

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/0131
<b>Proposed development:</b>	Fit-Out & Use as Gymnasium for Fitness Classes
<b>Property address:</b>	129 Coreen Avenue, PENRITH NSW 2750
<b>Property description:</b>	Lot 42 DP 242954
<b>Date received:</b>	28 February 2017
<b>Assessing officer</b>	Mahbub Alam
<b>Zoning:</b>	IN2 Light Industrial - LEP 2010
<b>Class of building:</b>	Class 6
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the fit-out and use as a gymnasium at 129 Coreen Avenue Penrith. The subject site is zoned Light Industrial Development under the *Penrith Local Environmental Plan 2010* (LEP 2010). Recreation facilities (indoor) are permissible with Council consent in the IN2 zone.

The key issue identified for the proposed development was in relation to the low number of car parking spaces provided relative to the floor space of the gymnasium. A fitness centre including gym must provide seven (7) car parking spaces per 100m<sup>2</sup> under *Section C10.5.1* of the *Penrith Development Control Plan 2014* (DCP 2014). Given that the site has a floor area of 404m<sup>2</sup>, the provision for car parking spaces is non-compliant.

However, the subject site provides 28 on-site parking spaces and only 18 spaces is being used for exiting car repair station (unit 2). Furthermore, the proposed business model focuses on small group classes capped at a maximum of twenty (20) clients and one (1) staff on-site at any one time. The hours of operation are mostly outside the general industrial land uses in the surrounding area and exiting car repair station operating hour. Therefore, the non-traditional use of the gym space is unlikely to generate impacts on local car parking spaces or result in traffic congestion. The proposal's provision for parking is deemed satisfactory. A variation to this development control is therefore acceptable in this case.

In addition, the applicant is required to prepare and submit a noise management plan (NMP) to Council prior to an occupation Certificate being issued. A condition of consent to this effect has been included.

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

### Site & Surrounds

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The subject site is situated on the northern side of Coreen Avenue in Penrith. The site is rectangular in shape and has a land area of 2428.12m<sup>2</sup>. The site is an existing tenancy in the light industrial precinct immediately north of the Thornton redevelopment. The site has access to Coreen Ave and onsite parking for 28 vehicles. The surrounding area comprises of various industrial land uses.

## Proposal

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The applicant seeks approval for internal alterations and use as a gymnasium to the existing premises. The facility will accommodate small group fitness classes.

The proposed development involves:

- Reconfiguration of the bathroom to create a bathroom that complies with AS1428.
- Installation of fixtures being lighting, televisions and gym equipment.
- Business identification Signage on the building facade.
- Provision of accessible parking.
- The proposed use involves use of the facility by classes of up to 20 people withing the following operating hours:
  - From 5:00 am to 8:30 am and from 5:00 pm to 9:30 pm Mondays to Fridays.
  - From 5 am to 10:30 am Saturdays.
  - From 7:00 am 10 am Sundays
  - Closed Public Holidays

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The proposed development 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

#### State Environmental Planning Policy No 64—Advertising and Signage

In accordance with Clause 6, the provisions of SEPP 64 apply to the development as the proposal incorporates signage.

Under the policy the proposed business identification signage is broadly defined as signage which means:

*“all signs, notices, devices, representations and advertisements that advertise or promote any goods services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage and includes:*

*(a) Building identification signs, and*

*(b) Business identification signs, and*

*(c) Advertisements to which Part 3 applies,*

*but does not include traffic signs or traffic control facilities”.*

In accordance with Clause 8 (granting of consent to signage), the proposal is consistent with the aims and objectives as set out in Clause 3(1)(a) and satisfies the assessment criteria specified in Schedule 1.

The proposal is compatible with the amenity and visual character of the area, is of high quality design and provides effective communication in suitable locations on the building.

*Schedule 1 (Assessment Criteria):*

<i>Criteria</i>	<i>Comments</i>
<b>Character of the area</b>	The proposal is compatible with the existing character of the area. The proposed sign is compatible with the proposed development and use of the site. The signs are also consistent with the anticipated scale of development in the immediate surrounds and overall industrial estate. The proposal will have a high quality and consistent appearance which will complement the overall physical appearance of the site.
<b>Special areas</b>	The proposed signage is not visible to or from any environmentally sensitive areas, natural or other conservation areas, waterways or rural landscapes being many hundred metres away from any such area.
<b>Views and vistas</b>	The proposed signage will not obstruct any significant view. The proposed signage is appropriately located to ensure it does not obstruct sight lines for motorists. The proposed signage does not obscure any existing signage on surrounding and opposite lands and therefore respects the viewing rights of existing or future advertisers.
<b>Streetscape, setting or landscape</b>	The proposed signage is an appropriate height given the relative scale of the proposed development. Visual clutter is minimised. The proposed sign is sited and orientated to ensure it does not dominate the visual appearance of the site.
<b>Site and building</b>	The dimensions of the proposed signage are appropriate given the size and overall scale of the approved buildings on site. The proposed signage has been appropriately positioned and proportioned to identify the principal entry points for customers to the building and to the site itself.
<b>Associated devices and logos with advertisements and advertising structures</b>	N/A
<b>Illumination</b>	The proposed signage will not be illuminated. The proposed sign is not located within sight of any residential premises. Accordingly, it will not result in any unacceptable impacts.
<b>Safety</b>	The signs have been located to ensure that they will have no impact on visibility for motorists or obstruct views of pedestrians. The signs will not include any flashing or moving parts and therefore will not pose any distraction to passing motorists.

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

An assessment has been undertaken of the application against relevant criteria within the *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)* and the application is satisfactory subject to recommended conditions of consent.

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

### **Clause 1.2 Aims of the plan**

The proposal seeks to promote recreational activities and meet the needs of the community. Given that development will assist in boosting socio-economic activity in the locality and supports Penrith City's vision of achieving a sustainable and prosperous region, the aims of the plan are satisfied.

### **Clause 2.3 Permissibility**

The subject site is zoned Light Industrial Development under the *Penrith Local Environmental Plan 2010* (LEP 2010). Recreation facilities (indoor) are permissible with Council consent in the IN2 zone.

### **Clause 2.3 Zone objectives**

The site provides an adequate sized floor area for the proposed indoor recreational activity. Given the nature of the business, there will be no adverse impacts of Penrith's centres. The proposal therefore satisfies the objectives of the IN2 Light Industrial Development zone.

### **Clause 7.7 Servicing**

Connection to existing services and facilities will provide for adequate servicing for the proposal.

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

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	Complies
C8 Public Domain	N/A
C9 Advertising and Signage	Complies - 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 - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies - see Appendix - Development Control Plan Compliance
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 - see Appendix - Development Control Plan Compliance
D4.5. Storage of Materials and Chemicals	Complies - see Appendix - Development Control Plan Compliance
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

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and Fire Safety, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

### **Context and Setting**

The surrounding area accommodates a range of light industrial land uses. The land uses include indoor recreational facilities. The proposal is therefore consistent with the locality.

### **Access, Transport and Traffic**

The proposal will have minimal impacts on local traffic and parking conditions. The site provides 28 on-site parking spaces including one (1) for accessible parking. Given that the proposal is restricted to a maximum of 20 clients and one (1) staff on-site at any one time, adequate car parking spaces are provided. Furthermore, public transport links are in close proximity to the site which provide for alternate modes and promote the reduction in private vehicle usage.

### **Utility Services**

The site has connections to utility services and the existing infrastructure which have the capacity to cope with the additional demand associated with the proposal. The standard conditions for obtaining a Section 73 Certificate from Sydney Water and a written clearance from Endeavour Energy are recommended.

### **Noise and Vibration**

the applicant is required to prepare and submit a noise management plan (NMP) to Council prior to an occupation Certificate being issued. A condition of consent to this effect has been included.

### **Site Design and Internal Design**

In consideration of the proposal, in particular the restrictions to the shared building, the design principles of *Penrith Development Control Plan 2014* are satisfied, such as design quality and internal structures.

### **Socio-Economic Impacts**

The proposed development will stimulate socio-economic activity and provide health and fitness opportunities for the community. Given the overall benefits, the proposal is therefore supportive of Penrith City's vision of achieving a sustainable and prosperous region which is consistent with the objectives of the *Penrith Development Control Plan 2014* and the provisions under the *Penrith Local Environmental Plan 2010*.

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

The site has access to adequate parking spaces and public transport. The restriction on the number of clients on-site at any one time will prevent adverse impacts on traffic generation. Noise levels will be restricted to ensure there are minimal impacts on adjoining properties. The site provides adequate connections to facilities and services. Furthermore, the proposal is unlikely to result in any impacts on the natural or built environment or surrounding area. The site is therefore suitable for the proposed development.

## 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
Building Surveyor	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions

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

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

## **Conclusion**

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In assessing this application 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 proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

## **Recommendation**

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That DA17/0131 for the fit-out and use as a gymnasium at 129 Coreen Avenue Penrith be approved subject to the attached conditions.

# CONDITIONS

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## General

1 [A001](#)

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

Drawing Title	Drawing No.	Prepared By	Dated
Approval Drawing (Ground Floor and First Floor Plan, site location plan and signage details)	0416-010 (Rev – C)	Plan It Out	27-02-2017
Waste Management Plan	-	Alisha Dippel	19/04/2017

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

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

3 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours shall be from 5:00am to 8:30am and 5:00pm to 9:30pm Mondays to Fridays, from 5:00am to 10:30am Saturdays, from 7:00am to 10am Sundays and closed Public Holidays.

4 [A030 - No retail sales](#)

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

5 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

6 [A039 - Graffiti](#)

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

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

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

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

One accessible parking space is to be provided on site with dimensions 2.4m wide with an adjoining 2.4m wide shared zone and bollard.

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

Prior to issue of an **Occupation Certificate** the existing car park must be line marked in accordance with AS2890.1 to clearly indicate the location of each car parking space including one (1) accessible car parking space.

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

Clients visiting the site will be arranged on an appointment only basis. Class sizes shall be limited to a maximum of twenty (20) participants and a maximum of one (1) instructor except for the following operating hours which will be limited to a maximum of ten (10) participants and a maximum of one (1) instructor:

- From 7:00am – 8:30am and 5:00pm to 6:00pm Mondays to Fridays and
- From 7:00am to 10:30am Saturdays.

There will not be more than one (1) group fitness class operating at any one time.

11 [A special BLANK](#)

The occupier of the premises must ensure any toilets or change rooms, are kept in a clean condition.

## Demolition

12 [B004 - Dust](#)

Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.



### 13 B006 - Hours of work

All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- 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 works that are carried out inside a building 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.

## Environmental Matters

### 14 D:

A Noise Management Plan (NMP) is to be prepared and submitted to Penrith City Council for consideration and approval **prior to the issue of an Occupation Certificate**. The NMP shall be prepared by suitably qualified persons, and may need to be amended to include any comments provided by Council. The NMP is to:

- address all noise related aspects of the development's operational phases
- recommend any systems/controls to be implemented to minimise the potential for any adverse noise, reverberation and vibration impacts to nearby receivers, with consideration given to:
  - Floor and wall treatments, and other relevant building construction elements
  - Use of music, microphones, AV equipment and speakers
- address the relevant conditions of this consent; and
- incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.

The approved Noise Management Plan is to be implemented and complied with at all times.

### 15 D:

In the event of on-going complaints relating to the gymnasium facility being received by Council, the owner and/or occupier of the gymnasium may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the studio to address the Industrial Noise Policy and the concerns of the community. The noise impact assessment is to be prepared and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

### 16 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 are to be fully enclosed when the site is unattended.

### 17 D010 – Appropriate disposal of excavated or other waste

All waste materials 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. Where the disposal location or waste materials have not been identified in the waste management plan, 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.

### 18 D Special BLANK

Amplified music and public address systems associated with the development are not to be audible external to the facility. No amplified music or public address systems are to be used externally, including in the carpark.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

## BCA Issues

### 19 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.

### 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 F special BLANK

No open food is to be sold on site and no food preparation is to occur on site without the prior approval of Penrith City Council.

### 22 F special BLANK

If pre-packaged refrigerated drinks are to be sold on site, the refrigerated appliance must be capable of maintaining a temperature of less than 5°C and be provided with a digital thermometer accurate to 1°C that can be easily observed from outside the appliance.

### 23 F Special BLANK

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 noise.

## Construction

## 24 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 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.

## 25 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.

## 26 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

### 27 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

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 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 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 B - DCP Principles

The key principles of sustainable development require positive economic and social outcomes. The proposed indoor recreation facility seeks to promote business in addition to providing health benefits for the community which is fundamental for achieving long term security. Given that the proposal is consistent with the surrounding area and will assist in socio-economic productivity, the DCP principles are therefore satisfied.

### Part C - City-wide Controls

#### C9 Advertising and Signage

The proposed signage includes two (2) building facade signs; one (1) above the window and one (1) above the front facade. Relative to the surrounding area, the proposed signage is minor and therefore will not result in any impacts on the visual amenity or streetscape.

#### C10 Transport, Access and Parking

A fitness centre must provide 7 car parking spaces per 100m<sup>2</sup> of gross floor area under *Section C10.5.1* of the *Penrith Development Control Plan 2014*. The site has 404m<sup>2</sup> of floor space which requires 28 car parking spaces. Given that the proposal is unique to a traditional fitness centre as the business model is strictly on an appointment only basis and includes small group fitness classes, this structure does not require a high demand of car parking spaces. In addition, 10 on-site parking spaces are available at the property. The class sizes will be smaller totalling a 10 people maximum of per session.

Furthermore, the site is in close proximity to public transport links and the nature of the business promotes commuting via public transport. Therefore, a variation of the car parking requirement is acceptable in this case.

#### C12 Noise and Vibration

The applicant is required to prepare and submit a noise management plan (NMP) to Council prior to an occupation Certificate being issued. A condition of consent to this effect has been included.

### D4 Industrial Development

Control	Required	Proposed	Compliance
<b>PLEP 2010</b> 4.3 Height of Buildings	12m	No change	Complies.
<b>DCP 2014</b> 4.1 Key Precincts	-	See below.	-
4.2 Building Height	See PLEP 2010	-	-
4.3 Building Setbacks and Landscape	Front Setback = 9m Secondary Frontage = 5m  Parking area to be within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide.	No change	Complies.
4.4 Building Design	High standard of urban form.  Office administration component to be located to the main frontage of the building.	No change	Complies.

4.5 Storage of Materials and Chemicals	External storage of goods must be avoided.	All storage is within the proposed building.	Complies.
4.6 Accessing and Servicing the Site	Car parks, aisles and manoeuvring areas shall be in compliance with AS2890. 1	No change	Complies.
4.7 Fencing	Height: 2.1m  Style: Open Nature  Positioning: Behind the landscaping  Gates and security structures must complement the fencing.	The existing fencing along the boundaries, including the front, remains unaltered.	Complies.
4.8 Lighting	Lighting details shall be provided as part of any relevant development application.  All lighting shall comply with Australian Standard AS4282.	Lighting shall be provided throughout the development and appropriate condition of consent imposed.	Complies.

#### *D4 Industrial Development*

##### *DCP Objectives*

The proposed development outcomes are consistent with the objectives of the Industrial Development DCP as far as:

- *The promotion of industrial development which can operate in a functional, safe and environmentally friendly manner;*
- *Minimisation of conflict between land uses with appropriate mitigation measures;*
- *Ensuring the development does not affect the function, efficiency and safety of all classified roads and other major roads*
- *Management of traffic and access for larger vehicles and loading facilities and;*
- *The promotion of employment generation.*

##### *Section 4.1 Key Precinct*

The development proposed will not vary the existing built form and the existing car parking and landscaping remains.

##### *Section 4.5 – Storage of Materials and Chemicals*

The DCP encourages all goods and materials associated with the use of a site to be stored internally to minimise both visual and environmental impact.

The subject site contains car parking and driveway with landscaping of the side and rear setback.

The proposed change of use will not compromise the site's presentation to the street and will ensure the appropriate storage of goods and materials associated with the use of the site.

##### *Section 4.6 – Accessing and servicing the site*

The existing access arrangements from Coreen avenue will be maintained. This arrangement satisfies the objectives of Section 4.6 of the DCP as it ensures the safe and efficient movement of vehicles to and within the site and encourages the development of a layout that enhances the function of the site.