

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/1210
Proposed development:	Proposed First Floor Addition - Youth Centre
Property address:	22 - 24 Lemongrove Road, PENRITH NSW 2750
Property description:	Lot 1C DP 162091
Date received:	16 November 2016
Assessing officer	Pukar Pradhan
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 5 , Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the first floor addition to an existing building to be used as office rooms for the existing community facility operating from the building at 22-24 Lemongrove Street, Penrith. Under LEP 2010, the proposal is defined as a "Community Facility". The subject site is zoned R2 Low Density Residential under LEP 2010 and the proposal for the extension is ancillary to the current use "Community Facility" which is a permissible land use in the zoning with Council consent.

Key issues identified for the proposed development and site include:

- bulk, scale and design and
- on site parking

The application has been notified to adjoining properties and exhibited between 26 November and 9 December 2016 and no submissions were received.

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

Background

Approvals have been granted by Council for the followings on this site:

- 14 Home Units in 1975.
- a Hostel Accommodation in 1981.
- A hostel addition in 1984.
- A manager's Residence in 1987.

The site is owned by Platform Youth Services which is a non profit organization helping homeless youths with counselling and providing foods to them.

There is no record of pre-lodgment meeting being held for this development application proposal.

Site & Surrounds

The site is located to the North Eastern side of Lemongrove Road and 600m from the Penrith Train Station. The total area of the site is 1815sqm with a frontage of 27m to Lemongrove Road and a depth of 63m with a small rectangular shaped area located to the south eastern part of the site used for on site parking area.

The area has a mixed single and two storey buildings with multi unit housing development/apartment located along the rear of the properties Hemming Street. Thornton Estate is located within 100m to the west of this site. The building is heritage listed as having local significance.

Proposal

The proposal involves the following:

- an additional three rooms to be constructed and located at the first level of the rear part of existing building,
- provision of an operation room and two office rooms located at the rear of the building,
- provision of an external stairs will be provided along the external wall of the northern rear part of the building to access new first floor additional rooms.
- The additional floor will be constructed with bricks and the external façade will be rendered finish to match existing building.
- The front portion of the building is to remain the same and unaltered.

Plans that apply

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

Planning Assessment

• Section 79C - Evaluation

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

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application will not involve excavation work and as such will not have any detrimental impact to the environment of the Hawkesbury-Nepean River system and hence is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.6 Architectural roof features	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion

Clause 2.3 Permissibility

Under LEP 2010, the proposal is defined as a "Community Facility". The subject site is zoned R2 Low Density Residential under LEP 2010 and the proposal for the additional floor area is ancillary to the current use "Community Facility" which is a permissible land use in the zoning with Council consent.

Clause 2.3 Zone objectives

The proposed minor extension to the existing building is considered to be generally consistent with the zone objectives.

Clause 4.3 Height of buildings

The proposed addition to the building will maintain the existing building height and as such is consistent with the building height requirements.

Clause 5.6 Architectural roof features

The design of the roof has been carefully considered to match and complement the existing roof form of the building. This has been examined by Council's Heritage Consultant and found to be acceptable.

Clause 5.10 Heritage conservation

The site is located within the Lemongrove Conservation Area where there are buildings constructed in late 19th to early 20th century and the building is listed under LEP 2010 as a heritage building of Local significance. existing building is a two storey Victorian Villa with prominent gables and front verandah is a heritage building built in late 19th century called "Buena Vista" constructed in about 1886 for Mr. Arthur Judges who was a prominent figure at that time and served as a Mayor from 1891 to 1894. The existing building is listed as heritage building of local significance and is one of the most grandest building in that area besides Thornton Hall which is located not far from this site. Several additions and extension have occurred in the past mostly around the rear part of the building.

The additional floor located above the single storey part of the building located at the rear of the building has been carefully designed to be compatible with the existing building with roof form and some details of windows and external finishes to match the existing heritage building.

A Statement of Heritage Impact has been prepared by a heritage consultant "Extent Heritage" Pty Ltd which has provided background of the site and building and assessment of the proposed additional works on the heritage building. It concludes that the proposed additional floor at the rear of the building is reasonable and would not have detrimental impact to the existing heritage building outcome or its curtilage. It recommends that a photographic archival recording of the rear façade to be carried out with reference to the east facing gable, external material to be matching the existing building, the window and sill within the eastern gable to be retained and eastern facing gable on the first floor is not to be plastered or altered. Appropriate condition will be imposed to ensure these works are carried out as part of the building works.

The design has been examined by Council's Heritage Consultant and found to be reasonable and well integrated with the rest of the building design and does not diminish the cultural and heritage significance of the building or the site. He has raised no objection to the proposed design to the additional floor provided that the external finishes are completed according to specifications. This has been recommended in the conditions.

The proposed design and site planning is therefore considered to be satisfactory.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

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	N/A
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to this application.

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

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The application has been referred to Council's Building Surveyors for assessment and provided the following comments:

- *The first floor " function room " is to be used for staff meetings and as such is not a class 9b but a class 5.*
- *The first floor area is not greater than 200m2 so access for disabled is not required. Access to the ground floor will be required and an appropriate condition imposed.*
- *The persons being serviced will attend meetings, collect food parcels, have showers, and wash clothes. As such the classification is 6. The number of persons visiting the centre will be 1-5 and as such do not require wc facilities.*
- *Maximum staff will be 3-4 will cater for this.*
- *No changes are proposed to the existing wc facilities and as such upgrading the facilities for persons with disabilities cannot be requested. The building is heritage listed and as such has limited potential to the retrofit.*
- *The building will be a 2 storey class 5 and 6 building and may be built in Type C construction as confirmed by Building Surveyor.*
- *A condition for upgrade works to the handrails/balustrading, door latching, and provision of emergency and exit lighting will be included.*

No objection is raised subject to their recommended conditions being incorporated in the consent and they will form part of the conditions of consent.

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

Bulk scale and design and Culture and Heritage

The site is located within the Lemongrove Conservation Area where there are buildings constructed in late 19th to early 20th century and the building is listed under LEP 2010 as a heritage building of Local significance. existing building is a two storey Victorian Villa with prominent gables and front verandah is a heritage building built in late 19th century called "Buena Vista" constructed in about 1886 for Mr. Arthur Judges who was a prominent figure at that time and served as a Mayor from 1891 to 1894 . Several additions and extension have occurred in the past mostly around the rear part of the building. The proposed additional floor is also located at the half part of the rear elevation.

The additional floor located above the single storey part of the building located at the rear of the building has been carefully designed to be compatible with the existing building with roof form and some details of windows and external finishes to match the existing heritage building. The design has been examined by Council's Heritage Consultant and found to be reasonable and well integrated. He has raised no objection to the proposed design of the additional floor provided that the external finishes are completed according to specifications. This has been conditioned.

The proposed design and site planning has been discussed under other heading earlier and found to be appropriately designed to be compatible with the existing heritage building and hence is satisfactory.

Noise

The facility operated within the building and the number of youths and staff at any one time will not be over 10 and the hours of operation is limited to 9am to 5pm Monday to Friday only and as such unlikely to have adverse noise impacts of the adjoining or nearby residences in the area.

Parking and access

The facility will operate with maximum of 10 staff who operates partly on site and out in the fields and 5 youths attending at one time. The site provides for 11 onsite parking spaces. The operators advised that there is only likely to be at maximum 4 to 5 staff and 5 youths at any one time. Youths are homeless and will mainly depend upon public transportation. A train station and bus are located in close proximity to this site.

In view of this the on site parking spaces are considered to be sufficient for such use. A condition has been recommended to delineate all parking spaces available on site.

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- the proposed additional floor and its design is considered to be compatible with the existing heritage building.
- The use is compatible with surrounding and adjoining land uses

Section 79C(1)(d) Any Submissions

Community Consultation

The proposed development was notified to nearby and adjoining residents between 25 November and 9 December 2016. Council has 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
Heritage	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being LEP 2010 and DCP 2014, the proposal satisfies the aims, objectives and provisions of these policies. The proposed additional floor to the rear of the existing heritage building is considered to be consistent with the existing building design and unlikely to have adverse impact to the heritage building or its curtilage which has been confirmed by Council's heritage consultant.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA16/1210 the additional floor to the existing building for use as an ancillary to the existing use "Community Facility" at 24 Lemongrove Road, Penrith be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 [A001](#)

The development must be implemented substantially in accordance with the undated plans numbered 27.16.1 to 27.16.4 inclusive, drawn by David Walker Pty Ltd and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

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

3 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours are limited from 9am to 5pm Mondays to Fridays.

4 [A032 - Goods in buildings](#)

All materials and goods associated with the use shall be contained within the building at all times.

5 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, any lighting system that are proposed to be installed for the development are to be provided of uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

6 [A039 - Graffiti](#)

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

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

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

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

All eleven (11) nominated on site parking spaces are to be line marked and delineated in accordance with AS 2890.1 and all relevant works completed **prior to the Occupation Certificate being issued.**

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

All vehicles are to be parked within the nominated on site parking spaces and vehicles shall not be parked along/within the front or rear landscaping area.

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

The window and sill within the eastern gable to be retained and the eastern facing gable on the first floor is not to be plastered or altered.

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

The external stair to be upgraded to meet BCA requirements and details are to be provided to Council for approval of Council **prior to Construction Certificate is issued.**

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

The number of staff are limited to maximum of 6 at any time and the number of youths are limited to a maximum of 8 at any one time.

Demolition

13 [B001 - Demolition of existing structures](#)

The rear part of the roof of the building on the subject site is to be demolished as part of the approved work.

14 [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**.

15 [B003 - ASBESTOS](#)

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

16 [B004 - Dust](#)

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

17 [B005 - Mud/Soil](#)

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

18 [B006 - Hours of work](#)

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

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

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

Heritage/Archaeological relics

19 C002 - ARCHIVAL RECORDING

Two (2) complete copies of the photographic archival recording of the building including the rear part of the façade are to be submitted to Penrith City Council, including a set of photographic negatives or CD/USB on completion of all works and prior to the issue of an Occupation Certificate. The archival recording shall be prepared by an experienced heritage consultant and is to be in accordance with the Archival Recording Standards described below:

- Title page (with subject, author, client, date and copyright).
- Statement of why the record was made.
- Outline history of the item and associated sites, structures and people.
- Statement of heritage significance of the items using the State Heritage Inventory criteria.
- Inventory of archival documents related to the item (eg. company records, original drawings) when available.
- Base plans, drafted or hand-drawn base plans including:
 - (i) cross references to photographs;
 - (ii) name the relevant features, structures and spaces;
 - (iii) a north point.
- Black and white photographic record, including one set of 35mm black and white negatives labelled and cross referenced to base plans and accompanied by informative catalogues, and two copies of proof sheets and select medium format prints showing important details. The images shall include:
 - (i) views to and from the site (possibly from four compass points);
 - (ii) views showing relationships to other relevant structures and landscape features;
 - (iii) all external elevations;
 - (iv) views of all external and internal spaces (eg. courtyards, rooms, roof spaces etc.); and
 - (v) external and internal details (eg. joinery, construction joints, decorative features, paving types etc.). All photographic images shall be mounted and labelled.
- Images shall include:
 - (i) view to and from the site and/or the heritage item, and
 - (ii) views and details of external and internal colour schemes as appropriate.Selected colour prints may be required. They should be mounted and labelled.
- The archival all photographic images shall be fixed to the document and labeled recording shall be submitted to Council. Similarly, .

Unbound documents or loose supporting materials such as maps, plans, slides, negatives or prints are not acceptable.

20 C Special (BLANK)

The external material of the new additional part of the rear building are to be matching the existing building. Detailed schedules of external colour scheme is to be submitted Penrith City Council **for consideration and approval prior to Construction Certificate** is issued.

21 C Special BLANK

Prior to the issue of a Construction Certificate a schedule of materials and finishes shall be submitted to Council for approval.

Environmental Matters

22 D001 - Implement approved sediment& erosion control measures

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

23 D009 - Covering of waste storage area

All 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 are to be fully enclosed when the site is unattended.

24 [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.

BCA Issues

25 [E003 - Structural alterations](#)

In accordance with the Environmental Planning and Assessment Regulation 2000, the following works are to be completed in accordance with the requirements of the Building Code of Australia to ensure the fire safety of the occupants;

- The installation of emergency and exit lighting.
- Upgrading of hand railing and balustrading to all required staircases.
- Installation of complying door latches to all required exit doors.
- Provision of portable fire extinguishers.

26 [E006 - Disabled access and facilities](#)

Access for persons with disabilities is to be provided, to the ground floor, 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.

27 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

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

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

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

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

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

28 [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

29 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.

30 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.

31 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.

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- 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).

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- 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.

32 H011 - Engineering plans & specifications

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

33 H017 - Loads on existing buildings

A certificate from a qualified practising Structural Engineer attesting to the adequacy of the structure to support the anticipated loads is to be submitted for consideration and approval prior to the issue of a Construction Certificate.

34 [H01F - Stamped plans and erection of site notice 2](#)

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 is 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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

35 [H024 - Glass installations AS1288](#)

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

36 [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 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.

37 [H18F - Timber framework](#)

All timber frame work shall comply with AS1684-1999 "Residential Timber-Framed Construction."

Landscaping

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

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

Certification

39 **Q005 - Certification**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dwelling.

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. This includes submitting the following documentation to the Principal Certifying Authority:

a) Certification from a Heritage consultant certifying that the development has been constructed in accordance with the recommendations made in section 12 of the Statement of Heritage Impact report prepared by Extent Heritage Pty Ltd dated 21 October 2016.

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.

40 **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.

41 **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
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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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

Site Planning and Design

The site is located within the Lemongrove Conservation Area where there are buildings constructed in late 19th to early 20th century and the building is listed under LEP 2010 as a heritage building of Local significance. existing building is a two storey Victorian Villa with prominent gables and front verandah is a heritage building built in late 19th century called "Buena Vista" constructed in about 1886 for Mr. Arthur Judges who was a prominent figure at that time and served as a Mayor from 1891 to 1894 . Several additions and extension have occurred in the past mostly around the rear part of the building. The proposed additional floor is also located at the half part of the rear elevation.

The additional floor located above the single storey part of the building located at the rear of the building has been carefully designed to be compatible with the existing building with roof form and some details of windows and external finishes to match the existing heritage building. The design has been examined by Council's Heritage Consultant and found to be reasonable and well integrated. He has raised no objection to the proposed design of the additional floor provided that the external finishes are completed according to specifications. This has been conditioned.

The proposed design and site planning is therefore considered to be satisfactory.

Culture and Heritage

As outlined above the building is listed as heritage building and is one of the most grandest building in that area besides Thornton Hall located not far from this site. The building addition has been examined by Council's Heritage Consultant and found to be reasonable and does not diminish the cultural and heritage significance of the building or the site.

Transport and Parking

The site and the building is used for caring and counseling of homeless youth of Penrith area through an non profitable organization called *Platform Youth Services*. There are in total 10 Staff and normally up to 4 staff at any one time. The organization function is to assist youths to provide food and counseling for homeless youths of Penrith. There will generally be up to 4 or 6 youths attending the building at any one time. Penrith Train Station is located 60m from the site and has good public bus and train transportation access. The youths are homeless and do not rely on private vehicles.

The DCP does not have specific parking requirements for such use as this except for educational facilities and health consultation rooms. As this is a specific use as for counseling of youths, parking requirements has been calculated on its frequency of usage and the number of staff and youths attending at one time. The site provides for 11 on site parking spaces of which two are located along the front and rest located at the rear of the site and for the proposed usage of the site there are ample on site parking spaces to cater for this development. A condition has been recommended to delineate all parking spaces to AS 2890.1 and that no vehicles are to be parked within the landscaped area or grass. The development therefore provides for adequate on site parking spaces.

Noise and Vibration

All activities are to take place within the rooms in the building and the potential noise from its usage is from the people only and this is unlikely to have adverse noise impact. Furthermore, the facility will only be used Monday to Friday during day time i.e. from 9am to 5am only. A condition will be recommended to limit the hours of operation to 9am to 5pm only from Monday to Friday. The noise generation from the development is therefore unlikely to have significant adverse impact to the amenity of the area.

D2 Residential Development

Community Facilities are not specified in the DCP under other Land Usage but some how can relate it to health consulting rooms and some of the objectives of these types of establishments are relevant as outlined below:

- *To ensure that health consulting rooms (for this development - community facility) are located and designed in a manner which minimises the likely impact on the amenity of the surrounding locality.*

The proposed addition to the building and its usage is unlikely to have adverse impact to the existing amenity of the area and has been operating without having adverse impact in the past.