

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0868
Proposed development:	Cafe Seating Area Adjacent Tenancy T04 (The Coffee Club)
Property address:	1 - 11 Town Terrace, GLENMORE PARK NSW 2745
Property description:	Lot 2 DP 865459
Date received:	18 September 2017
Assessing officer	Ryan Gill
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a cafe seating area at 1-11 Town Terrace, Glenmore Park. Under Penrith Local Environmental Plan 2010, the proposal is defined as a cafe/restaurant. The subject site is zoned B2 Local Centre and the proposal is a permissible land use in the B2 zone with Council consent.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to conditions.

Site & Surrounds

The subject site is located at 1-11 Town Terrace, Glenmore Park. The subject premises is within a new shopping centre which is nearing completion. Beyond the shopping centre is residential and open space land which surrounds the site. The intersection of Glenmore Parkway and Mulgoa Road is 1.31km north-west of the site.

Proposal

The proposed development includes a seating area for 42 seats which will extend outside of the subject tenancy. It should be noted that the café use and construction and internal seating (49 seats) is subject to a Complying Development Certificate.

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 proposal has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within 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
Clause 2.3 Zone objectives	Complies
Clause 7.7 Servicing	Complies

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

There are no draft environmental planning instruments that apply to the proposal.

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
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E7 Glenmore Park controls	Complies

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

There are no planning agreements applying to the proposal.

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

The proposed development complies with the relevant requirements of the Regulations.

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

Context and Setting

The proposal is compatible with the shopping centre development in which it is to be located and will and will have no major impacts on the amenity of the surrounding area.

Access and parking

Assess and car parking will be provided by the shopping centre development in which the proposal is to be located.

Site Design

The proposed development will safeguard the health and safety of the future occupants and will allow easy access for people with limited mobility.

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

The site is suitable for the development as the site is zoned to permit the proposal and the proposal will not impact on the surrounding retail space.

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 did not need to be notified.

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and the Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. In its current form, the proposal will have a positive impact on the surrounding retail space within the shopping centre. The site is suitable for the proposed development, the proposal is in the public interest and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA17/0868 for a café seating area at 1-11 Town Terrace, Glenmore Park be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the following plans listed and 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.

Plan/Report	By	Version	Date
Site Plan	French Designs C		17/07/2017
Floor Plan	French Designs E		24/07/2017

2 [A012 - Food Shop](#)

The proprietor of the food business shall ensure that the requirements of the Food Act 2003 and Food Regulation 2010 are met at all times. All food shop construction works shall be carried out in accordance with the requirements of AS 4674-2004 "Design, Construction and Fitout of Food Premises," the Food Act 2003 and Food Regulation 2010.

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

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

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 commencement of the business.**

5 [A039 - Graffiti](#)

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

BCA Issues

6 [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".

7 [E01A - BCA compliance for Class 2-9](#)

All aspects of the developments 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.

Construction

8 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision 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 and 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

9 [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 café seating

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

C5 Waste Management

Waste servicing of the development will be provided by the shopping centre management and café operator. The seating area will be frequently checked for litter so that waste managed.