

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0977
Proposed development:	Alterations & Additions to Emu Sports Club including New Lift Access, Construction of New Social Terrace, Repositioning of External Gaming Area & Internal Refurbishment Works
Property address:	1 a Leonay Parade, LEONAY NSW 2750
Property description:	Lot 1101 DP 1217686
Date received:	2 October 2018
Assessing officer	Jake Bentley
Zoning:	RE2 Private Recreation - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the extension of the north-western elevation of the Leonay Golf Club, construction of a lift, internal alterations to the ground and first floor as well as a reconfigured vehicle turning circle at 1a Leonay Parade, Leonay. The subject site is zoned RE2 Private Recreation in which registered clubs are permissible with Council consent under the provisions of PLEP 2010. It is note that the club is existing. The proposal involves alterations and additions to the approved club house and is therefore permissible with consent.

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014 the application was notified to surrounding property owners and exhibited between 19 October to 19 November 2018. The application was also advertised within the Western Weekender newspaper due to the extent of the proposed works. No submissions were received in response.

The application was originally advertised as an integrated development application and referred to the Department of Natural Resources in accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979. Comments were returned from the Natural Resources Access Regulator advising that for the purposes of the Water Management Act 2000, a controlled activity approval is not required.

An assessment under Section 4.15 and 4.46 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is located on the western side of Leonay Parade, Leonay and is legally defined as Lot 1100, DP 1217686. The site has a total lot size of 22.01ha and is occupied by the Leonay Golf Course accessible via Leonay Parade in the north-eastern corner of the site. The club house associated with the golf course is located on the northern side of the site and the site provides for a north-easterly slope.

It is noted that the subject site is identified as being bushfire prone land partly, impacted by overland flow flooding and a variety of easements. Knapsack Creek meanders in and out of the northern portion of the site and the neighbouring site to the south-east is occupied by a heritage item known as "Leo Buring" cottage, barn, glasshouse and memorial. The easements impacting the site in the vicinity of the proposed works are a right of carriageway over track in use referenced as N on the Survey Plan and easement for services over existing line of cables referenced as P on the Survey Plan. The proposed works will not impact these easements with the exception of minor works within the car park.

The subject site benefits from an approval for a club house (DA34/77) including the following additions (DA27/78, DA154/90 and DA950053). A pre-lodgement meeting for the proposal development was held with Council representatives on the 29/5/2018.

The neighbouring site to the north is zoned RE1 Public Recreation and is occupied by Leonay Oval whereas neighbouring sites to the east, south and west are occupied by R2 Low Density Residential zoned properties primarily being detached dwellings with the exception of Leonay Public School approximately 311m south of the club house. The exit ramp from the M4 Motorway is located approximately 90m north-east from the site.

Proposal

The proposed development includes the following alterations and additions:

Car Park:

- Relocation of accessible parking spaces to have 4 accessible parking spaces to the east of the club house front entrance.
- Amendments to the club house front turning circle including a larger hardstand front entry at the base of the stairs and proposed lift as well as the demolition of a garden bed and inclusion of a pedestrian crossing linking the accessible car parking spaces to the club entrance.

Ground Floor:

- Partial demolition of the club house front garden bed to construct a new lift including awning.
- Demolition of existing ground floor stairs to the left of the indicated transition zone.
- Removal of a portion of landscaping forward of the pro shop to make way for columns to support the first floor addition.

First Floor:

- Demolition of wall to make way for new lift.
- Replacement of the reception desk with a freezer and cool rooms.
- Demolition of stair case inline with below ground floor staircase.
- Inclusion of new sign in desk, bar, cashier, servery and bar wash up to the outside of the existing kitchen.
- Removal of existing openable wall to create an open general lounge area.
- Amendments to southern amenity areas to provide for a compact area increasing the size of the alfresco dining area.
- Demolition of alfresco dining area door and replaced with infill glazing.
- Reconfiguration of north-western amenities area.
- Partial demolition of north-western terrace and conversion to a sports lounge with landscaping treatment externally.
- Reconfiguration of existing main bar, sports lounge and sports bar to provide for an open area transitioning into the general lounge area.
- Demolition of existing cashier to the west of the external gaming area and conversion to a utility room.
- Conversion of external gaming area to internal gaming area.
- Addition to the north-west elevation of the building to include a social terrace and external gaming area including a new façade.

Plans that apply

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

- **Section 4.14 - Bushfire prone land assessment**

The Bushfire Prone Land Map indicates that the north-western portion of the site is bushfire prone land which is approximately 150m away from the proposed works. However, under the provisions of Clause 4.14 of the Environmental Planning and Assessment Act (EPAA) 1979, consideration must be given to the document "Planning for Bushfire Protection" 2006 (PBP).

The PBP states that bush fire specific construction standards are not addressed for Class 9 buildings. Council's Building Surveying Department have examined the proposal and have stated that the proposed development is a Class 9 building. In this regard, bush fire specific construction standards are not applicable however, the PBP states that Class 9 buildings should be assessed on their merits and with consideration of the specific objectives listed in Chapter 4.2.3 of the PBP.

The club house is provided with a perimeter road to the north-east and the existing hydrant to the front of the club house will remain. In addition, the club house is located away from the bushfire prone area of the site. In this regard, the proposed is considered satisfactory from a bushfire planning perspective.

- **Section 4.15 - Evaluation**

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

- **Section 4.46 - Integrated development**

The proposed development is located within 40m of the adjoining watercourse to the north and north-east known as Knapsack Creek. In this regard, the proposed development has been referred to the NSW Office of Water as an integrated referral as it appears that a controlled activity approval under Clause 91 Activity approvals of the Water Management Act 2000 is required.

A response from Natural Resources Access Regulator (NRAR) was provided on 17/12/2018 stating that the proposed development does not require a controlled activity approval and in this regard no specific conditions under Section 4.46 of the EPAA are required to accompany any development consent granted.

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

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 of SEPP No. 55 - Remediation of Land a consent authority must not consent to the carrying out of development on any land unless it has considered whether the land is contaminated. A review of site using Council's mapping systems indicates that the site has been used for a golf course, club house and hardstand parking area surrounding the area subject to the proposed works. In this regard, the land is not considered to be contaminated.

It is also noted that the application was referred to Council's Environmental Management Section who have advised that as no excavation works are proposed and that the subject site has not been identified as potentially hazardous, allowing for compliance with SEPP 55. In addition, any development consent granted will also incorporate the recommendations of a Hazardous Material Survey which accompanied the application.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997) and the proposal is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	N/A
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.2 Flood planning	Complies - See discussion

Clause 5.10 Heritage conservation

It is noted that the subject site neighbours 3A Leonay Parade, Leonay which maintains a heritage item known as "Leo Buring" cottage, barn, glasshouse and memorial, identified as being heritage item number 109 under 'Schedule 5 Environmental Heritage' of PLEP 2010. In this regard, the proposal was referred to Council's Heritage Officer who raised no objections to the proposal given the distance of the proposed works from the adjoining heritage item.

Clause 7.2 Flood planning

The subject site is identified as being impacted by overland flow flooding and in this regard, has been referred to Council's Development Engineering Department which raised no objections to the proposal. It is also noted that the pre-lodgement notes stated that the lift shall be located above the 1% AEP water surface level. The elevation plans submitted in support of the proposal show the location of the 1% AEP flood level and the lift appears to be inline with this level. In this regard, a condition of consent is recommended ensuring the lift level is above the 1% AEP water surface level impacting the site.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance

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

The proposal has been referred to Council's Building Surveying Team which has raised no objections to the proposed development subject to recommended conditions of consent. In this regard, the proposal will comply with the Building Code of Australia and the regulations subject to recommended conditions of consent.

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

The proposed development will not generate any adverse visual impacts given the location of the existing clubhouse and existing natural condition which provides suitable separation and screening from adjoining properties and Leonay Parade. The proposal will provide for increased accessibility into the clubhouse and a safer access arrangement from the accessible parking spots within the car park. The proposed internal amendments will provide an open general lounge area with a centralised bar, café and kitchen area. In addition, the proposal will provide for causal surveillance of the car park creating a safer environment. The proposed works will not impact the existing waste collection arrangement. In addition, the proposed social terrace and external gaming area will provide for outdoor dining and entertainment opportunities which are not considered will generate any significant noise impacts given the distance from sensitive noise receivers located approximately 150m to the south-east of the subject site. It is also noted that no concerns in relation to noise impacts to surrounding residents was raised by Council's Environmental Management Team. In this regard, there are no significant negative impacts envisioned as a result of the proposed development.

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

The site is suitably zoned for the proposed development and the overland flow and bushfire affectations of the site have been addressed. In addition, the existing easements will not impact the proposed development and the proposed development does not require a controlled activity approval as per correspondence from NRAR.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 in the Penrith Development Control Plan (DCP) 2014 the application was notified to surrounding property owners and exhibited between 19 October to 19 November 2018. The application was also advertised within the Western Weekender newspaper due to the extent of the proposed works and its integrated nature. No submissions were received 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
Development Engineer	No objections - subject to conditions
Heritage	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections

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

There are no significant issues relating to the public interest envisioned as a result of the proposed development.

Conclusion

In assessing the proposed development against the relevant environmental planning policies, primarily being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposal and there are no significant negative impacts envisioned as a result of the proposal. Therefore, the application is worthy of support, subject to the recommended conditions of consent.

Recommendation

That DA18/0977 for the north-west extension of the clubhouse, construction of a lift, internal and external amendments and minor works to the car park and clubhouse entrance at 1a Leonay Parade, Leonay 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	Reference No.	Issue	Date
Cover Page and Location Plan	GROUPN	00-00	3	9/7/2018
Proposed Site Plan	GROUPN	00-02	4	9/7/2018
Existing/Demolition Site Plan	GROUPN	00-03	2	9/7/2018
Existing/Demolition Ground Floor Plan	GROUPN	02-10	4	9/7/2018
Proposed Ground Floor Plan	GROUPN	01-10	4	9/7/2018
Existing/Demolition First Floor Plan	GROUPN	02-11	4	9/7/2018
Proposed First Floor Plan	GROUPN	01-11	4	9/7/2018
Proposed Elevations	GROUPN	03-01	3	9/7/2018
Proposed Sections	GROUPN	03-02	2	9/7/2018
Engineering Plans, all Project No. 180412				
Ground Floor Drainage Plan	Greenview Consulting	C02	2	27/6/2018
Notes & Legend	Greenview Consulting	ESM1	1	26/6/2018
Environmental Site Management Layout	Greenview Consulting	ESM2	1	26/6/2018
Waste Management Site Plan	GROUPN	19-07	1	9/7/2018

- Access and Mobility Report, prepared by Bio-Building Design, dated 30/5/2018
- Asbestos & Hazardous Materials Demolition & Refurbishment Survey, prepared by Banksia EOHS, dated 4/5/2018, and
- Waste Management Plan, prepared by GROUPN dated 9/7/2018.

2 A002:

The hours of operation for all external dining, gaming and terrace areas is restricted to the existing hours of operation of the club:

Monday: 10:00am - 9:30pm
Tuesday: 10:00am -10:30pm
Wednesday: 10:00am -10:30pm
Thursday :10:00am -10:30pm
Friday: 10:00am -1:00am
Saturday 9:00am -1:00am
Sunday: 10:00am - 9:00pm

Noise levels from the premises shall not be audible within a habitable room of any residence at any time. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise. Should Council receive complaints regarding noise emissions arising from the occupation and use of any external area of the club within a six-month period following operation, the applicant shall be required to submit a full acoustic assessment.

3 A012 - Food Act

The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

5 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Chapter C9 Advertising and Signage of Penrith Development Control Plan 2014.

6 A032 - Goods in buildings

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

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 \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall ensure that the lift is located above the 1% AEP water surface level.

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

The recommendations made in the Statement of Environmental Effects accompanying the development application prepared by GROUPN, document reference No. NA_16_10076_30_01, revision 1, dated 9 July, 2018 relating to principles of Crime Prevention through Environmental Design shall be implemented.

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

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall ensure that suitable ventilation equipment is provided to ensure passive smoke from the external gaming area does not impact on any users of the social terrace. This is required if the social terrace includes a dining area.

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

No amplified music is to be provided to the first floor social terrace area.

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

Patrons to the social terrace area and external gaming area are to be appropriately advised of the closing time and moved from this area in line with the approved hours of operation of the club.

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

Activities to the social terrace area and external gaming area are to be conducted and patrons are to be controlled at all times so that no interference occurs to surrounding properties and premises.

14 [A Special 1](#)

Club Management shall be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed Community Safety, Security or other issues in conjunction with other local stakeholders in the area should the need arise.

15 [A special BLANK](#)

The recommendations provided in the document 'Asbestos and Hazardous Materials Demolition and Refurbishment Survey, Emus Sports Club' prepared by Banksia EOHS Pty Limited (dated 4 May 2018) shall be implemented and incorporated into all demolition and construction works.

16 [A Special CPTED Requirements](#)

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development, including the at-grade car park, must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Car Parking

- A security system must be installed on vehicle entry/exit points to the car park to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed to all restricted areas.
- Australian Standard 220 – door and window locks must be installed.
- CCTV is to be provided to cover public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be installed and extended to cover the new and refurbished areas of the club.

Amenities

- Entrances to the amenities must be clear of screening to enable staff and patrons to observe people entering and exiting.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Demolition

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

All structures nominated for demolition on the stamped approved plans shall be demolished as part of the approved works.

18 [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 of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

19 **B003 - ASBESTOS**

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

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

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

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

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

20 **B004 - Dust**

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

21 **B005 - Mud/Soil**

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

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 for the development and Landcom's "Managing Urban Stormwater: Soils and Construction" 2004.

{Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.}

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established.

23 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

24 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No 20 Hawkesbury- Nepean River (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

25 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan 2014) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Development Control Plan 2014 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."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

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

All construction waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

27 **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.

28 **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.

29 **D026 - Liquid wastes**

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.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

30 **D027 - SW lines not to be Touched**

The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

BCA Issues

31 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.

32 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

Health Matters and OSSM installations

33 F026 - Kitchen bar & food prep area-certification

Details of any changes to the kitchen, bar, food preparation and storage areas must be submitted to Council for approval **prior to the issue of a Construction Certificate** and are to include:

- Location and details of all hand wash facilities in the kitchen, café and bar areas, including details of hands free tap operation;
- Location and details of all sinks in the kitchen, café and bar areas, including food preparation sinks, mop sinks, wash up sinks etc;
- Location and details of any glass washers or dishwashers;
- Location and details of cooking equipment;
- Location and details of all refrigerators, cool rooms and freezers;
- Location of all other fixtures and fittings throughout the kitchen, café and bar areas (e.g hot and cold food storage, preparation benches, staff lockers, storage shelves etc);
- Location of any floor wastes throughout the kitchen;
- Details of the surface finish of floors, walls, ceiling, shelves, benches etc;
- Details of proposed mechanical ventilation (note – mechanical ventilation is to be installed over dishwashers and glass washers, as well as cooking equipment).

Utility Services

34 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

35 G004 - Integral Energy

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

Construction

36 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on-site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works on-site, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

37 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

Construction and demolition works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy 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

39 [K101 - Works at no cost to Council](#)

All works required to effect the consented development shall be undertaken at no cost to Penrith City Council.

40 [K201 - Infrastructure Bond](#)

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

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

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

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

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.

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

All car parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, AS 2890.3, AS 2890.5, AS 2890.6 and Penrith Development Control Plan 2014.

Landscaping

43 [L007 - Tree protectionmeasures–no TMPwith DA](#)

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

44 [L008 - Tree PreservationOrder](#)

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

45 [L012 - Existinglandscaping \(for existing development\)](#)

Existing landscaping that is not impacted by the approved development is to be retained and maintained at all times.

Certification

46 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on-site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on-site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

47 **Q05F - Occupation Certificate for Class10**

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

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

Building Form

It is noted that the existing club house is located roughly 130m from the street and is screened from view by existing built and natural structures in particular the north-west elevation to which most of the works are proposed. However, the proposal provides for an attractive built form in terms of external colours and materials used and the stepping of the addition to the north-west elevation.

The proposal provides for an awning above the lift entrance to reduce the appearance of vertical wall, a feature façade consisting of breeze block with greenery between openings provided to the outside of the external gaming room and the social terrace has been provided with a glazed balustrade. The location of the external gaming, social terrace and alfresco dining areas have been located to receive suitable solar access and provide clear views of the car park. In this regard, the proposed built form is considered to complement the existing club house and will not create any adverse impacts.

Crime Prevention Through Environmental Design (CPTED)

The proposal has been referred to Council's Public Domain Amenity & Safety Team which raised no objections to the proposal. The Statement of Environmental Effects (SEE) has satisfactorily addressed CPTED principles by implementing the following features to the club house:

- The proposed lift and extension will provide suitable views to the car park.
- The external area of the pro shop and golfers amenities will be lit by warm features to avoid a dark corridor.
- The main entrance to the building is easily identified by the inclusion of the proposed lift.
- Access to staff and back of house areas are restricted.

The recommendations listed within the SEE submitted with the proposal will be required to be complied with as recommended conditions of consent. In addition, Council's Social Planning Team raised some concerns as to whether the proposed social terrace will be utilised for dining as passive smoke from the adjacent external gaming area may impact diners. However, the social terrace is open with a balustrade to the north elevation.

Access

The proposed lift, reconfigured accessible parking spaces, inclusion of pedestrian paths to the building entrance and the proposed works around the front entrance to increase the hardstand area all contribute to create suitable access to the building.

C2 Vegetation Management

The proposal will not require the removal of any trees only the removal of minor landscaped areas such as a portion of the garden bed where the lift will be located and the garden bed forward of the pro shop entrance.

C3 Water Management

The proposal includes minor additions resulting in an increased roofed and hardstand area of approximately 161m² and therefore does not need to consider Water Sensitive Urban Design (WSUD).

The subject site is identified as being impact by overland flow flooding and therefore has been

referred to Council's Development Engineering Department which raised no objections to the proposal subject to recommended conditions of consent. The lift shall be located above the 1% AEP water surface level which will be required as a recommended condition of consent and the proposed drainage method is deemed satisfactory.

C5 Waste Management

The subject development application has been supported by a Waste Management Site Plan which details the current waste collection method for the club house. It appears that a bin enclosure is located on the north-western side of the car park in which recyclables and putrescible wastes are dumped. In addition, there appears to be a pick up zone within the loading bay to the north of the building for collection of glass and cans.

In this regard, the proposal will not impact the existing waste collection arrangements.

C10 Transport, Access and Parking

The proposal has been referred to Council's Traffic Engineering Department which raised no objections to the proposal subject to recommended conditions of consent. Initially there were some concerns in relation to how the proposed extension would impact the ability for delivery trucks to access the loading bay on the northern side of the club house due to the inclusion of a support column.

The proposed Ground Floor Plan indicates that a 3.7m wide gap is provided between the support column and the external wall of the delivery area. In this regard, given the length of the loading bay and its height being 2.5m there appears to be suitable room for delivery trucks to access the loading bay.

In accordance with Penrith Development Control Plan 2014 (DCP) registered clubs are to provide the following parking rates *1 space per 4m² of bar floor area plus 1 space per 6m² from lounge and dining rooms*. The subject site currently has 170 parking spaces reduced by 2 as a result of the proposed accessible parking spaces equalling 168 parking spaces.

It is noted that the ground floor consists primarily of storage areas for the club house and golf course such as golf cart storage as well as a pro shop and sportswear retail store used in association with the club house and golf course. The first floor provides for a 871m² lounge and dining area and a 144m² bar area. In this regard, 181 parking spaces are required for the existing club house.

The proposal results in the reconfiguration of the first floor and provides for the following areas, 1050m² lounge and dining area and 26m² of bar area. In this regard, the proposal requires 182 parking spaces on-site.

In this regard, the proposal will require an additional parking space as to what currently exists on-site in accordance with Penrith DCP 2014. The proposal will significantly reduce the amount of bar area provided within the club house, a review of the property within Council's systems indicates that no complaints have been received in relation to parking on-site and aerial views of the site indicate that the existing parking arrangements are suitable. The proposed development is not considered to increase the amount of patrons to the club but rather improve the accessibility and amenity of the club for existing patrons. In this regard, considering the existing parking arrangements are suitable and the minimal parking requirement for the proposal, the proposed development is considered satisfactory.

C12 Noise and Vibration

The subject development application has been referred to Council's Environmental Management Team which raised no objections to the proposal subject to recommended conditions of consent. An Acoustic Report was not considered necessary due to the distance from the closest residential receiver.

C13 Infrastructure and Services

It is noted that the proposal will involve some minor works including the conversion of parking spaces to accessible parking spaces, the removal of a garden bed and the inclusion of a pedestrian crossing under an easement for electricity purposes. However, considering that parking spaces already exist under the easement there are no significant issues envisioned as a result of the proposal.