

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA20/0014
<b>Proposed development:</b>	Internal & External Refurbishment Works to Colyton Neighbourhood Centre
<b>Property address:</b>	30 Jensen Street, COLYTON NSW 2760 4 Willoughby Street, COLYTON NSW 2760
<b>Property description:</b>	Lot 7 DP 241128 Lot 8 DP 244431
<b>Date received:</b>	15 January 2020
<b>Assessing officer</b>	Lauren Van Etten
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 9b
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a Development Application for refurbishments to a community facility, being Colyton Neighbourhood Centre, at 30 Jensen Street, Colyton.

Under Penrith Local Environmental Plan 2010 (Penrith LEP 2010), the proposal is defined as alterations and additions to a community facility, which is a permissible land use in the zone with development consent.

The application has been referred to the Local Planning Panel for determination in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979 (the Act), as the subject site is owned by Penrith City Council, and the applicant is also Penrith City Council. As external works are proposed, the determining authority for the application is the Local Planning Panel.

The application has been notified to adjoining properties and exhibited between 22 January and 5 February 2020. Council has received no submissions.

An assessment under Section 4.15 of the Act has been undertaken and the application is recommended for approval, subject to conditions.

## Site & Surrounds

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The site is legally described as Lot 7, DP 241128, and Lot 8 DP 244431 and is commonly known as Colyton Neighbourhood Centre at 30 Jensen Street, Colyton. The site is located on the south-eastern corner of the intersection of Jensen Street and Willoughby Street, Colyton.

The site is an irregular shaped corner lot, with frontage of approximately 27m to Jensen Street, approximately 33m to Willoughby Street, and a lot depth ranging from 36m to 42m, resulting in a total land area of 1443m<sup>2</sup>. The site is relatively flat with a moderate slope down to the northern street frontage, and a total cross fall of approximately 1m.

Currently on the site is an existing community facility, owned by Penrith City Council. The facility is currently used for community purposes as a neighbourhood centre and comprises of a hall, kitchen, office, male and female toilets and storage space.

The surrounding area includes single detached dwellings and the Colyton Shopping Centre directly to the west.

## Proposal

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The application seeks development consent for alterations and additions to the existing neighbourhood centre, comprising:

- Internal alterations including replacing and repairing wall and ceiling linings, new floor coverings and new door hardware;
- Addition and renovation to the existing toilets within the building, including the addition of unisex accessible facilities;
- External alterations to the facades including the application of 'vitrapanel' cladding, refurbishment of the roof with new barge boards, fascia and guttering and replacement of entry door and front windows, and new signage (900m high by 2m wide);
- Construction of a new outdoor concrete apron located along the northern side of the building;
- Construction of an access ramp that connects the car parking area to the building and new pathways to both street frontages;
- Installation of marking and lining to a nominated accessible car parking space and associated shared zone;
- Additional garden beds within the landscaped area;
- Upgrade connection to existing electricity supply authority pole from single phase to 3 phase power for upgraded kitchen appliances (no physical change to the actual cable); and
- Associated drainage works.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

### • Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

#### **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The existing building was approved in 1977 as a children's centre. The previous uses of the building were mainly limited to public functions. Further to this, a site inspection and a review of historical aerial photographs did not indicate any potential contamination activities have occurred on the site.

With consideration to the past and current uses of the site, and review of aerial photographs of the site, the site is considered to be unlikely to be affected by contamination. As such, the proposal is considered satisfactory in respect to the requirements under SEPP 55.

#### **State Environmental Planning Policy No 64—Advertising and Signage**

An assessment has been undertaken of the proposal against relevant criteria within State Environmental Planning Policy No. 64—Advertising and Signage:

The proposed signage is consistent with the aims and objectives of SEPP 64. An assessment under Schedule 1 has been undertaken below:

##### **1. 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?*

The proposed signage is compatible with the character of the locality, and will allow for suitable identification of the building/use.

*Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The proposed signage is consistent with the objectives for signage under the DCP and is consistent with similar signage on the site and in the nearby shopping centre.

##### **2. 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?*

The proposed signage is not anticipated to detract from any areas listed. The sign is proposed to be illuminated and conditions are recommended to ensure this does not impact on surrounding residential properties.

##### **3. Views and Vistas**

*Does the proposal obscure or compromise important views?*

The signage is to be located on the existing building and will not comprise any views or vistas.

*Does the proposal dominate the skyline and reduce the quality of vistas?*

The signage is to be located on the building and therefore will not dominate the sky line or reduce quality of views.

*Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any other advertising.

##### **4. Streetscape, setting or landscape**

*Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

The proposed scale, proportion and form of signage is appropriate for the streetscape.

*Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

The proposed signage will contribute to the visual interest of the area through its integration with the built form. The presentation is uncluttered in appearance and responds well to the surrounding context. Accordingly, the signage appropriately identifies the building/use of the site.

*Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The signage will be inline with the refurbishment works and is simplified in its design.

*Does the proposal screen unsightliness?*

The proposal is not unsightly.

*Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage will be attached to the building and therefore will not protrude above structures or trees.

*Does the proposal require ongoing vegetation management?*

The proposal does include new landscaping however this will not affect the visibility of the proposed signage.

## **5. 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?*

The signage has been designed to integrate with the built form and site characteristics.

*Does the proposal respect important features of the site or building, or both?*

The proposed signage does not detract from important features of the site or proposed building.

*Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage is consistent with the land owner's branding.

## **6. 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?*

The proposed signage includes elements of illuminated signage.

## **7. Illumination**

*Would illumination result in unacceptable glare?*

Signage will be illuminated at appropriate levels to not result in unacceptable glare.

*Would illumination affect safety for pedestrians, vehicles or aircraft?*

The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.

*Would illumination detract from the amenity of any residence or other form of accommodation?*

The proposed illuminated signage will not detract from the amenity of any residences.

*Can the intensity of the illumination be adjusted, if necessary?*

No, however the illumination is not expected to create any negative visual impacts or unacceptable glare.

*Is the illumination subject to a curfew?*

Yes. Illumination will be subject to a curfew as recommended in the conditions of consent.

## **8. Safety**

*Would the proposal reduce the safety for any public road?*

The proposed signage will not reduce road safety. Sightlines to and from the site will not be affected and there will be no distraction for drivers.

*Would the proposal reduce the safety for pedestrians or bicyclists?*

The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the roadway or footpath.

*Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage does not obscure sightlines from public areas.

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The SREP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

In accordance with the objective of SREP 20 to protect the Hawkesbury Nepean River system, a condition of consent is recommended requiring the implementation of appropriate erosion and sediment control measures.

With consideration to the above, the proposal is considered satisfactory in respect to the requirements of SREP 20.

### Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion

#### Clause 2.3 Permissibility

Under Penrith Local Environmental Plan 2010, the site is zoned R2 Low Density Residential. The proposal is defined as alterations and additions to an existing community facility, noting that a community facility is a permissible land use in the zone with consent.

#### Clause 2.3 Zone objectives

The proposal is consistent with the objectives of the R2 Low Density Residential zone, specifically:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed works upgrade the community facility to increase the amenity and function of the facility for residents.

- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*

The proposed built form is appropriate with respect to its setting and in the context of the locality, which is characterised by single level residential development and the nearby Colyton Shopping Centre. The proposed external materials and finishes are compatible with the existing neighbourhood, noting the incorporation of Penrith Council's brand orange within one external feature wall. Given existing trees surrounding the building are to be retained, the development is considered to blend in with the area.

- *To ensure a high level of residential amenity is achieved and maintained.*

The proposed alterations and additions are necessary to ensure the building is accessible and complies with current Australian Standards.

#### Clause 4.3 Height of buildings

Penrith Local Environmental Plan 2010 specifies a maximum building height control of 8.5m for the site. Notwithstanding this, the proposal will not result in any changes to the existing building height. As such, the proposal is considered satisfactory in this regard.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	Complies
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	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 79C(1)(a)(iv) The provisions of the regulations

A condition of consent has been recommended requiring all aspects of the development to comply with the requirements under the Building Code of Australia. As such, subject to compliance with conditions, the proposal is satisfactory in respect to the Regulations.

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

### Context and Setting

The proposed works are of a minor nature, being mainly internal building works, with the exception of the external finishes, outdoor garden bed, upgraded pathways, concrete apron and access ramp. These external upgrades are located adjacent the building for connectivity, and have been designed to be sensitive to the existing character of the building.

Given the nature of the works, the application will not result in any significant changes to the street view of the building. As such, the application will have minimal visual impacts, and is acceptable in this regard.

### Stormwater

The application includes minor drainage works to facilitate the proposed alterations and additions. The application was accompanied by a stormwater drainage plan which shows that the site currently drains to Jensen Street and the new drainage works will continue to drain to Jensen Street using the natural gradient of the site, as per Council's Stormwater Management Policy.

### Accessibility

The application was accompanied by a *Design Specification - Accessibility Report* prepared by Visa Access Architects, dated 12 November 2019, which provides a number of recommendations relating to a number of detailed design features to be incorporated into the project specifications. A recommended condition of consent requires the development to be implemented in accordance with this report's recommendations.

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

The site is suitable for the proposed works for the following reasons:

- The proposed works are a permissible land use in the zone with consent;
- The works will not result in significant changes to the existing streetscape; and
- The site is able to drain Council's satisfaction.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining property owners and occupiers.

The exhibition of the proposal occurred between 22 January and 5 February 2019. Council received no submissions 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
Tree Management Officer	No objections - subject to conditions

## Section 79C(1)(e) The public interest

The development is considered to be in the public interest for the following reasons:

- The proposed works are a permissible land use in the zone with consent;
- The location of the internal bathroom upgrade and external access ramp will increase the amenity and function of the community facility;
- The alterations and additions are necessary to ensure the building is accessible and complies with current Australian Standards; and
- The application did not attract any objections from neighbouring properties.

## **Conclusion**

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In assessing this proposal against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

As detailed in this report, the site is suitable for the proposed works, and the works are considered to be in the public interest. As such, the application is recommended for approval, subject to conditions.

## **Recommendation**

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That Development Application DA20/0014 for alterations and additions to Colyton Neighbourhood Centre be approved subject to the attached conditions.

# CONDITIONS

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans and documents stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Drawing No.	Issue	Date
<i>Architectural Drawings</i>	Complete Urban	COL-001 to COL-012; and COL-017	E	09/09/19
<i>Colour Schedule</i>	Penrith City Council	-	A	09/01/20
<i>Signage Plan</i>	-	-	-	16/01/20
<i>Landscape Plan</i>	Penrith City Council	L-000	0.1	17/02/20

### 2 A014 - LOT CONSOLIDATION

The subject lots are to be consolidated as one lot. A copy of the registered plan of consolidation from Land Registry Services is to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Occupation Certificate for the development.

### 3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 4 A039 - Graffiti

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

### 5 A046 - Obtain Construction Certificate before commencement of works

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

### 6 A Special - Compliance with Accessibility Report

The works must be carried out in accordance with the recommendations of the '*Design Specifications - Accessibility*' report prepared by Vista Access Architects, dated 12 November 2019. All recommendations shall be shown on the Construction Certificate plans and specifications.

**Prior to the issue of a Construction Certificate**, the following amendments must be made in accordance with the Chapter D5 of Penrith Development Control Plan 2014:

- The change table located within the accessible toilet shall be relocated within the other toilets, so as to not occupy the accessible toilet.

### 7 A Special (BLANK)

The illumination of the signs shall be designed so as not to cause a nuisance to adjoining properties or residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Additionally, the approved illuminated sign is to comply with the following requirements:

- All associated cables are to be concealed or integrated within the frame of the sign.
- The signage is not be animated, flashing or moving.
- The signage must comply with AS 4282 - 1997, Control of the obtrusive effects of outdoor lighting.
- The illumination of the sign is subject to a curfew of 9pm daily.

### 8 A Special (BLANK)

The colour of the roofing material shall be modified to a lighter colour to assist with achieving energy efficiency through reducing heat absorption. This modification shall be detailed on the Construction Certificate plans.

## Demolition

9 **B002 - Demolition Works and Disposal of Material 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**.

10 **B003 - Asbestos Management**

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.

11 **B004 - Dust Management**

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

12 **B005 - Mud/Soil**

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

## **Heritage/Archaeological relics**

13 **C003 - Uncovering relics**

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**

14 **D001 - Implement approved sediment and 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.

15 **D009 - Covering of waste storage area**

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.

16 **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.

17 **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**

18 **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.

19 **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**

## 20 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.

## 21 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 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.

## 22 [H041 - Hours of work \(other devt\)](#)

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 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

### 23 [K Special \(BLANK\)](#)

Stormwater drainage from the site 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 and in accordance with AS 3500.3 and Penrith City Council specifications.

### 24 [K Special \(BLANK\)](#)

Prior to the issue of any 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 City Council's Development Control Plan.

## Landscaping

### 25 [L002 - Landscape construction](#)

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

### 26 [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.

(a) If works are proposed within the Tree Protection Zone of any tree, it is required that a qualified Arboricultural Consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) shall be present to supervise works.

(b) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent; before any pruning work is undertaken. If necessary, changes in process of works may be required.

### 27 [L012 - Existing landscaping \(for existing development\)](#)

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

## Certification

28 **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.

29 **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 community facility.

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

#### C2 Vegetation Management

The proposed garden beds originally required the removal of several trees. However the design was then amended to only propose works well away from existing trees. The application was referred to Council's Tree Management Officer for review, and a site inspection was undertaken by Council's Tree Management Officer on 12 February 2020.

Council's Tree Management Officer raised no objection to the proposal, subject to recommended conditions relating to tree protection measures.

#### C10 Transport, Access and Parking

The site has an existing car park located to the east of the building for the use of the community facility. The application does amend the provision of car parking spaces currently onsite by the inclusion of a formalised accessible parking space and associated shared zone. This does remove one of the parking spaces previously provided.

There are no car parking rates specified by Penrith Development Control Plan (DCP) 2014 for community facilities. Based on a merit assessment, the proposal is most similar to commercial premises in the manner by which it operates. Development for various types of commercial uses are subject to requirements relating to additional floor area proposed by development. Given that no additional floor area is proposed by the development, no additional car parking is considered necessary by the continued use.

As for the removal of one car space, given the site has two street frontages, there is ample on-street parking to compensate for this loss. In addition, given the Colyton Shopping Centre is directly west of the site, there is ample parking available in close proximity to the building.

#### D5 Other Land Uses

In accordance with Table D5.2, parent friendly amenities are required for community facilities such as neighbourhood centres and community halls. More specifically, a change table in the male and female toilets is required. Given the change table is only provided in one of the three bathrooms proposed, a recommended condition of consent requires the plans to be amended to incorporate the required amenities.