

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0340
Proposed development:	Refurbishment Works to an Approved Community Facility including Signage
Property address:	43 Parkes Avenue, WERRINGTON NSW 2747 21 Parkes Avenue, WERRINGTON NSW 2747
Property description:	Lot 1 DP 124238
Date received:	12 June 2020
Assessing officer	Jake Bentley
Zoning:	RE1 Public Recreation - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the refurbishment of Arthur Neave Memorial Hall at 21 Parkes Avenue, Werrington. The subject site is zoned RE1 Public Recreation and the proposed works will not impact the developments definition as a 'community facility' being a permitted with consent land use in the sites RE1 zoning under the provisions of Penrith Local Environmental Plan 2010 (PLEP).

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners and exhibited between 29 June and 13 July, 2020. No submissions were received in response during this period.

The subject development application has been referred to the Local Planning Panel for determination in accordance with the direction given by the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act, 1979, dated 23 February, 2018. These directions outline that development applications within the Penrith Local Government Area to which the applicant/land owner is the Council but also not development which requires internal alterations and additions to any building that is not a heritage item is to be determined by the Local Planning Panel.

As the applicant/land owner of the subject development application is Penrith Council and the proposed works involve internal and external alterations, the Local Planning Panel is to determine the subject development application.

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 proposed works relate to the Arthur Neave Memorial Hall located in the south-eastern corner of 21 Parkes Avenue, Werrington being legally defined as Lot 1, DP 124238. This area of the site is bounded by Parkes Avenue to the east and Albert Street to the south with a crossover in Parkes Avenue providing access to the car parking area immediately north of the hall. The site is also occupied by soccer fields to the west of the hall and tennis courts further north. It is noted that the adjoining northern property is occupied by playing fields known as Parkes Avenue Reserve.

The hall is bounded by metal security fencing with access provided via footpath connections to Parkes Avenue and from within the car park. In accordance with the documentation accompanying the application the hall has a capacity of 110 people and is subject to a curfew of 1am Friday and Saturday and 10pm Sunday to Thursday. The internal areas of the facility can be accessed via two stairs on the eastern elevation or via stairs and a concrete ramp on the western elevation. The facility includes a hall and office areas with associated features such as a kitchen, toilets, western facing verandah, storage areas, outdoor awning and landscaping.

The site is identified as being impacted by flood related development controls. The neighbouring eastern sites on the opposite side of Parkes Avenue are occupied by detached dwellings but are zoned R3 Medium Density Residential under the PLEP. The neighbouring south-eastern sites are occupied by high density residential developments and are zoned R4 High Density Residential under the PLEP. The northern and southern sites are occupied by parkland and are zoned RE1 under the PLEP. It is noted that a road barrier is present within Albert Street south of the hall preventing access from Albert Street to Parkes Avenue. It is also noted that the neighbouring eastern properties have a side boundary presentation to the hall occupied by fencing.

Site History

The site benefits from the following approvals:

BA934932 - Hall/church

Proposal

The proposed refurbishment of the existing community facility includes the following features:

External works

- New landscaping to the existing eastern and northern facing garden beds,
- Spraying existing outdoor concrete area with non-slip spray,
- New northern facing bin area,
- Northern facing garden bed to be removed and replaced with concrete hard up against the building,
- New northern facing entry pergola,
- BBQ area under the existing western facing awning,
- Western facing brick edging to be removed,
- Inclusion of a new southern facing utility area,
- Replacement of building identification signs,
- External paneling treatment to the north-eastern corner and eastern elevation of the building, and
- Infill of some windows and replaced by common bricks.

Internal works

- Demolition of some internal walls/windows and amenities to provide for improved access and compliant amenities,
- Addition of a kitchenette to the office, and
- Realignment and change of room purpose to provide increased storage.

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 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 4.15(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.

A review of historical aerial views of the site and Council's systems does not indicate that any potential land contamination activities have occurred within the area of the site subject to the proposed works. The previous approvals on-site for a hall/church is consistent with available aerial images of the site. In light of the above, the site is considered to be suitable for the proposal with regard to land contamination.

State Environmental Planning Policy No 64—Advertising and Signage

In accordance with Clause 8 Granting of consent to signage the proposed building identification signage is consistent with the objectives of this Policy set out under Clause 3 (1) (a) and the signage satisfies the assessment criteria specified in Schedule 1. The proposal has been assessed against Schedule 1 Assessment criteria below:

<i>Assessment Criteria</i>	<i>Response</i>
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?	N/A.
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, it provides for a break up of the built form.
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.
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?	No.
Is the illumination subject to a curfew?	No.
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 - See discussion
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The proposal involves refurbishment works to an existing community facility. The extent of the proposed works will not impact the existing developments ability to be defined as a 'community facility' which is defined in the PLEP as follows:

'Community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.'

In this regard, the proposal remains a permitted with consent land use noting that community facilities are permissible with consent in the sites RE1 zoning. In addition, the proposed replacement of building identification signs is also a permitted with consent land use in the sites RE1 zoning.

Clause 4.3 Height of buildings

It is noted that a maximum building height has not been designated for the site as shown on the PLEP Height of Buildings Map. Nonetheless, it is noted that the proposal will not provide for any increase in height to the existing built form and none of the proposed external features (bin storage area, utilities area and the entry pergola) will extend beyond the community facility building height.

Clause 7.2 Flood planning

The proposal has been discussed with Council's Development Engineering Department which have no issues with the minor proposal in relation to flooding.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

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 4.15(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	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
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 - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	Complies - see Appendix - Development Control Plan Compliance
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	N/A

Section 4.15(1)(a)(iv) The provisions of the regulations

The proposal has been referred to Council's Building Surveying Department which have raised no objections to the proposal subject to recommended conditions of consent. The recommended conditions will ensure the proposal is carried out in accordance with the relevant provisions of the Building Code of Australia and the regulations.

Section 4.15(1)(b) The likely impacts of the development

The proposal is of a minor nature providing for improved access and storage facilities within an existing community hall. The proposed external features such as the paneling and signage treatment will improve the built form by providing for a break up in materials and colours inline with the Penrith City Council logo. The new bin area and hardstand areas will be screened with landscaping and the common utility area will be provided with appropriate screening. The proposal is not considered to generate any adverse impacts.

Section 4.15(1)(c) The suitability of the site for the development

The site is currently occupied by the existing community hall development which is serviced by the northern car park with suitable access arrangements in place. The proposed works acknowledge existing trees and powerlines on the property and the flood prone nature of the site has been suitably addressed. In this regard, the site is considered suitable for the proposal.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy 2019 the application was notified to surrounding property owners and exhibited between 29 June and 13 July, 2020. No submissions were received in response during this period.

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 - Public Health	No objections - subject to conditions

Section 4.15(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

The development contribution plans applicable to the site trigger development contributions for proposals increasing residential density on-site. In this regard, the proposal for refurbishments to an existing community facility does not require development contributions.

Conclusion

In assessing the proposed development against the relevant environmental planning policies, being State Environmental Planning Policy No. 55 - Remediation of Land, State Environmental Planning Policy 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 DA20/0340 for the refurbishment of the Arthur Neave Memorial Hall at 21 Parkes Avenue, Werrington be approved by the Penrith Local Planning Panel, subject to the attached conditions.

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	Reference No.	Revision	Date
<i>Architectural Drawings</i>				
Site Plan	Designcorp Architects	2019-156	F	4 August, 2020
Demolition and Ground Floor General Layout Plans	Designcorp Architects	2019-156	F	4 August, 2020
Elevations and Sections	Designcorp Architects	2019-156	F	4 August, 2020
Hall Accessible WC Detail	Designcorp Architects	2019-156	F	4 August, 2020
Hall Female WC Detail	Designcorp Architects	2019-156	F	4 August, 2020
Office Accessible WC Detail	Designcorp Architects	2019-156	F	4 August, 2020
Office WC Detail	Designcorp Architects	2019-156	F	4 August, 2020
Hall Kitchen Detail	Designcorp Architects	2019-156	F	4 August, 2020
Wet Area & Cabinetry Details	Designcorp Architects	2019-156	F	4 August, 2020
Window & Door Details	Designcorp Architects	2019-156	F	4 August, 2020
Miscellaneous Details	Designcorp Architects	2019-156	F	4 August, 2020
Concept Landscape Plan	Designcorp Architects	2019-156	F	4 August, 2020

- Access Report, prepared by Vista Access Architects, Reference No. 19277 and dated 1 December, 2019, and
- Waste Management Plan Construction, prepared by Design Corp Australia and dated 10 June, 2020.

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 buildings 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 \(BLANK\)](#)

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.

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.

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

Prior to the issue of an Occupation Certificate, a baby change table within a female, male and accessible toilet shall be provided.

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

The entry pergola and the utility services screen shall be treated with a colour complimenting the existing buildings on-site.

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.

Environmental Matters

11 [D009 - Covering of waste storage area](#)

All construction 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.

12 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the 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.

BCA Issues

14 E004 - Floor wastes

In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are to be carried out to ensure the fire safety of the occupants;

- All required exits are to be fitted with latching devices complying with Clause D2.21 of the Building Code of Australia (BCA).

- All essential services are to comply with Part E of the BCA.

15 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

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 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.

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 AS4674-2004 *Design, Construction and Fitout of Food Premises*.

18 F008

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.

19 F031 - Floor & floor waste

All fixtures, fittings and equipment in the kitchen must be finished in a smooth and impervious material which is capable of being easily cleaned and won't absorb moisture.

Utility Services

20 [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

21 [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.

22 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.

23 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.

Engineering

24 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on-site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

25 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site (including the entry pergola) shall be discharged to the existing site drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

Landscaping

26 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

27 [L003 - Report requirement](#)

Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

28 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014.

29 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

30 [L007 - Tree protection measures – no TMP with DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Penrith Development Control Plan 2014.

31 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

Certification

32 **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 of 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.

33 **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

The proposal maintains existing lighting and perimeter fencing for security purposes. The orientation of openings for casual surveillance will not be significantly impacted and the building identification signs will help identify the premises. It is noted that all the components of the proposal are located within the fenced area with the exception of the bin area however, the bin area will also be fenced and treated with locks to its gates for security purposes.

The proposal has been accompanied by an Access Report which states that the proposal can meet relevant access requirements such as accessways, handrails, slip resistance, turning space requirements and accessible toilets. It is noted that the proposal will need to demonstrate compliance with majority of the access requirements at the Construction Certificate stage due to the detailed provisions. In this regard, a recommended condition of consent will ensure the requirements of the Access Report are adhered to.

Further to the above, the hall is accessible via existing western facing stairs and a ramp which will be modified to be compliant with relevant Australia Standards if necessary. The western elevation of the building is the main entry point noting the north-western access path and gate connecting to the car park via a pram ramp. A site inspection indicates that the Parkes Avenue connection to the hall is for the purposes of bin emptying.

C2 Vegetation Management

It is noted that the proposed southern facing utilities area has a minor encroachment within the drip line of a nearby tree. The encroachment is approximately 10% of the canopy area and the remaining area around the tree is vegetated. In this regard, no adverse impacts to the tree is envisioned.

C3 Water Management

The proposed works does not include 250m² or more of hardstand and therefore does not trigger the requirement for Water Sensitive Urban Design measures.

The northern entry pergola is the only aspect of the proposal capturing additional rainwater. A recommended condition of consent will ensure a downpipe connection to the existing stormwater disposal system is provided for this aspect.

C5 Waste Management

The proposed bin storage area is slightly to the north of its existing location therefore, there are no adverse visual impacts envisioned. The opening to the bin storage area is now facing north accessible via the carpark which is considered satisfactory.

C6 Landscape Design

The proposal seeks to re-landscape the existing eastern facing garden beds acknowledging that lower height species will need to be planted below powerlines. In addition, the proposal includes landscaping to screen the new bin area and also along the northern garden bed to screen the hardstand increase immediately to its south.

C9 Advertising and Signage

The proposed replacement signage is of a suitable colour and extent which will not provide for any adverse impacts.

C10 Transport, Access and Parking

The proposal does not provide for a change of use or increase the gross floor area of the existing operation. In addition, the accompanying Statement of Environmental Effects mentions that the proposal will not amend the existing capacity or operation of the community facility. In this regard, there are no issues with the existing parking arrangement located to the north of the hall. As previously mentioned the connection between the carpark and hall is suitable.

C12 Noise and Vibration

The proposal does not increase the capacity of the hall and the proposal does not include any features which would result in additional congregation of people to the east nearby sensitive residential receivers. In addition, the proposed utility services area is suitably distanced from sensitive receivers. In this regard, there are no adverse noise impacts envisioned as a result of the proposal.

D5 Other Land Uses

D5.5 Parent Friendly Amenities

The proposal has been referred to Council's Building Surveying Department which have identified the development as being a Class 9b under the Building Code of Australia. The proposal provides for minor internal alterations to improve access, increase storage and provide compliant accessible bathrooms. In this regard, given the extent of changes, a recommended condition of consent will ensure a change table is provided in a male, female and accessible toilet.