

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0294
Proposed development:	Alterations & Additions to existing Council Civic Centre providing for works to level 2 gallery of Council chambers
Property address:	601 - 611 High Street, PENRITH NSW 2750
Property description:	Lot 1033 DP 1102232
Date received:	29 April 2019
Assessing officer	Jake Bentley
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 5 , Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the provision of an extension to the gallery mezzanine level within the Council Chambers at 601-611 High Street, Penrith. The subject site is zoned B3 Commercial Core and the proposed works are considered ancillary to the existing approved public administration building which is permissible under the provisions of State Environmental Planning Policy (Infrastructure) 2007.

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014 the application did not require notification to neighbouring and nearby properties. While Penrith Council is the property owner, the application is not required to be reported and determined by a Local Planning Panel under the Minister for Planning's direction dated 23 February, 2018 as works are provided as internal alterations to an existing building that is not a heritage item.

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.

Site & Surrounds

The subject site provides for three street frontages with the Great Western Highway being to the north, Castlereagh Road to the west and High Street to the south with a total lot size of 3.075ha. The site is currently occupied by the Penrith City Council Civic Centre, central library, administration offices, undercroft car park accessible via the Great Western Highway, substantial landscaping and at grade car parking to the south and west of the site as well as a grassed area to the south-east of the site connecting to the "Mondo".

It is noted that the Civic Centre building provides for Council Chambers located on the first floor with an associated mezzanine level accessible by the second floor.

The neighbouring eastern site is occupied by Westfield Penrith and is also zoned B3 Commercial Core, the northern sites are zoned SP2 Infrastructure and are occupied by the Railway Line and associated car park, the southern neighbouring sites are zoned B4 Mixed Use and are occupied by a vacant site, car dealership and commercial building whereas the nearby western sites are zoned RE1 Public Recreation and SP3 Tourist and are occupied by tennis courts and a vegetated open area.

The site is benefitted by the following approvals:

- DA128/91 Civic Centre including Council Chambers, central library and administration offices
- DA05/0281 Penrith Civic Centre extensions and alterations

Proposal

The proposed development seeks to provide for an extension to the gallery mezzanine level associated with the Council Chambers by constructing a new floor above the tiered concrete levels and providing for a balustrade. The extended mezzanine level will be provided with a ceiling visible from the below Council Chambers level finished with acoustic plasterboard in a colour which matches the existing.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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 (Infrastructure) 2007

Division 14 Public administration buildings and buildings of the Crown

Under the provisions of this division development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zoned. The subject sites zoning being B3 Commercial Core is identified as a prescribed zone, the proposed works is associated with a public administration building and the applicant of the subject development application as well as the owner of the site is Penrith City Council being a public authority. In this regard, the proposal is considered permissible.

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 aerial views of the site indicate that the site has been used for public administration purposes. Noting also the internal nature of the works no concerns are raised in relation to contamination.

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
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	Complies - See discussion
Clause 4.5 Calculation of floor space ratio and site area	Complies
Clause 5.10 Heritage conservation	N/A
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	N/A
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	N/A
Part 8 Local provisions Penrith City Centre	Complies
Clause 8.1 Application of Part	Complies
Clause 8.2 Sun access	N/A
Clause 8.3 Minimum building street frontage	N/A
Clause 8.4 Design excellence	N/A
Clause 8.5 Building separation	N/A
Clause 8.6 Serviced apartments	N/A

Clause 4.4 Floor Space Ratio

Penrith Local Environmental Plan 2010 Floor Ratio Map states that a 1.6:1 floor space ratio applies to the subject site. The subject site provides for a lot size of 3.075ha (30,075m²). It is noted that aerial views of the site confirm the built structures on-site consume roughly 8,116m² to which the floors above have much lesser gross floor areas. In addition, the overall gross floor area increase as a result of the proposal is 10.3m².

In light of the above, the proposed development is not considered to create a non-compliant floor space ratio for the built form on-site.

Clause 7.2 Flood planning

The proposed development provides for a minor extension of 10.3m² to a mezzanine level which is located above the first floor level of the existing building. In this regard, there are no adverse flood planning impacts envisioned as a result of the proposed development.

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 of Land SEPP are at present applicable to the subject site, but while so, does not affect or alter the recommendation of this report.

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
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	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
E11 Penrith	Complies

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

The proposed development has been referred to Council's Building Surveying Department which have raised no objections to the proposal and have provided recommended conditions of consent to ensure the proposal complies with the relevant provisions of the Building Code of Australia and the regulations.

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

The proposed development provides for a minor increase in gross floor area on-site to improve accessibility within the gallery mezzanine level of the Council Chambers. It is noted that the proposed mezzanine floor will also cater for Council Officers when not being used for events within the Council Chambers. It is also noted that the plans submitted in support of the proposal do not show any access arrangements to the gallery mezzanine level. In this regard, a recommended condition of consent will ensure a doorway is provided or maintained providing access to the mezzanine level.

Given the scale and purpose of the proposed development there are no adverse impacts envisioned.

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

The site is of a suitable zoning for the proposal noting the existing operations and the proposal will improve access within the public administration building located in the Civic and Cultural Precinct.

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 neighbouring and nearby properties.

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

The subject site is identified as being land impacted by the Penrith City Centre Civic Improvement Plan and the proposed development provides for a total 10.3m² increase in gross floor area. In this regard, the proposed development triggers Section 7.11 (previously Section 94) development contributions as stated within the following extract from the Penrith City Centre Civic Improvement Plan;

"The S.94 contributions in this plan apply to all development that increases the gross floor area on land in the city centre and on surrounding land with significant development potential as shown in the map in Appendix 1."

For commercial office use a rate of \$189 per m² of additional gross floor area applies. In this regard, the applicable development contribution is $189 \times 10.3\text{m}^2 = \$1,947$. A recommended condition of consent will be imposed ensuring the applicable development contribution is paid prior to the issue of a Construction Certificate.

Conclusion

In assessing the proposed development against the relevant environmental planning policies, being State Environmental Planning Policy (Infrastructure 2007), 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

That DA19/0294 for the extension and provision of new flooring to the gallery mezzanine level associated with the Council Chambers at 601-611 High Street, Penrith, be approved subject to the attached conditions.

General

1 A001

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	Drawing No.	Revision	Date
Architectural Plans				
Second Floor - Gallery Demolition Plan	Penrith City Council Design & Projects	A1908 - 200	A	9/4/2019
Second Floor - Gallery Proposed Floor Plan & Section Plan	Penrith City Council Design & Projects	A1908 - 300	A	9/4/2019
First Floor - Gallery Reflected Ceiling Plan	Penrith City Council Design & Projects	A1908 - 400	A	9/4/2019
Details	Penrith City Council Design & Projects	A1908 - 500	A	9/4/2019

- Waste Management Plan dated 16 April 2019, prepared by Penrith City Council.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A046 - Obtain Construction Certificate before commencement of works

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

4 A Special (BLANK)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to ensure that Construction Certificate plans show the location of the existing doorway providing access to the gallery mezzanine level or detail the provision of a new doorway providing for suitable access to the gallery mezzanine level as per Australian Standard AS 1428.

Demolition

5 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**.

6 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 Environmental Protection Authority to receive asbestos wastes.

7 **B004 - Dust**

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

8 **B005 - Mud/Soil**

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

BCA Issues

9 **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

10 **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.

11 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) 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.

12 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 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.

Development Contributions

13 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plans for the Penrith City Centre Civic Improvement Plan. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,947.00 is to be paid to Council **prior to a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for the Penrith City Centre Civic Improvement Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

14 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on-site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 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.

15 **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

C1 Site Planning and Design Principles

It is noted that the proposal provides for a flat floor as opposed to being tiered. In this regard, the proposal provides improved access within the gallery mezzanine level in relation to the movement of persons. It is also noted that the plans do not detail the access doors located to the north of the gallery. A recommended condition of consent will ensure that a doorway is maintained or provided for to ensure access is provided to the gallery mezzanine level.

C10 Transport, Access and Parking

The Statement of Environmental Effects submitted in support of the proposal states that the proposed development will be used to provide for improved access to the gallery mezzanine level and provide for an appropriate space to be used by Council Officers when not in use for the purpose of events at the Council Chambers. Chapter C10 of Penrith DCP 2014 does not provide for a parking ratio applicable to a public administration building however, for business and office premises in the Penrith City Centre 1 space per 100m² of gross floor area is required.

The proposal provides for a 10.3m² gross floor area increase and is not considered to attract additional vehicles to the site given its scale and intended use to improve access and be used by Council Officers when not being used for the purpose of events at the Council Chambers. In this regard, the proposal is considered satisfactory in relation to parking.