

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0657
Proposed development:	Change of Use to Recreation Facility (Indoor) including Cafe in Tenancy 310
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110
Date received:	25 September 2019
Assessing officer	Sufyan Nguyen
Zoning:	Zone B5 Business Development - LEP 2010 RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a fit-out and use as a recreational facility (indoor) - Croc's Playcentre and Muffin Break Café, including associated signage at Tenancy 310, Penrith Homemaker Centre, 13 - 23 Pattys Place, Jamisontown. The subject site is zoned B5 Business Development and the development proposal, being an indoor recreational facility and ancillary food and drink premises are permissible with consent.

The key issues identified and addressed as part of the assessment of the proposal were in regard to the floor plan layout, particularly the kitchen equipment and food preparation area. Council's Environmental Management Unit requested further details in relation to the cooking equipment and facilities, and finishes to the food preparation area, and the like, to ensure that the proposed cafe component is compliant with AS 46742004 Design, Construction and Fit-out of Food Premise in addition to Food Safety Standard 3.2.3 Food Premises and Equipment guidelines. The applicant subsequently submitted additional information to address the aforementioned matters, which are considered resolved.

The proposal was not required to be notified or publicly exhibited under the requirements of Appendix F4 - Notification and Advertising of the *Penrith Development Control Plan 2014* (DCP).

An assessment of the proposal under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The site is known as the Penrith Homemaker Centre located at 13 - 23 Pattys Place, Jamisontown, which is legally described as Lot 10 DP 1046110. The site has a land area of 5,610m² and accommodates several businesses, mainly top retail brands. The subject premises is Tenancy 310, which is situated on the western side of Pattys Place and has a gross floor area of 902m². The premises is currently occupied by Early Settler, which is a furniture retail store.

The immediately surrounding area is characterised by commercial and industrial land uses. Green open space adjoins the site to the north. The broader road network includes the intersection of the M4 Motorway and Mulgoa Road approximately 400m to the south of the site.

Proposal

The applicant seeks development consent for a fit-out and use as an indoor recreational facility (Croc's Playcentre) and ancillary takeaway food and drink premises (Muffin Break Café) at Tenancy 310, Penrith Homemaker Centre, 13 - 23 Pattys Place, Jamisontown.

The proposal comprises of the following:

- Demolition of internal walls;
- Double door entry changed to a single leaf door;
- Principal play ground floor area, 263m²;
- Two party rooms and a disco room, each 20m²;
- Audio/visual room, 26m²;
- Parents room;
- Muffin Break Café kitchen & servery, 77m²;
- Bake room for children's learning (no actual baking), 30m², 16 seats;
- Takeaway ice cream, servery;
- Toilets;
- Seating area capacity of 132 seats;
- 1 x business identification wall sign;
- Hours of operation from Monday - Wednesday & Fridays, 9:00am - 5:30pm, Thursdays, 9am - 9pm, Saturdays, 9am - 5pm & Sundays, 10am - 4pm; and
- 5 x staff.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, 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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In this regard, the development proposal is for a fit-out and change of use and it is noted that the Penrith Homemaker Centre has been established for a number of years. Given that the site and the proposal poses no land contamination risks, the site is therefore suitable for the development.

State Environmental Planning Policy No 64—Advertising and Signage

The proposed business identification wall sign is ancillary to the proposed fit-out and use as Croc's Playcentre and is considered to be of a minor scale, which provides effective communication without compromising the visual quality and amenity of the immediately surrounding area. Given that the Penrith Homemaker Centre

contains various signage styles for several other tenancies, it is considered that the proposed sign is of a suitable scale and that the design is compatible with the signage theme and character of the immediately surrounding area.

Schedule 1 (Assessment Criteria):

Criteria	Comments
1 Character of the area <ul style="list-style-type: none"> <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?</i> 	<p>The premises is a part of the Penrith Homemaker Centre which contains a variety of business identification signage. The proposed business identification wall sign is of a minor scale and the design is considered to be compatible with the desired future character of the area.</p>
2 Special areas <ul style="list-style-type: none"> <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i> 	<p>The site is not within or in close proximity to any environmentally sensitive areas, heritage areas, natural or other conservation areas, waterways or rural landscapes. The proposed sign will be of minimal view from the streetscape.</p>
3 Views and vistas <ul style="list-style-type: none"> <i>Does the proposal obscure or compromise important views?</i> <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> <i>Does the proposal respect the viewing rights of other advertisers?</i> 	<p>The proposed sign will not obstruct any important views or vistas and is not within a skyline view, and will not compromise other business identification signage within the Penrith Homemaker Centre site.</p>
4 Streetscape, setting or landscape <ul style="list-style-type: none"> <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> <i>Does the proposal screen unsightliness?</i> <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i> <i>Does the proposal require ongoing vegetation management?</i> 	<p>The scale and design of the proposed sign is minor in size relative to existing signage in the Penrith Homemaker Centre.</p> <p>The proposal does not require any ongoing vegetation management.</p>
5 Site and building <ul style="list-style-type: none"> <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> <i>Does the proposal respect important features of the site or building, or both?</i> <i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i> 	<p>The proposed sign is integrated with the building facade, which is essentially a replacement sign for the tenancy and is considered to be in proportion to the size of the building.</p>
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> <i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i> 	<p>The proposed sign will be installed according to manufacturer and engineering requirements.</p>

<p>7 Illumination</p> <ul style="list-style-type: none"> • <i>Would illumination result in unacceptable glare?</i> • <i>Would illumination affect the safety for pedestrians, vehicles or aircraft?</i> • <i>Would illumination detract from the amenity of any residence or other form of accommodation?</i> • <i>Can the intensity of the illumination be adjusted, if necessary?</i> • <i>Is the illumination subject to a curfew</i> 	The proposal does not include any illuminated signage.
<p>8 Safety</p> <ul style="list-style-type: none"> • <i>Would the proposal reduce the safety for any public road?</i> • <i>Would the proposal reduce the safety for pedestrians or bicyclists?</i> • <i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i> 	The proposed sign will be somewhat visible from the streetscape but is not considered likely to reduce safety for local traffic or pedestrians.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 5.10 Heritage conservation	N/A
Clause 7.7 Servicing	Complies

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

It is noted that both the *Draft Environmental SEPP* and *Draft Remediation Land SEPP* are at present applicable to the subject site, but while so, does not affect or alter the recommendations of this report.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	N/A
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	Complies
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
D5.5 Parent Friendly Amenities	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applicable to the development proposal.

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

The relevant prescribed conditions under the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent. Subject to the recommended conditions of consent, as recommended by Council's Building Surveyor, the proposed development complies with the requirements under Section 143 of the *Environmental Planning and Assessment Regulation 2000*.

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

Under Section 4.15(1)(b) of the EP&A Act, consideration must be given to the likely impacts of the development proposal, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Context and Setting

The premises is situated within the Penrith Homemaker Centre which is characterised by a range of commercial land uses and a diverse range of signage themes. In this regard, the proposal is a permissible land use, being an indoor recreational facility and involves minor internal alterations and additions to an existing premises, and includes a business identification wall sign. Given the minor works, the proposal is not considered likely to result in any adverse impacts on neither the character of the surrounding complex or the streetscape.

Traffic Impacts

The proposed development is not considered to likely to result in any significant impacts on local traffic conditions.

Signage Design

The design principles of the DCP and SEPP 64 have been satisfied, such as the compatibility of the proposed signage and it's design quality relative to the signage themes of the immediately surrounding area.

Socio-Economic Impacts

The proposal aims to establish a children's playcentre, which will in turn aid in stimulating economic growth in the Penrith Homemaker Centre. Given the overall benefits of the associated commercial land use, the proposal is supportive of economic development and is unlikely to impact on the surrounding businesses, noting that no amenity concerns are raised.

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

The proposed children's playcentre is a permissible and compatible land use in the B5 zone. The nature and scope of the development proposal is not considered likely to result in any adverse impacts on the surrounding environment. Further, the premises has existing connections to services and the complex makes provision for adequate off-street parking. The site is therefore considered suitable for the development.

Section 79C(1)(d) Any Submissions

Community Consultation

In consideration of the nature of the application, notification is not identified as being required as per Appendix F4 of the *Penrith Development Control Plan 2014*.

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

In consideration of the nature and minor scale of the development proposal, in addition to the proposal being compliant with the applicable development controls and standards, the health and safety of the public will not be adversely affected and therefore, the development is not considered likely to generate any significant issues of public interest.

Conclusion

In assessing this proposal against the relevant environmental planning policies, including *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No 55—Remediation of Land* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, the proposal is considered to satisfy the aims, objectives and provisions of these policies, noting that the proposal does not contravene any development controls or standards, and is not considered likely to result in any significant impacts on the natural, social or economic environments. The site is considered to be 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 conditions.

Recommendation

That DA19/0657 for a fit-out and change of use to a recreational facility (indoor) - Croc's Playcentre and ancillary food and drink premises - Muffin Break Cafe at Tenancy 301, 13 - 23 Pattys Place, Jamisontown be approved, subject to attached conditions.

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans and documents 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	DWG No.	Dated	Issue
Tenancy Shop 310 Floor Plan, RCP, Elevations & Section	Leffler Simes Architects	(Project No. 3131) TP_310	26/08/19	P5
Floor Plan	Studio P	A_SP_A01_03	31/10/19	03
Kiosk Detail	Studio P	A_SP_A01A_01	31/10/19	01
Kiosk Equipment Schedule	Studio P	A_SP_A01B_01	31/10/19	01
Kiosk Detail	Studio P	A_SP_A01A_02	05/11/19	02
Signage	--	--	--	--

2 [A012 - Food Act](#)

The proprietor of the food business shall ensure that the requirements of the *NSW Food Act 2003*, *NSW Food Regulation 2010* and the Australian and New Zealand Food Standards Code are met at all times.

3 [A019 - 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.

4 [A021 - Business Registration](#)

The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the business.

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

The approved operating hours are from Monday to Wednesday & Fridays, 9am - 5:30pm, Thursdays, 9am - 9pm, Saturdays, 9am - 5pm and Sundays, 10am to 4pm. Delivery and service vehicles generated by the development are limited to the approved operating hours.

6 [A032 - Goods in buildings](#)

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

7 [A039 - Graffiti](#)

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

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

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

Demolition

9 [B001 - Demolition of existing structures](#)

The nominated structures is to be demolished as part of the approved work.

10 [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 material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

11 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding tenancies.

Environmental Matters

12 D010 – Appropriate disposal of excavated or other waste

All waste generated as a result of the development are to be re-used, recycled or disposed of in accordance with an 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.

13 D014 - Plant and equipment noise

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.

14 D Special BLANK

In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

15 D Special BLANK

A public contact number is to be displayed on the front entrance and this phone line must be operational during business hours. A complaint register is to be maintained and must include complaint details and any action taken to address those complaints. A copy of the complaint register is to be provided to Council upon request.

BCA Issues

16 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 ongoing 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

17 F001 - General Fitout

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fit-out of Food Premises*.

18 **F022 - Commercial kitchen(exhaust system)**

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and AS 1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000mm above floor level.

Prior to the issue of an Occupation Certificate and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and AS 1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

19 **F025 - Food safety supervisor**

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

20 **F027 - Hand basins**

Hand basins in the kitchen and staff toilets must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a handsfree operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

21 **F031 - Floor & floor waste**

The floor of the food premises must be finished in an approved non-absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

22 **F036 - Service pipes**

Service pipes, electrical conduits and refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible, pipes and conduits fixed on brackets, providing a minimum of 25mm clearance from the adjacent wall and 100mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

23 **F037 - Temperature control**

Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than 18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.

24 **F042 - Dishwasher**

Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

25 **F043 - Hot & cold water at sinks**

All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54°C for washing.

26 F047 - Fixtures & fittings

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joints, gaps and cavities to enable easy cleaning or alternatively supported on one of the following:

a) Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.

b) Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.

c) Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200mm.

Note: False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

27 F057 - Waste storage

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Utility Services

28 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

Construction

29 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-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.

30 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 Penrith City Council, or
- alternatively, any other sewage management facility approved by Penrith City Council.

(b) 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.

31 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate/works can commence on site can be issued for the approved development.

The waste management plan shall be prepared in accordance with the *Penrith Development Control Plan 2014*, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and/or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

32 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 tenancies 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

33 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

34 **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 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 6.6 of the *Environmental Planning and Assessment Act 1979*.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C10 Transport, Access and Parking

C10.5 Parking, Access and Driveways

The DCP does not stipulate a minimum car parking rate for child play centres, however, for restaurants and the like, 1 parking space per 6m² of seating area, plus 1 parking space per employee is required. Given that the proposed playcentre includes an ancillary cafe and an extensive seating area, it is considered appropriate that parking rates for restaurants be applicable to the development proposal.

In this regard, the proposal has approximately 300m² of seating area and includes 5 staff, which equates to a minimum parking requirement for 35 spaces. It is noted the subject premises is a part of the Penrith Homemaker Centre and situated along Pattys Place, whereby this portion of the homemaker centre makes provision for 85 parking spaces in front of the premises. It is also noted that the surrounding complex makes provision for over 1,500 parking spaces. In consideration of the ample parking spaces available, the proposal is unlikely to result in any significant impacts on parking or local traffic conditions.

C12 Noise and Vibration

C12.4 Industrial and Commercial Development

The proposal was referred to Council's Environmental Management Unit who raised no objections or concerns in regard to noise impacts due to the nature of the surrounding development. Therefore, it is not considered likely that the development will result in any unreasonable amenity impacts on adjoining tenancies or the immediately surrounding environment, subject to recommended conditions of consent, noting that a condition is to be imposed to address any noise complaints associated with the development should they arise.

D5 Other Land Uses

D5.5 Parent Friendly Amenities

The proposal makes provision for a parents room and sufficient amenities, which has been reviewed by Council's Building Surveyor Unit who raised neither any objections or concerns.