

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0504
Proposed development:	Change of Use to Specialised Retail Premises - Tenancy 100 - Pillow Talk
Property address:	13 - 23 Pattys Place, JAMISONTOWN NSW 2750
Property description:	Lot 10 DP 1046110
Date received:	31 July 2019
Assessing officer	Jake Bentley
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 the use of tenancy T100 as a specialised retail premises with associated internal and external alterations and signage works at 13-23 Pattys Place, Jamisontown (Penrith Homemaker Centre). The proposal is defined as '*specialised retail premises*' and '*signage*' which is permissible with consent in the site's B5 Business Development zoning under the provisions of Penrith Local Environmental Plan (PLEP) 2010.

The following issues were raised and addressed during the assessment of the proposal:

- Extent of North Sea Blue finish to the external southern elevation above the awning,
- Extent of digital print applied to shop front glazing, and
- Painting works to shop front glazing

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 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 tenancy 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
- DA19/0324 Realignment of Tenancy T90 and T100 and Fit-Out of T90 as a Specialised Retail Premises

Proposal

The proposal involves the use of the newly realigned tenancy T100 as a specialised retail premises with the following works:

- Internal partition walls for a cushion wall fixture, sheet wall fixture and to create a storeroom with a kitchenette,
- Numerous internal display areas,
- Removal of entrance doors from the car park to be replaced by a single emergency evacuation door,
- Inclusion of a roller door to the south of the tenancy providing access to the storeroom,
- Internal painting works being 'North Sea Blue' and 'Tranquil Retreat Half',
- Non-illuminated business identification sign surrounded by North Sea Blue painting works measuring 1.610m x 5.9m applied to the southern elevation above the awning,
- Business identification sign applied to external eastern elevation replacing existing signage and,
- Internal business identification sign above shop entrance and north sea blue colour finish to the internal shop front wall.

The proposal will operate in accordance with the hours of operation for the Penrith Homemaker Centre being:

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

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

- Section 4.14 - Bushfire prone land assessment**

In accordance with Council's Bushfire Prone Land Map the north-western tip of the site is identified as being bushfire prone land. The area of the site relative to the proposed works is not bushfire prone land and the existing building shields the proposal from the bushfire prone area of the site. In this regard, there are no adverse bushfire planning 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.

State Environmental Planning Policy No 64—Advertising and Signage

The proposed business identification signage has been assessed against the assessment criteria within Schedule 1 of State Environmental Planning Policy No. 64 - Advertising and Signage as follows:

Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes.
Special areas	
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?	No.
Views and vistas	
Does the proposal obscure or compromise important views?	No.
Does the proposal dominate the skyline and reduce the quality of vistas?	No.
Does the proposal respect the viewing rights of other advertisers?	Yes.
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.
Does the proposal screen unsightliness?	Yes.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.
Does the proposal require ongoing vegetation management?	No.
Site and building	
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?	Yes.
Does the proposal respect important features of the site or building, or both?	Yes.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes.
Associated devices and logos with advertisements and advertising structures	
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?	Yes.
Illumination	
Would illumination result in unacceptable glare?	No. Illuminated signage is located internally within the store only and appropriate conditions of consent will be imposed to ensure illuminated signage does not cause a nuisance to surrounding premises and pedestrians.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.
Would illumination detract from the amenity of any residence or other form of accommodation?	No.
Can the intensity of the illumination be adjusted, if necessary?	This detail has not been provided however, recommended conditions of consent will ensure that illumination does not cause a nuisance.
Is the illumination subject to a curfew?	The proposal is located internally and the proposal will operate within the approved hours for the centre therefore the illumination is not considered to generate any adverse impacts.
Safety	
Would the proposal reduce the safety for any public road?	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

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 - See discussion

Clause 2.3 Permissibility

The accompanying Statement of Environmental Effects states that the proposal is defined as a '*specialised retail premises*' with associated '*signage*' and ancillary fit-out works.

The PLEP 2010 defines a specialised retail premises 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."

The plans submitted in support of the proposal demonstrate that the goods to be sold at the premises are of a quantity requiring a large area for handling, display and storage. In this regard, the proposed use is appropriately defined as a '*specialised retail premises*' which is permissible with consent in the sites B5 zoning.

The proposal includes business identification signage to the external southern and eastern elevation and internal business identification signage above the shop entrance. The proposed signage includes the name of the business 'Pillow Talk' and the logo of the business being a feather.

Business identification signs are a type of signage and signage is a permissible with consent development within the site's B5 zoning.

Clause 7.2 Flood planning

The proposal does not provide for an increase in gross floor area and it is noted that the area of tenancy T100 benefits from bulky goods use approvals. In this regard, the proposal will not provide for a change of use generating adverse flood planning impacts and will not involve the storage of items likely to generate any pollution impacts during a flood event. 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 site is identified as having scenic and landscape values in accordance with the Scenic and Landscape Values Map within PLEP 2010. The intention of this clause is to minimise the developments visual impact from major roads and other public places. The proposal is significantly setback from the M4 Motorway and Nepean River and the proposed external works are considered to be minimal. In this regard, there are no adverse visual impacts envisioned as a result of the proposal.

Clause 7.7 Servicing

It is noted that the proposal is apart of a larger complex in which amenities are provided for staff and customers of the complex.

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 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
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 - see Appendix - Development Control Plan Compliance
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
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 to the proposal subject to recommended conditions of consent. The recommended conditions of consent will require the proposal to comply with the relevant sections of the Building Code of Australia and the Regulations.

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

The proposed provides for an appropriate use within the site's B5 zoning and the existing complex provides suitable car parking and access to the premises. The proposed business identification signage aligns with the existing signage locations and will not result in signage clutter. During the assessment of the proposal the shop front glazing decal has been removed from the application providing better surveillance of the car park and reducing the overall amount of signage. A recommended condition of consent will ensure that internal painting works over the shop front glazing are not included. In this regard, 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 site is of a zoning suitable for the proposal and the existing complex on-site provides for suitable car parking and access arrangements. The scenic and landscape values, flooding and bushfire affectations of the site do not adversely impact the proposal. In this regard, the site is considered to be suitable for the proposal.

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.

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 proposal.

Section 94 - Developer Contributions Plans

Section 7.11 contributions do not apply to the proposed development.

Conclusion

In assessing the proposal against the relevant environmental planning policies, being State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy No. 64 - Advertising and Signage, 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

That DA19/0504 for the use of tenancy T100 as a specialised retail premises with associated fit-out works and business identification signage 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.	Dated	Revision
Architectural Plans				
Tenancy Plan T90-100	Leffler Simes Architects	TP-01	25/6/2019	P6
Floor Plan/Fixture Layout	Interior Fitouts Pty Ltd	1 of 2	15/5/2019	A
Pillow Talk	-	-	-	-
Tenancy Elevations	Leffler Simes Architects	TP-02	25/6/2019	P2
Lighting Layout	Interior Fitouts Pty Ltd	2 of 2	21/5/2019	A
Shopfront	CV Media & Signage	-	-	-
Tenancy Sign 2	CV Media & Signage	-	-	-
Tenancy Sign 1	CV Media & Signage	-	-	-

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 approved hours of operation are as follows:

- 8:00am to 6:00pm, Monday to Wednesday
- 8:00am to 9:00pm, Thursday to Saturday
- 9:00am to 5:00pm, Sunday

4 [A032 - Goods in buildings](#)

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

5 [A039 - Graffiti](#)

The finishes of the building are 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 installation of the approved signage shall be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the signage or internal illumination shall be contained wholly within the body of the signage and/or not be visible from the public domain.

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

The approved signage shall not be fitted with any flashing or moving lights or elements and shall not distract passing motorists or impact on visual amenity.

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

The internal illuminated business identification sign shall not generate a level of illumination which causes a nuisance to surrounding premises and pedestrians.

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

No internal painting works over the shop front glazing are approved via this consent.

Demolition

11 [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**.

12 [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.

13 [B004 - Dust](#)

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

Environmental Matters

14 [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 the areas are to be fully enclosed when the site is unattended.

15 [D010 – Appropriate disposal of excavated or other waste](#)

All wastes generated as a result of the development are to be disposed of at a lawful waste management facility or be appropriately reused or recycled. 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.

16 [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.

BCA Issues

17 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

18 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.

19 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.

20 H041 - Hours of work (other devt)

Construction and demolition 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 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

21 **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 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.

22 **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 use 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

C7 Culture and Heritage

In accordance with Figure C7.2 an archaeological survey is required for the proposal however, considering the area relative to the proposed works is occupied by a commercial building an archaeological survey is not considered to be required.

C9 Advertising and Signage

The proposal includes a business identification sign on the southern and eastern elevation of the building within existing signage areas. In this regard, the proposal is not considered to result in signage clutter. The internal illuminated sign is located above the shop front entrance to identify the premises and recommended conditions of consent will ensure that the extent of illumination does not result in any adverse impacts to surrounding premises or pedestrians.

In this regard, the proposed signage is considered to be satisfactory.

C10 Transport, Access and Parking

As previously mentioned within this report the area of tenancy T100 benefits from approvals for bulky goods use and in this regard, the proposed use of the recently realigned T100 as a specialised retail premises will not create an additional car parking requirements.

The external area immediately south of the tenancy provides a suitable space for deliveries and access/egress to the roller door and storeroom.

D3 Commercial and Retail Development

The proposal relates to minor internal and external works to an existing complex. 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.