

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0122
Proposed development:	Installation of Lift & New Entrance Lobby
Property address:	36 Woodriff Street, PENRITH NSW 2750
Property description:	Lot 1 DP 746473
Date received:	23 February 2017
Assessing officer	Sufyan Nguyen
Zoning:	Zone B4 Mixed Use - LEP 2010
Class of building:	Class 5
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the installation of a lift and new entrance lobby for an office premises at 36 Woodriff Street, Penrith. The subject site is zoned B4 Mixed Use under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The proposal will facilitate equitable access and accommodate people with a disability. The proposed lift over-run is approximately 1m above the roof line. However, the lift over-run will not be prominent or obstruct any significant views or vistas along the dual street frontages.

In addition, the proposal reduces twenty-three (23) ground floor car parking spaces to eighteen (18) car parking spaces. However, the minimum required parking spaces for the site remains satisfied.

The proposal was notified to nearby and adjoining properties and publicly exhibited for a period of fourteen (14) days. No submissions were received in response.

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

Site & Surrounds

The subject site is known as 36 Woodriff Street, Penrith and is legally described as Lot 1 DP 746473. The site is situated on the corner of Woodriff Street (north-western side) and Lethbridge Street (northern side). The site has a total land area of 937.5m² and is irregular rectangular in shape. The site is orientated on a slight north-west/south-east axis with a 13m primary frontage to Woodriff Street and a 58.51m secondary frontage to Lethbridge Street.

The site is a part of the southern fringe of the Penrith City Centre which accommodates commercial land uses, facilities and services. Residential development adjoins the site to the south.

The broader road network includes the intersections of the Great Western Highway and Mulgoa Road approximately 970m to the north-west of the site, the Great Western Highway and Mulgoa Road 3.09km to the south-west and the Great Western Highway and Parker Street 1.47km to the east. Available public transport services include a bus stop 189m to the north-west and the Penrith Railway Station 390m to the north.

Proposal

The applicant seeks approval for the installation of a lift and new entrance lobby at 36 Woodriff Street in Penrith. The proposed lift will facilitate access to the first level of the commercial (office) premises. The existing twenty-three (23) car parking spaces will be reduced to eighteen (18) car parking spaces.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

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

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 - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 7.2 Flood planning	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	Complies - See discussion
Clause 8.1 Application of Part	Complies
Clause 8.4 Design excellence	Complies - See discussion

Clause 1.2 Aims of the plan

The proposal aims to provide for a greater range of accessibility for the community. The proposal is of a minor scale which will ensure the environmental values and heritage of the Penrith City Centre are preserved. The site is affected by overland flow, however the proposed development is not considered to increase any risk to the safety of the community or the surrounding area. The proposal therefore satisfies the aims of the plan.

Clause 2.3 Zone objectives

The proposed development is ancillary to the existing office building on the site. The objectives of the B4 Mixed Use zone are satisfied with the proposed entrance lobby and lift being ancillary to this permissible use in the B4 zone.

Clause 7.8 Active street frontages

The proposal includes a new entrance lobby accessed via Lethbridge Street. The aims of this clause are therefore satisfied.

Clause 8.4 Design excellence

The proposal will replace a part of an open style car park fence with a new entrance lobby along the southern elevation (Lethbridge Street). The entrance lobby will decommission parking spaces in this area and remove views of parked vehicles. Given that the streetscape will be enhanced by the entrance lobby's external features, the proposal is considered to display design excellence.

Section 79C(1)(a)(iii) The provisions of any development control plan**Development Control Plan 2014**

Provision	Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C6 Landscape Design	N/A
C5 Waste Management	Complies
C4 Land Management	N/A
C3 Water Management	N/A
C2 Vegetation Management	N/A
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to the proposal.

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

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

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

Context and Setting

The proposed entrance lobby and lift require minor construction works. The lift over-run is 1m in height only and acceptable given that the overall built form is only marginally modified.

Site Design and Internal Design

The proposed floor plan layout of the entrance lobby and access point via the car park permits access and mobility for users of all ages. In addition, compliance with BCA requirements will provide for the health and safety of the building users.

Access, Transport and Traffic

The premises provides adequate on-site ground level parking. Additionally, on-street parking spaces and a public car park are available directly outside the site. Available bus services are within a reasonable walking distance. The proposal will therefore have minimal impacts on parking and traffic flows in the surrounding area.

Utility Services

Connections to existing utility services will support the additional servicing demand associated with the proposal.

Noise and Vibration

To maintain the acoustic privacy and amenity of the surrounding area, a standard condition restricting construction work hours is recommended.

Environmental Impacts

There are no significant land resources in close proximity to the site. The proposal does not require any earthworks or the removal of any significant biodiversity or threatened species. The amounts of waste to be generated are considered to be manageable. Furthermore, compliance with BCA requirements will ensure energy efficiency requirements are satisfied.

Socio-Economic Impacts

The proposal aims to facilitate accessibility to an existing building for a wider range of the community, including people with a disability. This will in turn drive economic growth in the locality. Given the nature and small scale of the proposal, it is unlikely there will be any adverse impacts on the community or on surrounding commercial land uses or property values.

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

The site has existing facilities and services. The proposal is of a minor scale and is unlikely to generate any impacts on parking or traffic flows. The minimum required car parking remain satisfied and on-street car parking spaces and public car parks are nearby the site. Bus services are available to the south-west of the site. The minor construction works will have negligible impacts on the surrounding natural and built environments. There are also no hazardous land uses in close proximity to the site. The site is affected by overland flow, however the proposed works will not create any hazards in this regard. The site is therefore suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties. Council notified nine (9) properties in the immediate and surrounding area. The proposal was exhibited between 7 March and 21 March 2017. No submissions were received in response.

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

Given the nature and scale of the proposal in addition to the proposal being largely compliant with the applicable development controls, the proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The Penrith Civic Improvements Plan 2008 is not applicable to the proposal given that the additional floor space is for an access corridor for the proposed lift. The sum of the floor area excludes any area for common circulation associated with lifts and stairs.

In addition, the proposal satisfies the minimum DCP car parking rates as summarised in the appendix of this report. Penrith City Centre car parking contribution is therefore not applicable to the proposal.

Conclusion

In assessing this application against the relevant environmental planning policies including the *Penrith Local Environmental Plan 2010* and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA17/0122 for the installation of a lift and new entrance lobby at 36 Woodriff Street in Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

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 approved plans and by the following conditions.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan / Roof	Alleanza Architecture	DA01	17/02/17	1
Ground & First Floor Plan	Alleanza Architecture	DA02	17/02/17	1
Elevations	Alleanza Architecture	DA03	17/02/17	1
Section	Alleanza Architecture	DA04	17/02/17	1

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

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

3 [A039 - Graffiti](#)

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

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

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

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

Prior to the issue of an Occupation Certificate, the remaining car parking spaces shall be proportionally allocated (and signposted accordingly).

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

The finishes and materials of the external building works shall match and/or complement the existing building.

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

The lift shall comply and be maintained in accordance with the requirements of the Building Code of Australia, AS 1428 "Design for Access and Mobility" and AS 1735.1 "Lifts, Escalators and Moving Walks".

Demolition

8 [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**.

9 [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.

10 B004 - Dust

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

11 B005 - Mud/Soil

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

12 B006 - Hours of work

Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building that do not involve external walls or the roof, and do not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all construction works.

Environmental Matters

13 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

14 D009 - Covering of waste storage area

All waste materials stored on-site during construction are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

15 D010 – Appropriate disposal of excavated or other waste

All wastes 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.

BCA Issues

16 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

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 onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

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) 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 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval prior to the issue of a Construction Certificate.

The waste management plan shall be prepared in accordance with 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, on-site storage and management, proposed re-use of materials and 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.

21 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 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.

Engineering

22 K222 - Access, Car Parking and Manoeuvring – General

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith Development Control Plan 2014.

23 K Special (BLANK)

Stormwater run-off from the building shall be directed to the existing site's drainage system.

Landscaping

24 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

25 L012 - Existing landscaping (for existing development)

Existing landscaping is to be retained and maintained at all times.

Certification

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

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

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

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the *Environmental Planning and Assessment Act 1979*.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the *Environmental Planning and Assessment Act 1979*.

27 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/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 B - DCP Principles

The proposal is for a lift and entrance lobby which will provide building access to people with all levels of mobility which will in turn contribute to economic activity. The surrounding area does not contain any significant biodiversity or natural habitats or cultural values or heritage. The proposed development is supportive of sustainable development and therefore satisfies the DCP principles.

Part C - City-wide Controls

C1 Site Planning and Design Principles

C1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)

3) Car Parking

The proposed lift is located at the north-western corner of the existing ground level car park. A suitable access point to the lift is provided which will minimise any safety concerns for people assessing the building.

C10 Transport, Access and Parking

C10.5. Parking, Access and Driveways

The site has a gross floor area (GFA) of approximately 1290m². The site currently has twenty-three (23) ground floor car parking spaces. The proposed entrance lobby and lift will result in the loss of five (5) car parking spaces.

Penrith CBD office premises must make provision for one (1) car parking space per 100m² of GFA under Table C10.5.1 of the Penrith Development Control Plan 2014. The proposal will result in a total of eighteen (18) car parking spaces which satisfies the minimum car parking requirement applicable to the site.

Additionally, public car parking spaces are available directly opposite the site (westward) to accommodate additional car parking spaces when required.

E11 Penrith

Part A-Penrith City Centre

The site is a part of the High Street (mixed use) area under Figure E11.2 Penrith City Centre Character Areas.

E11.2.4. Building Depth and Bulk

The proposal includes roof modifications for the installation of the lift over-run. The lift over-run will protrude approximately 1m above the roof line. Given that the building will remain below the 24m maximum building height control in addition to the lift over-run not being visible from the streetscape, there will be negligible impacts in terms of the overall bulk and scale of the building.

E11.4.1. Pedestrian Access and Mobility

The proposal aims to facilitate safe and easy accessibility via a lift. This will ensure the office premises allows equitable access and accommodates people with a disability.