utilised by customers of the Penrith Homemaker Centre, in this regard, the proposal is not envisioned to generate a significant parking demand. The existing parking arrangements on-site appear to be suitable for the proposal especially considering the basement car park located directly north of the proposal.