

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/1231
<b>Proposed development:</b>	Internal Fitout and Use as a Barber Shop
<b>Property address:</b>	11 Dunheved Road, WERRINGTON COUNTY NSW 2747
<b>Property description:</b>	Lot 11 DP 733094
<b>Date received:</b>	13 December 2018
<b>Assessing officer</b>	Surreti Bajwa
<b>Zoning:</b>	Zone B2 Local Centre - LEP 2010
<b>Class of building:</b>	Class 6
<b>Recommendations:</b>	Approve

### Executive Summary

Council is in receipt of a development application for the change of use to an existing commercial tenancy to a barber shop and the associated internal fit out. The subject lot (shop 17b) has previously been utilised for a variety of commercial premises and is currently vacant.

The subject site is located in Zone B2 Local Centre under Penrith LEP 2010 (LEP 2010). The proposal is defined as a "commercial premises" which is a permissible use in the B2 Zone with Council consent.

An assessment under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A ACT 1979) has been undertaken and the application is recommended for approval.

### Site & Surrounds

The subject shop has a total floor area of 57.7m<sup>2</sup> and is identified as Shop 17B of the Werrington County Shopping Village located at 11 Dunheved Road, Werrington County.

The Shopping Village is part of a larger Local Centre, with a fitness centre located directly to the east and a fast food restaurant located directly to the west. The shopping complex consists of a number of tenancies including a Supa IGA Supermarket, medical practice, pharmacy, in addition to several other commercial and retail premises.

There is a 150 shared car parking area located directly behind (south) of the shopping village, with vehicular access available directly from Dunheved Road.

# Proposal

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The proposed change of use is to utilise the existing (vacant) shop for a barber shop.

The proposed development includes the following aspects:

- Fit out of the tenancy to operate the proposed business, including four (4) barber seats.
- The business will employ a total of four (4) staff.
- The proposed hour of operation are:
  - Monday to Saturday: 8:00am to 6:00pm and;
  - Sunday: 10:00am to 2:00pm

Note: The proposed change of use does not involve works to the exterior of the shop and does not proposed new signage associated with the change of use.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • 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.

As no external building works or structural changes are proposed to the existing shop building, the proposed change of use is unlikely to result in any unreasonable adverse impacts on adjoining tenancies.

The proposed development is considered to be suitable to the site in that it will support the ongoing use of the premises, thus influencing the overall generation of economic activity within the area. The proposed use by virtue of its hours of operation being confined generally to daylight periods and commonly accepted trading hours similar to other shops in the direct vicinity is unlikely to result in any unreasonable adverse impacts on the amenity of the locality.

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

#### Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of the impact of the development on water quality. The proposed development does not involve any excavation works and as such is consistent with the SREP.

#### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion

### Clause 2.3 Permissibility

The subject site is zoned B2 Local Centre under Penrith Local Environmental Plan 2010. The proposal is defined as a 'Commercial premises', which is permitted with consent within the B2 Zone with consent.

Per the LEP 2010, commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

The proposal is specifically identified as a business premises, which is defined under the LEP 2010 as follows:

"business premises 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 proposed development for the purpose of a barber is consistent with the definition above and is permissible within the B2 Local Centre Zone with consent.

### Clause 2.3 Zone objectives

An assessment of the proposal against the objectives of the B2 Local Centre is included below:

Objectives of Zone	Complies
• To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.	Yes
• To encourage employment opportunities in accessible locations.	Yes
• To maximise public transport patronage and encourage walking and cycling.	N/a
• To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.	Yes
• To ensure that future housing does not detract from the economic and employment functions of a centre.	N/a
• To ensure that development reflects the desired future character and dwelling densities of the area.	Yes

The proposal seeks approval for the fit out and use as a commercial tenancy (barber shop) in an existing building. The proposed business contributes to the mixture of existing businesses and retail uses located within shopping village and Local Centre as whole. The proposed use additionally has the potential to encourage employment opportunities within the local area and as such is deemed to be consistent with the objectives of the zone.

## 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
C10 Transport, Access and Parking	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 application.

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

The existing classification of the subject site per the National Construction Code (NCC) is 6; 'Class 6 buildings are typically shops, restaurants and cafés. They are a place for the sale of retail goods or the supply of services direct to the public.' There is no change of classification/use as defined by the NCC.

Accordingly, the relevant conditions of consent will be imposed to ensure the owner of the building provide Council with an annual fire safety statement for the building.

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

### *Built Form*

There are no alterations proposed to the existing building's exterior. In view of the minor nature of the proposal, the likely impacts of the proposed development on the built and natural environments are considered negligible.

### *Social and Economic Impacts*

In regards to social and economic impacts, it is considered that the proposal will not threaten the current and future character of the area as it will provide a suitable service and employment opportunities within the local centre and is considered to be in an appropriate location.

In terms of hours of operation, the proposed operating hours from Monday to Sunday are considered to be satisfactory having regard to the nature of the proposed use and the operating hours and types of premises currently operating within the Local Centre generally and within the shopping village. Accordingly, a suitable condition of consent is included within the recommendation supporting the proposed hours of operation.

The application was referred to Council's Environmental Health Officer, with no objections raised. Accordingly, relevant conditions of consent are recommended to ensure that adequate health and hygiene standards are adhered to in order to prevent the spread of infectious diseases. Additionally, the barber shop will be required to register with Council to ensure it complies with all requirements of the NSW legislation.

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

The proposed change of use is considered suitable for the site as the subject site is located within the B2 – Local Centre zone and seeks to provide a business that is compatible with that of surrounding land uses.

## Section 79C(1)(d) Any 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 site is suitable for the proposed development. The site meets the aims and objectives of the relevant environmental planning instruments. The proposal is consistent with the surrounding premises and the character of the area.

The public interest is served through the detailed assessment of this development application under the relevant local planning controls and legislation. The proposed development is not considered to be contrary to the public interest.

## Conclusion

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The proposed development is in accordance with the relevant provisions of the Environmental Planning instruments, and DCP pertaining to the land. Subject to the recommended conditions, the proposed development is unlikely to have an adverse impact on the surrounding environment. The proposed development represents a suitable contribution to Werrington County Shopping Village.

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The likely impacts have been considered and found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposed change of use is therefore considered worthy of support.

## Recommendation

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That DA18/1231 for change of use of the existing shop to a barber shop at 11 Dunheved Road Werrington County, be approved subject to the attached conditions.

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans:

Drawing Title	Drawing No	Prepared By	Dated
Floor Plan	-	Michael Orlowski	09/01/2019
Internal Fit Out Plan	-	Michael Orowski	09/01/2019

### 2 A021 - Business Registration

The skin penetration business is to be registered with Penrith City Council by completing the "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and commencement of the business.

### 3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 8:00am to 6:00pm Mondays to Saturdays , and 10:00am to 2:00pm Sundays.

### 4 A 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 the 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.

### 5 A Operational Use

The use and operation of the premises shall comply with the requirement of Schedule 2 "Standards Enforceable by Orders" of the Local Government (General) Regulation 2005.

## BCA Issues

### 6 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.
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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.

### 7 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

### 8 F112 - Hand wash basin

A hand wash basin must be provided in the barber cutting area, for the sole purpose of hand washing. 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).

### 9 F113 - Designated sink for cleaning

Provide a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment

### 10 F118 - Sterile needles & sharps

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

### 11 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 40311992 *"Non-reusable containers for the collection of sharp medical items used in health care areas"*, if non-reusable sharps are used.

### 12 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.

### 13 F129 - Hairdressing – premises suitability

The premises must be clean and in good repair and structurally suitable for the carrying out of hairdressing.

### 14 F131 - Hairdressing – adequate facilities

The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the carrying out of hairdressing.

### 15 F132 - Hairdressing – adequate fittings & fixtures

The premises must be provided with floor coverings, shelves, fittings and furniture that are suitable for the carrying out of hairdressing.

### 16 F133 - Hairdressing – walls & floors

The walls and floors are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.

### 17 F136 - Hairdressing – splashback

The wall at the rear and sides of the hand washing and cleaning sinks must be finished with glazed tiles and evenly laid from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin.

### 18 F138 - Staff belongings

Staff belongings and other items not associated with the business shall be kept completely separate to the hairdressing activities and equipment and maintained in a clean condition

## Construction

### 19 H041 - Hours of work (other devt)

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

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

Other construction works carried out inside a building/tenancy 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.

# **Appendix - Development Control Plan Compliance**

## **Development Control Plan 2014**

### **Part C - City-wide Controls**

#### **C10 transport, Access and Parking**

In regard to parking provisions, there are 150 car parking spaces associated with the supermarket and speciality shops within the shopping village. A site visit to the shopping complex confirmed that all parking spaces are shared between the tenancies with no designated parking for specific shops. Due to the existing nature of the building in addition to the barber shop only proposing four (4) workstations, the proposed development will most likely have a minimal impact upon the parking availability on site.

Overall, it is expected that the existing car parking spaces on site will accommodate the activity and intensity of the proposed use on site.