

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0809
Proposed development:	Demolition of Existing Horse Stalls, Construction of New Stall Complex & Associated Works
Property address:	127 - 141 Station Street, PENRITH NSW 2750
Property description:	Lot 12 DP 1176987
Date received:	7 July 2014
Assessing officer	Mathew Rawson
Zoning:	ZONE NO 6(C) PRIV REC (LEP 1998 URB L)
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the demolition of existing structures, tree removal and construction of a new horse stall complex and internal road at 127-141 Station Street, Penrith (Penrith Showground/Paceway). Under the Penrith Local Environmental Plan (Urban Land) 1998, the existing landuse is a best defined as a 'recreation area' and a 'club', the proposed development is considered to be ancillary to this existing use. The subject site is zoned 6(c) Private Recreation and 'recreation area's' and 'club's are permissible land uses in the zoning with Council consent.

The new horse stalls will replace the existing stalls and provide accommodation for up to 97 horses on race days. Eighty-two of the stalls will be within the building, with the remaining 15 being external as tie-up stalls (under cover). The building will provide all-weather protection for participants. The proposal will also involve the demolition of a number of existing structures and a new perimeter road along the Ransley Street frontage. A covered walkway will be constructed linking the stable complex to the existing swab bay.

The proposal will greatly improve the stalls provided within Penrith Paceway and will provide improved amenity for horses and participants. There has been considerable attention given to the layout of the development having regard to its relationship to existing development on the site.

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

Site & Surrounds

The subject site is located on Station Street in the vicinity of Penrith Rugby League Stadium, the Panthers entertainment precinct, Mountain View Retirement Village and Centro Nepean. The site is bounded by public roads to the east, west and south and low density residential development to the north.

The site is 13.38ha in area, has an irregular formation with the majority of the land screened from view by existing vegetation along the Mulgoa Road frontage as well as by the existing brick walls and storage structures along Ransley Street.

The site is currently used by the local agricultural society as a showground and horse racing track. The site currently includes a stand, function venue, clubhouse and a race track.

Proposal

The development proposal is as generally shown on the submitted plans prepared by McKinnon Design. The existing stalls are aging and need to be replaced. The new complex will cover the entire stalls area that is currently open in parts. The proposal is for new modern race day stalls, involving the following:

- Demolition of existing stalls and other structures;
- Provision of 97 race day stalls (new) - 82 internal and 15 external (under cover awning);
- Wash bay facilities (horses);
- Landscaping of parade ring area;
- Changeroom facilities for drivers;
- Owners, trainers and drivers room;
- Stewards room;
- Race day office;
- Removal of trees between the existing stalls and within the footprint of the proposed building;
- New internal road parallel to Ransley Street;
- New rainwater tanks (roof collection); and
- Construction of covered walkway.

The existing float parking area adjacent to Mulgoa Road will continue to be utilised for parking of such vehicles upon completion of the stalls. During construction this area will be used for the erection of temporary stalls to allow race meetings to continue during construction works.

The new race stall complex will be constructed of the following materials:

- Concrete floor slab;
- Steel portal frame structure;
- Concrete tilt panel walls (dado wall, 2m high);
- Colour bond sides and roof (profiled); and
- Colour bond sliding doors to secure building.

Essentially the new race stall facilities will result in a like-for-like volume of horse stalls and facilities currently provided in the existing stalls. However rather than the outdated aging infrastructure currently existing the facilities will be consolidated into a single modern building. All other facilities such as wash bays will be increased in terms of numbers.

Plans that apply

- Penrith Local Environmental Plan 1998 (Urban Land)
- Development Control Plan 2006
- 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 within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Penrith Local Environmental Plan 1998 (Urban Land)

Provision	Compliance
Clause 7 - Aims and Objectives of the Plan	Complies
Clause 9 - Zone Objectives	Complies
Clause 9 - Zone Permissible	Complies
Clause 10 - Subdivision controls	N/A
Clause 10 - Subdivision objectives	N/A
Clause 10A - Subdivision Glenmore Park	N/A
Clause 11 - Controls for Dual Occupancy and Multi-unit Housing	N/A
Clause 11 - Objectives for Dual Occupancy and Multi-unit Housing	N/A
Clause 12 - Building Envelope	N/A
Clause 12 - Maximum External Wall Height	N/A
Clause 12 - Minimum Landscape	N/A
Clause 13 - Provisions for Environmental Performance	N/A
Clause 14 - Design Principles in development generally	Complies
Clause 15 and Schedule 3 - Development for additional purposes	N/A
Clause 16 - Activities Unaffected by this Plan	N/A
Clause 17 - Community Services and Infrastructure	N/A
Clause 18 - Temporary Use of Land	N/A
Clause 19 - Near boundary of Adjoining Zones	N/A
Clause 19A - Acquisition of Land	N/A
Clause 20 - Acquisition of Land reserved for roads	N/A
Clause 22 - Acquisition of Land within Zone 5(B), 6(B) or 7(A)	N/A
Clause 23 - Development of Land within Zone 5(B), 6(B)	N/A
Clause 24 - Acquisition of land within zone 6D by the Corporation	N/A
Clause 25 - Community use of educational establishments and tertiary institutions	
Clause 26 - Additional matters for consideration for development in zones 6A, 6B or 6D	N/A
Clause 27 - Advertising of development applications for restaurants and kiosks in Zone No.6A, 6C or 6D	N/A
Clause 28 - Tree Preservation	Complies
Clause 29 - Prohibited access	N/A
Clause 30 - Development on contaminated land	N/A
Clause 31 - Development for the purposes of advertisement	N/A

Clause 32 - Flood Liabile Land	N/A
Clause 33 - Development of certain land for medical centres	N/A
Clause 34 - Consent required for subdivisions	N/A
Clause 35 - Development of land at North Penrith	N/A
Clause 36 - Thornton Hall and land in the vicinity	N/A
Clause 37 - Land in the vicinity of Combewood	N/A
Clause 37A and Schedule 5 - Claremont Meadows Stage 2	N/A
Clause 38 - Development of the Werrington Mixed Use Area	N/A

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

The draft zoning of the allotment under Stage 2 of the Penrith Local Environmental Plan 2010 is RE2 - Private Recreation. This zone change is essentially a like-for-like transfer from 6(c) to the standard instrument format LEP. The proposal remains consistent with the relevant aims and objectives of the Plan generally as well as the RE2 zone.

However, the standard instrument LEP introduces 'Recreational Facilities (Major)' as an additional land use definition which the existing development is generally more consistent with. 'Recreational Facilities (Major)' are not permitted in the RE2 zone. It should be noted that a 'Registered Club' remains permissible under the RE2 zone, however the definition of this land use is markedly different to that of a 'club' under the 1998 LEP and it may be considered that the Paceway operations including the proposed stables are not ancillary to the 'registered club' aspect of the existing land use.

In any case, the proposal is considered to be ancillary to the existing 'club' (AH and I Society) under the current LEP and is permissible with consent. The proposal is consistent with the objectives of the Plan as well as the RE2 zone and there are no other clauses of the draft EPI which would have significant implications for the design of the proposed development. As the new LEP provisions have not commenced, it is considered appropriate to apply greater weight to the current zoning provisions. In addition, it is noted that if the draft zoning was in place, the proposal could be considered as an intensification of an existing use under the existing use rights provisions of Section 108 of the EP&A Act and Section 41 of the Regulations.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	Complies
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies

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

Prescribed Conditions

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the BCA, will be imposed as conditions of consent where applicable.

As such subject to the recommended conditions of consent, the proposed development complies with the requirements of the Regulations.

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

Context and Setting

The race stall complex will be taller in height than the existing stalls, and substantially larger in scale. The race stall complex is essentially a single storey building incorporating little articulation or architectural features, constructed of face concrete tilt panel material (dado wall) and colourbond sides and roof. The building is proposed to have soft recessive colours reducing its visual prominence.

The character of this part of the land and indeed the current use of the property is related to harness racing. Existing buildings on site are quite large and reflect their use for spectators watching racing events. Furthermore the locality in general is characterised by large scale development including the Penrith Rugby League Stadium to the south, Centro Nepean to the east and Panthers Entertainment Precinct to the west. As such the proposal is generally in keeping with the scale of development in the locality.

The building will only be partially visible from Mulgoa Road and Ransley Street, with significant existing landscape planting and the existing brick wall/fence screening the building from each street respectively. The building will also be visible within the grounds given its size. The building will 'sit' within a green space on the property and within a well-designed quality landscape as part of the proposal.

The residential properties to the north adjoining the Paceway will have limited views, although it is noted that these dwellings are elevated and that their view is from the rear of these properties. The new complex will improve the appearance of this part of the land. It is considered that the potential visual impact is minimal and that the distance between these dwellings and the complex is one that will not have a detrimental impact. Overall the proposal is compatible with the surrounding existing land uses and will have no major impact in terms of the visual amenity of the site.

Amenity

Given the distance between the proposed stable complex and the adjoining residential development as well as the fact the development merely consolidates and rationalises existing structures on site and does not introduce any new land uses on to the site, the potential for amenity impacts is considered to be minimal. Temporary stalls will be erected at the north-west corner of the subject site, however considering that these stalls will merely be utilised during the construction of the existing stalls and the recommended condition of consent requiring at least 20 metres separation between the site boundary and temporary stalls, no significant impacts are anticipated.

Access, Parking and Traffic

The existing vehicular access and parking arrangements will be formalised and made more adequate for the scale of the development on site. The proposal will have no adverse traffic generation impacts on the local road system, as all parking, loading and unloading of vehicles associated with the development will be catered for on site.

Natural Environment

The proposal involves appropriate management and disposal of waste and waste water from horses and washbays within the stall complex. Existing drainage measures are to be retained for stormwater generated by the development and erosion and sediment control measures are to be implemented during construction.

Social and Economic Impacts

The proposal poses no potential adverse social or economic impacts.

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

The subject site is deemed suitable for the following reasons:

- The zone permits the proposed use.
- The use is consistent and compatible with the existing uses on site as well as those surrounding/adjoining the subject site.
- The grade of the site is suitable for the design proposed.
- Stormwater from the site is able to drain to Council's satisfaction.
- The site adequately serviced by access, water and sewer infrastructure which has the capacity to cope with any increase in demand associated with the proposed development.

Section 79C(1)(d) Any Submissions

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
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Tree Management Officer	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

Subject to the recommended conditions of consent the proposal is considered to be consistent with the relevant sections of the Environmental Planning and Assessment Act 1979, the relevant Local Environmental Plan, relevant State Environmental Planning Policies and the Penrith Development Control Plan 2006 because it does not contravene any development standards and will not result in any significant impacts on the natural, social or economic environments.

The proposal will greatly improve the stalls provided within Penrith Paceway and will provide improved amenity for horses and participants. There has been considerable attention given to the layout of the development having regard to its relationship to existing development on the site.

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. Accordingly, the application is worthy of support and recommended for approval, subject to recommended conditions.

Recommendation

1. That DA14/0809 for the demolition of existing structures, tree removal and construction of a new horse stall complex at 121-147 Station Street, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

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

Description:	Job No:	Drawing No:	Date:	Drawn by:
Site Plan	13047	da1	June 2014	Mckinnon Design
Part Site Plan	13047	da2	June 2014	Mckinnon Design
Existing Site / Demolition Plan	13047	da3	June 2014	Mckinnon Design
Floor Plan	13047	da4	June 2014	Mckinnon Design
Elevations and Section	13047	da5	June 2014	Mckinnon Design
Waste Management Plan	-	-	18/08/2014	Michael Brown

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

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

3 [A039 - Graffiti](#)

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

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

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

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

All vehicle maneuvering, loading, unloading and parking associated with the subject development must be entirely within subject site boundaries.

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

An Arborist's Report and Tree Protection Plan must be submitted and approved by Council **prior to the issue of a Construction Certificate and prior to the commencement of any works on site**. The Report and Plan must be included as part of the construction plans to be used on site and must include the following:

- Details of the trees to be removed as part of the development.
- Details and specifications for the implementation of tree protection measures for all trees to be retained on site. These trees must be retained and protected in accordance with the Arborist's Report recommendations and AS 4970 -2009.
- Details of replacement trees to be planted. At least five (5) suitable replacement trees (preferably native trees) capable of and nurtured to grow to at least ten (10) metres in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted prior to the issue of an Occupation Certificate.

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained. All precautions shall be taken to adequately protect trees on public property (i.e. footpaths, roads, reserves, etc) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction – this includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.

7 [A special BLANK](#)

Offensive odours are not to be emitted from the site. Collection, disposal and storage of manure is to be done in such a way that it does not impact unreasonably on a person outside of the premises.

8 [A special BLANK](#)

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

Demolition

9 **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**.

10 **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.

11 **B004 - Dust**

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.

13 **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.

Environmental Matters

14 **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.

15 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

16 **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.

17 **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.

18 **D Special BLANK**

Prior to the issue of a Construction Certificate, a Construction Management Plan is to be submitted to Council for approval. This Plan is to address:

- The means of managing dust and noise;
- The means of advising the existing residents of the immediate area of the proposal and the construction program on a regular basis and fencing the construction site;
- The means of communication with the contractor and clear procedures for registering complaints and follow ups; and
- Details regarding the erection of the temporary stalls. These stalls must be setback a minimum of 20 metres from any boundary of the subject allotment and be managed to ensure that the amenity of the adjoining land uses is retained. The plan shall be accompanied by details of the temporary stalls including proposed elevations. Separate development consent may be required for this aspect of the proposal.

The approved Construction Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the works are in accordance with the approved Plan.

BCA Issues

19 [E001 - BCA compliance](#)

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).

20 [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.

Health Matters and OSSM installations

21 [F006 - Water tank & nuisance](#)

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Construction

22 [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.

23 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.

24 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.

25 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.

Engineering

26 [K041 - Bond \(Authur unknown\) - Not adopted by Council](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

27 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a Section 138 Roads Act application, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note:

1. Approvals may also be required from the Roads and Maritime Services for classified roads.

28 [K302 - Traffic Control Plan](#)

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

29 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval approval have been inspected and signed off by Penrith City Council.

30 [K Special Condition BLANK](#)

All new vehicular access roads are to be sealed.

Landscaping

31 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

32 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

33 L006 - Aust Standard

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

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

34 L007 - Tree protection measures—no TMP with DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.

35 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

36 L012 - Existing landscaping (for existing development)

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

Certification

37 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:

- 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
- 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.

38 Q05F - Occupation Certificate for Class 10

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

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.