

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0219
Description of development:	Alterations and Additions to Community Facility, Castlereagh Hall
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 198257
Property address:	1158 - 1160 Castlereagh Road, CASTLEREAGH NSW 2749

DETAILS OF THE APPLICANT

Name & Address:	Penrith City Council 601 High Street PENRITH NSW 2750
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	28 May 2019
Date the consent expires	28 May 2024
Date of this decision	22 May 2019

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 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.	Issue	Date
<i>Proposed Greater Site Plan</i>	Justin Long Design	A01	-	8.03.2019
<i>Proposed Demolition Work Plan</i>	Justin Long Design	D01	-	8.03.2019
<i>Proposed Ground Floor Plan</i>	Justin Long Design	A03	-	8.03.2019
<i>Proposed Sections</i>	Justin Long Design	A07	-	8.03.2019
<i>Proposed Roof & Stormwater Drainage Plan</i>	Justin Long Design	A04	-	8.03.2019
<i>Proposed Elevations</i>	Justin Long Design	A05 - A06	-	8.03.2019
<i>Proposed Door & Window Schedule</i>	Justin Long Design	A08 - A09	-	8.03.2019
<i>Proposed AC Screen, Ramp and Balustrade Details</i>	Justin Long Design	A10	-	8.03.2019
<i>Proposed Male Toilet Details (Ground Floor Plan)</i>	Justin Long Design	A13	-	8.03.2019
<i>Proposed Female Toilet Details (Ground Floor Plan)</i>	Justin Long Design	A19	-	8.03.2019
Proposed Erosion and Sediment Control Plan	Justin Long Design	A33	-	8.03.2019
<i>Title Page, General Notes & Schedule of External Finishes</i>	Justin Long Design	A00	-	8.03.2019

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

- 3 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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

- 5 The works must be carried out in accordance with the recommendations of the '*Design Specifications - Accessibility*' report prepared by Trevor R Howse, Reference J18174(a), Issue No.1, dated 8.01.2019.

Prior to the issue of a Construction Certificate, the following amendments must be made in accordance with the recommendations of Council's Access Committee:

- In order to comply with Australian Standard AS 1428.1, the length of the accessible toilet must be a minimum of 2.3m.
- The change table located within the accessible toilet shall be relocated within the male and female toilets, so as to not occupy the accessible toilet.
- The steps to the stage area are required to be compliant with handrails on both sides with handrail

extensions and Tactile Ground Surface Indicators regardless of the provision of the platform lift.

Demolition

- 6 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**.

- 7 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.

- 8 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 9 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Heritage/Archaeological relics

- 10 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 11 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.

- 12 All waste materials stored onsite 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.

- 13 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.

- 14 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

- 15 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 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

- 17 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.

18 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 the 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.

19 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

20 Construction works or subdivision 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 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.

Landscaping

21 The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

22 **Prior to the issue of an Occupation Certificate**, the following landscape works shall be provided:

- 4 x *Photinia sp* (Photinia) shall be planted no closer than 4.0m apart (unless they are proposed to be hedged) in the location identified on the stamped approved Greater Site Plan dated 8 March 2019.
- Additional planting of one specimen tree shall be provided in a suitable location on the site. The specimen tree shall have the capacity to grow to a minimum mature height of 8.0m, and be a minimum container size of 75L. The tree shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303 – 2015 Tree stock for landscape use*.
- The ground around the remaining trees as bounded by the path, deck and dripline of the tree shall be maintained as a mulched area for the life of the trees.

23 The new footpath leading to the deck shall be constructed at grade, unless satisfactory evidence can be provided to Council to demonstrate that tree roots will not be severed or damaged.

Prior to the issue of a Construction Certificate, the plans shall be amended to show that the footpath is to be constructed at grade, or alternative construction methods/materials shall be used to ensure that the remaining trees are not damaged during the works. In this instance, details of alternative construction methods/materials shall be submitted to Council for consideration and approval. *Note:* If this option is required then the path needs to be designed with the input of an appropriately qualified Engineer and an AQF (Australian Qualification Framework) Level 5 Arborist.

Mulch can be used to blend the height of the path with the existing ground level providing that mulch is not built up around the trunk of any of the trees to be retained and protected.

24 The following existing trees on the site are permitted to be removed:

Tree Species	Location
1 x <i>Photinina sp</i> (Photinia)	Southern side of hall, second tree from the east in the row of 6 and as shown on Proposed Greater Site Plan, prepared by Justin long Design, Dwg No A01, 19/10/18
1 x <i>Photinina sp</i> (Photinia)	Southern side of hall, third tree from the east in the row of 6 and as shown on Proposed Greater Site Plan, prepared by Justin long Design, Dwg No A01, 19/10/18

All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW) and *Guide to Managing Risks of Tree Trimming and Removal Work*(Safe Work Australia 2016).

When removing the two trees listed above it will be required to ensure the adjacent trees are not damaged. If stump grinding is used for the removal of the stump then grinding shall be limited to the the area immediate to the root crown to ensure that damage to any intertwined roots from the remaining trees are not damaged.

All other vegetation not specifically identified above, and protected by C2 Vegetation Management, Penrith Development Control Plan 2014 is to be retained and protected from construction damage and pruning.

25 The following trees must be retained and protected, as detailed below.

Species	Location	Protection measures
<i>Photinia</i> <i>sp</i> (Photinia)	Southern side of the hall, first tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites Ground protection shall be installed in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Ground protection shall be installed within the designated TPZ but as excluded by the deck footprint.
<i>Photinia</i> <i>sp</i> (Photinia)	Southern side of the hall, fourth tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites Ground protection shall be installed in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Ground protection shall be installed within the designated TPZ but as excluded by the deck footprint.
<i>Photinia</i> <i>sp</i> (Photinia)	Southern side of the hall, fifth tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites Ground protection shall be installed within the designated TPZ in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Once the construction of the deck has been completed then the ground protection can be removed to facilitate the construction of the path.
<i>Photinia</i> <i>sp</i> (Photinia)	Southern side of the hall, sixth tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites Ground protection shall be installed within the designated TPZ in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Once the construction of the deck has been completed then the ground protection can be removed to facilitate the construction of the path.

*TPZ - Tree Protection Zone

The deck shall be constructed on piers as shown on Footing Plan, prepared by Pel Eng Consulting Engineers , Dwg No S0201, Issue B, dated 13/3/2019.

Pier holes should be hand dug for the first 500 mm. Should tree roots greater than 50mm be found then the piers shall be relocated so that they are no closer than 100 mm from any tree root greater than 50 mm in diameter.

Once piers have been hand dug to a depth of 500 mm and appropriately located away from tree roots, the remaining hole depth can be excavated using mechanical hand equipment.

Certification

- 26 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.

SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager