

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA17/0714
Description of development:	Shopfront Alterations, Fit-Out & Use as Dry Cleaning Business & Associated Singage (Shop L02)
Classification of development:	Class 6

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 865459
Property address:	1 - 11 Town Terrace, GLENMORE PARK NSW 2745

### DETAILS OF THE APPLICANT

Name & Address:	Turbo Turtle Drycleaners Pty Ltd C/- 5 Corsica Way KELLYVILLE NSW 2155
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### DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	24 October 2017
Date the consent expires	24 October 2019
Date of this decision	19 October 2017

## POINT OF CONTACT

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If you have any questions regarding this determination you should contact:

Assessing Officer:	Jake Bentley
Contact telephone number:	+612 4732 8087

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

### **Conditions**

Your attention is drawn to the attached conditions of consent in attachment 1.

### **Certification and advisory notes**

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

### **Review of determination**

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

### **Appeals in the Land and Environment Court**

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

### **Designated development**

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Sydney West Planning Panels**

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## ATTACHMENT 1: CONDITIONS OF CONSENT

### General

- 1 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 approved plans and by the following conditions.

Drawing Title	Dated	Prepared By	Review
Site Plan	OCT 2015	Benier Francis	30.1.2017
Floor Plan	1.3.2017	Phillip and Maureen Clarke Design Consultants	5.7.2017
Shopfront Elevations	3.3.2017	Phillip and Maureen Clarke Design Consultants	5.7.2017
Waste Management Plan		Paul Farrugia	

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The operating hours are to be in accordance with the development consent for Stage 2 of the Glenmore Park Town Centre as approved via DA14/0765.
- 4 All materials and goods associated with the use shall be contained within the building at all times.
- 5 The finishes of the premises are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 The approved signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.
- 7 The installation of the approved signage shall be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the signage or internal illumination shall be contained wholly within the body of the signage and/or not be visible from the public domain.

### Environmental Matters

- 8 All excavated wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility.

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.

- 9 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. Noise levels from the premises shall not be audible within a habitable room of any residence between 10pm and 7am.
- 10 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer, then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 11 All solvent waste must be stored in a plastic container (chemically resistant polyurethane) contained in a spill tray (stainless steel) or bunded area which is larger than the solvent or waste stored. Separated waste containers used for waste water to drip into from equipment must be bunded and labelled.
- 12 Disposal of hazardous waste such as PERC must be removed by an approved waste transporter and taken to directly to an EPA licensed receiving facility. Documentation of disposal of waste must be provided to Council upon request.
- 13 Labelling of hazardous waste must be done in accordance with AS/NZS 4452:1997.
- 14 Storage of PERC must comply with the relevant Dangerous Goods (Storage and Handling) Regulation 2012 for storage of solvent waste.
- 15 Prior to the issue of an Occupation Certificate a Pollution Incident Response Management Plan shall be approved for spills of dangerous goods. The plan must include:
- evacuation procedures
  - location of material safety data sheets and identification of information if chemical is spilt
  - isolation/containment of spill for flammable and non-flammable chemicals
  - ceasing of equipment use upon spill occurring during clean-up
  - clean-up of residuals
  - employee induction requirements
  - location and instructions on how to use spill kit (must be kept on the premises)
- 16 Chemicals and separator water must be bunded. Chemicals must be stored in a solid, impermeable container or tray (which is larger than the volume of the chemical) and away from sewer and stormwater drains. All chemicals must be stored away from extreme heat and clearly labelled with their original labels.

## BCA Issues

- 17 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 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.

## Construction

- 19 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 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

20 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

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.

## SIGNATURE

Name:	Jake Bentley
Signature:	

For the Development Services Manager