

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0324
<b>Proposed development:</b>	Realignment of Tenancy T90 and T100 and Fit-out and Use of T90 as a Specialised Retail Premises (Kitchen Warehouse)
<b>Property address:</b>	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
<b>Property description:</b>	Lot 10 DP 1046110
<b>Date received:</b>	14 May 2019
<b>Assessing officer</b>	Jake Bentley
<b>Zoning:</b>	Zone B5 Business Development - LEP 2010 RU4 Primary Production Small Lots - 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 realignment of tenancies T100 and T90 and for the fit-out and use of tenancy T90 as a specialised retail premises at 13-23 Pattys Place, Jamisontown (Penrith Homemaker Centre). The proposal is defined as a '*specialised retail premises*' which is permissible with consent in 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 did not require notification to surrounding property owners.

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 of consent.

### Site & Surrounds

The subject site is legally defined as Lot 10, DP 1046110 which covers an area of 6.429 hectares. The subject site is occupied by two large buildings and in combination with the adjoining southern site (SP 72448) provides for the 'Penrith Homemaker Centre'. The site is impacted by right of carriageway easements, easements to drain water, a watercourse intersects the site, the site is bushfire prone land, impacted by scenic and landscape values and the site is impacted by flooding.

The subject development application relates to the south-western most building which is located within close proximity to the site's southern boundary. It is noted that a right of carriageway is located to the south of the subject building. The subject site is accessible via Gibbes Street to the south and Pattys Place to the north-east. The adjoining southern, western and eastern sites are also zoned B5 Business Development whereas the adjoining northern sites are zoned RU4 Primary Production Small Lots under PLEP 2010 and are occupied by open paddocks. It is also noted that the M4 Motorway is located roughly 166m to the west of the site.

The proposal relates to tenancies T90 and T100 located within the south-eastern end of the largest building on the site. The following existing consents relate to these tenancies:

- DA09/0800 Tenancy Expansion Bing Lee T90
- DA11/0226 T100 as a Bulky Goods Premises for the Sale of Curtain and Window Finishing's

## Proposal

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The proposed development consists of realigning the tenancy walls at T90 and T100 to provide for two rectangular shaped tenancies, and eliminating the 'L shape' of T90. In addition, T90 is proposed to be used as a 'specialised retail premises' occupied by Kitchen Warehouse for the sale of kitchen appliances and homewares.

Tenancy T90 will include the following:

- Warehouse, kitchen and office to the southern end of the building, and
- Display areas including a kitchen demonstration.

It is noted that the application originally included two business identification signs and shop front decal to the southern elevation however, the signage and shop front decal component of the development application was removed.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 4.14 - Bushfire prone land assessment

The subject site is identified as being bushfire prone land as a small portion on the northern side of the site is affected by bushfire in accordance with the Bushfire Prone Land Map. In this regard, the proposal must be considered against the provisions of the document 'Planning for Bushfire Protection 2006' (PBP). The PBP states that bushfire construction standards for Class 6 buildings are not addressed, it is noted that the proposal has been identified as a Class 6 under the Building Code of Australia by Council's Building Surveying Department.

In addition, the proposed works are located internally within the building as the proposal only relates to the realignment of tenancies and use of tenancy T90 as a 'specialised retail premises'. In this regard, there are no adverse bushfire impacts 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

### State Environmental Planning Policy No 55—Remediation of Land

Clause 7 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Historical views of the site using Council's mapping systems and a review of Council's records indicates that the site has been used for commercial purposes. In addition, the proposed works are located within the existing building therefore the land is not considered to be contaminated.

### 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 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

### **Clause 2.3 Permissibility**

The subject site is zoned B5 Business Development and the Statement of Environmental Effects accompanying the development application defines the proposal as a '*specialised retail premises*' which is permitted with consent in the site's B5 zoning under the provisions of the PLEP. A '*specialised retail premises*' is defined in the PLEP as follows:

*'specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:*

- (a) a large area for handling, display or storage, or*
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,*

*but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.*

*Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.*

*Specialised retail premises are a type of retail premises—see the definition of that term in this Dictionary.'*

The proposed development seeks to utilise the reconfigured tenancy T90 as a premises at which items such as garbage bins, barbeques, gardening equipment, storage solutions (i.e. shelving systems), larger kitchen equipment such as benches etc and large boxed solutions of cooking equipment will be sold. In addition, the Floor Plan submitted in support of the proposal demonstrates that a large area is required to store, handle and display these items and that a warehouse is included with a roller door providing for direct vehicle access.

In light of the above, the proposal is considered to be defined as a '*specialised retail premises*' in accordance with the above mentioned definition.

It is noted, by the applicant that a separate development application will be lodged for the use of tenancy T100.

### **Clause 7.2 Flood planning**

The proposed development does not create an increase in floor area and relates to internal works only. In this regard, there are no adverse flood planning impacts envisioned as a result of the proposal.

### **Clause 7.5 Protection of scenic character and landscape values**

The subject site is identified as land with scenic and landscape values as per the PLEP. The proposed development provides for internal works only and the location of the existing buildings and vegetation in and around the M4 Motorway and Mulgoa Road screen views to the proposal. In this regard, there are no adverse visual impacts envisioned as a result of the proposed development.

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

### ***Annual Update Amendment Planning Proposal***

It is noted that an Annual Update Amendment Planning Proposal is in the process of being created by Council. The Annual Update Amendment Planning Proposal has no relevance to the proposed development.

### ***Draft Environmental SEPP***

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

It is noted that the proposed changes to State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

### ***Draft Remediation of Land SEPP***

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979. Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

## 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 - see Appendix - Development Control Plan Compliance
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
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
D3.1. Bulky Good Retailing	Complies - see Appendix - Development Control Plan Compliance
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E13 Riverlink Precinct controls	N/A

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

The proposal has been referred to Council's Building Surveying Department which raised no objections subject to recommended conditions of consent. In this regard, the proposal is considered to comply with the Building Code of Australia and the Regulations subject to recommended conditions of consent.

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

The proposed realignment of tenancies T90 and T100 provide for suitable access to both tenancies with T90 being accessible via the internal hallway and the southern rear roller and access door. Whereas, T100 provides for an external eastern access door and internal hallway opening. The tenancies maintain external and internal shop front glazing providing for passive surveillance of the car park and internal hallway.

The proposed use of tenancy T90 as a '*specialised retail premises*' adheres to the site's B5 zone objectives and it is noted that both tenancies T90 and T100 benefit from approvals for bulky goods premises uses. In this regard, there are no adverse impacts in relation to car parking envisioned as there is no floor area increase proposed. In addition, the future use of T100 as a bulky goods premises is not considered to be compromised by the proposal considering the realigned tenancies results in more floor area being allocated to T100.

In light of the above, there are no adverse impacts envisioned as a result of the proposal.

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

The subject site is of a suitable zoning for the proposal and the site is occupied by a bulky goods retail centre building in which bulky goods premises approvals benefits the tenancies subject to the proposed development. The extent of flooding at the subject site is not considered to generate any adverse impacts to the proposal, the bushfire affectation of the site is not considered to generate any impacts to the proposal and the scenic and landscape values of the site have been maintained given the extent of the proposed works.

In this regard, the site is considered 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 did not require notification to surrounding property owners.

It is noted that no submissions have been received.

### 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

## 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

Section 7.11 contributions do not apply to the proposed development.

## Conclusion

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In assessing the proposed development against the relevant environmental planning policies, being State Environmental Planning Policy No 55 - Remediation of Land, 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 is worthy of support, subject to recommended conditions of consent.

## Recommendation

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That DA19/0324 for the realignment of tenancies T90 and T100 as well as the use of T90 as a '*specialised retail premises*' at 13-23 Pattys Place, Jamisontown, be approved subject to the attached conditions.

## General

### 1 [A001 - Approved plans table](#)

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 stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Drawing No.	Revision	Date
<b>Architectural Plans</b>				
Site Plan	Metro Building Designers	A00	-	12/3/2019
Proposed Floor Plan	Metro Building Designers	A01	-	12/3/2019
Elevations	Metro Building Designers	A03	-	12/3/2019
Elevations	Metro Building Designers	A04	-	12/3/2019
Tenancy Plan T90 - T100	Leffler Simes Architects	TP-01	P6	11/3/2019

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

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

### 3 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than 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.

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

The approved operating hours are as follows:

- 8am to 6pm (Monday to Wednesday)
- 8am to 9pm (Thursday to Saturday)
- 9am to 5pm (Sunday)

### 5 [A039 - Graffiti](#)

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

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

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

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

The use of tenancy T90 is to be in accordance with the '*specialised retail premises*' definition as defined within Penrith Local Environmental Plan 2010.

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

The approved kitchen is to be provided and maintained in a clean and hygienic state.

## Demolition

### 9 [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**.

#### 10 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.

#### 11 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to the surroundings.

### Environmental Matters

#### 12 D009 - Covering of waste storage area

All construction and demolition waste materials stored on-site is 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.

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

All wastes generated as a result of the development are to be disposed at a lawful waste management facility. The disposal location of waste materials 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.

### BCA Issues

#### 14 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.

### Construction

#### 15 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.

#### 16 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 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.

17 **H041 - Hours of work (other devt)**

Construction and demolitions 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**

18 **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 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.

19 **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 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 proposed realigned tenancy walls will provide for access to tenancy T90 to be located internally within the existing building with the exception of the roller door and doorway to the warehouse at the southern end of T90. Tenancy T100 will be provided with both an external and internal entrance.

#### C3 Water Management

The subject site is identified as being flood affected however, the proposal relates to internal works only and the items being displayed and stored at the premises are not considered to generate any adverse risks. In this regard, there are no adverse flooding impacts envisioned as a result of the proposal.

#### C10 Transport, Access and Parking

The proposed development does not provide for an increase in gross floor area but rather reconfigures tenancy T90 and T100. A review of Council's systems indicates that both tenancy T90 and T100 benefited from approvals for bulky goods use. It is noted that '*specialised retail premises*' replaced the definition of '*bulky goods premises*'. In this regard, the proposed development does not require any further car parking spaces as the development reallocates existing floor space between tenancies T90 and T100 which both benefit from approvals for bulky goods use.

### D3 Commercial and Retail Development

It is noted that the proposal relates to an existing building with internal works proposed only. In this regard, a majority of the controls provided for in this section of Penrith Development Control Plan 2014 do not apply to the proposed development.