

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1086
Proposed development:	Construction of an Aerial Rope Recreation Facility Including Associated Fencing, Amenities Kiosk and Modifications to the Existing Go Bananas Facility
Property address:	Boronia Road, NORTH ST MARYS NSW 2760
Property description:	Lot 11 DP 1192443
Date received:	29 August 2014
Assessing officer	Mahbub Alam
Zoning:	E2 Environmental Conservation - LEP 2010 IN2 Light Industrial - LEP 2010 RE2 Private Recreation - LEP 2010
Class of building:	Class 9b , Class 10a , Class 10b
Recommendations:	Approve

Executive Summary

On 29 August 2014 Council received a Development Application from the St Mary's Leagues Club (C/-Urbis) for construction of aerial ropes park as an extension to the Go Banana facility at Nos. 183-197 Boronia Road, North St Marys.

Penrith Local Environment Plan 2010 (PLEP 2010) applies to the whole site. The subject site is part zoned IN2 Light Industrial and part zoned RE2 Private Recreation. The portion of the site subject to the proposal is zoned RE2 Private Recreation under PLEP 2010. The proposal is categorised as Recreation Facilities (outdoor) which is a permissible form of development on the site with Council's consent.

The subject application was placed on public exhibition and notified to adjoining property owners from 15 September 2014 to 29 September 2014. No submission has been received in relation to the proposal.

An assessment of the proposed development under Section 79C of the *EP&A Act 1979* has been undertaken and the following issues with the initial proposal emerged as a result of this assessment process:

- Accessibility;
- Access, parking and traffic;
- Noise generation;
- Safety, security and crime prevention;
- Social and economic impacts; and
- Stormwater management

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site and is not considered to result in a negative impact on the surrounding environment.

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 site is located on the north-eastern corner of Forrester Road and Boronia Road, St Marys.

The site contains the St Marys Rugby League Club, and associated playing and car parking fields. The site has a land area of 23.62 hectares with frontages to both Forrester and Boronia Roads.

The site is surrounded by a variety of land uses, including a Masters Home Improvement store to the north and open space land to the north (Ropes Creek Corridor) and east, residential properties on the southern side of Boronia Road and industrial land uses to the west (being the Dunheved Business Park).

Proposal

The proposed Aerial Adventure Park (AAP) consists of a series of linked 'crossings' which are crossed at height (usually between 2 and 15m) by guests who are securely fitted into standard conforming fall prevention/arrest harnesses and lanyards.

Crossings include playground-like challenges like suspension bridges; small zip Lines, and cargo net traverses. AAP activities also include controlled free-falls, giant swings and long zip lines.

The proposal comprises the addition of an AAP directly north of the existing Go Bananas facility. The facility reaches a maximum height of 22m and requires a total of 1,459sqm of floor area, made up of:

- Kiosk: 33sqm
- Lobby extension: 18sqm
- Existing outdoor area: 810sqm
- Extended outdoor area: 598sqm

The facility will accommodate a maximum of 150 people at a time, with a ropes course capacity of 30 people at any one time.

The AAP will contribute to the existing outdoor entertainment opportunities in St Marys for all age groups and all abilities.

The proposal is seeking approval for the following works:

- Construction of an aerial adventure course including steel poles, anchor blocks, platform decks and stairs;
- New flooring in the area below and immediately surrounding the aerial adventure course with sections of timber, rubber and turf;
- Shade sails to cover portions of the Aerial Adventure Park (AAP);
- New fencing around the perimeter of the Aerial Adventure Park (AAP);
- New amenities kiosk containing workspace for 1-2 staff members, storage racks for safety equipment, and space to distribute safety equipment to the patrons through an opening in the eastern wall;
- Foyer extension; and
- Modifications to the existing Go Bananas awning.

The facility is expected to employ 2 full time and approximately 8 part time staff during operation.

The operating hours are from 9am to 8pm Monday to Sunday in Daylight Savings Time (First Sunday in October to First Saturday in April) and 9am to 6pm Monday to Sunday in Non-Daylight Savings Time (First Sunday in April to First Saturday in October).

The ropes course has the capacity for 30 people at any one time, with a turnover time of 30 minutes. With each group of 30 staying 2-2.5 hours, the facility could have up to 150 people on the premises at any one time.

The following security measures will be put in place to secure the site:

- Pool-standard perimeter fence with locked gates;
- Out of hour's ambient lighting;
- Movement sensor flood lighting; and
- Anti-climb measures at the base (non-negotiable platforms).

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.9 - Extractive Industry
- 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 *EP&A Act 1979*. The main issues that have arisen in the assessment relate to:

- Accessibility;
- Access, parking and traffic;
- Noise generation;
- Safety, security and crime prevention;
- Social and economic impacts; and
- Stormwater management.

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 – Traffic-Generating Development

Forrester Road is an unclassified regional road and therefore the proposed works within this road do not require the NSW Roads and Maritime Services approval under the *Roads Act 1993* (i.e. Council will be responsible for approving the works).

The Development Application was referred to Council's Traffic Engineering Department for further review. Council Traffic Engineering Department has raised no objection to the proposal subject to conditions.

State Environmental Planning Policy No 55—Remediation of Land

SEPP55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. SEPP55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Soil Sampling Stage 1 Preliminary Site Investigation was undertaken as part of DA13/1018 (Remediation Works). This investigation concluded that subject to validation of the stockpile footprint following completion of the Stockpile Remediation Strategy (as per DA13/1018 above) the site will be suitable for the proposed land use.

Based on the Site Assessment, there is no evidence to suggest that the subject land has previously supported any activities which may have resulted in land contamination, and Council is not aware of any contaminating activities currently being undertaken on the site. This information is sufficient to conclude that the provisions of SEPP55 have been satisfied.

State Environmental Planning Policy No 64—Advertising and Signage

SEPP64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

A separate application will be lodged for any signage pursued. As a result SEPP 64 is not applicable to the proposed development.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (SREP11)*. SREP11 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

Clause 11(14) states that consent is required for recreational facilities on land:

- a) *that adjoins the river or a tributary of the river, or*
- b) *that is flood prone land.*

The site and proposed works are located approximately 650m west of Ropes Creek at the closest point. Given this distance there will be no impact on the wider Hawkesbury-Nepean River system.

The northern region of the subject site falls within the 1:100 year flood plain for the Ropes Crossing flooding scenario, however the Go Banana building and proposed works will not be affected.

Small portions of the proposed works however do fall within the broader catchment flooding scenario.

The Flood Statement provided by Worley Parsons has explored the impacts of the works on this catchment flood scenario and concludes that appropriate measures have been proposed to mitigate potential flooding impacts.

The objectives of SREP 20 are considered to be satisfied and Councils Development Engineers are satisfied in terms of stormwater drainage and flooding issues.

Sydney Regional Environmental Plan No.9 - Extractive Industry

SREP9 identifies regionally significant extractive resources within the Sydney region to facilitate their utilisation. The plan ensures extraction is carried out in an environmentally acceptable manner and prohibits extraction from certain environmentally sensitive areas. It ensures that decisions on future urban expansion take into account the ability to realise the full potential of important deposits. There are no provisions contained in SREP9 which are of relevance to this proposal.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	N/A

Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	Complies - See discussion
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	Complies - See discussion
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.9AA Trees or vegetation not prescribed by development control plan	
Clause 6.1 Earthworks	Complies - See discussion
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	Complies - See discussion
Clause 6.3 Flood Planning	Complies - See discussion
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 6.6 Servicing	Complies - See discussion

Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Permissibility

The subject site is zoned *IN2 Light Industrial* and *RE2 Private Recreation*. The part of the site intended for development is primarily zoned *RE2 Private Recreation* under *Penrith Local Environmental Plan 2010 (LEP2010)*.

The proposal is categorised as works to a Recreation Facilities (outdoor) which is a permissible form of development on the site with Council's consent.

LEP and Zones Objectives

The objectives of the RE2 Private recreation Zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposal supports these objectives as it expands the offerings of the Go Banana Facilities which will improve the overall recreational uses on the site. Given the alterations and additions are on an existing developed area, and a considerable distance from Ropes Creek, there will be no adverse impact on the natural environment.

Therefore, the proposed development is consistent with the aims and objectives of the LEP and the RE2 zone

Clause 4.3 – Height of buildings

There is no height control prescribed in the LEP 2010 on the site. The application involves a climbing frame with a maximum height of 22m. This height is considered suitable given the facility is highly transparent with no perceivable bulk. The sites separation from surrounding land uses and overall scale, the scale of the adjoining Masters Development, and absence of a height control, further justify the proposed height.

Clause 5.3 – Development near zone boundaries

The proposal complies as the development does not rely on the development provisions of this clause.

Clause 5.9 – Preservation of trees or vegetation –

The proposed development does not require removal of trees to facilitate the proposal.

Clause 5.11 - Bushfire Prone Land

The NSW Rural Fire Service Planning for Bushfire Protection (PBP) aims to protect human life and to minimize impacts on property from the threat of bushfire, while having due regard to development potential, on site amenity and protection of the environment.

The proposal is for construction of aerial ropes park as an extension to the Go Banana facility, non-hazard side of the existing building.

The mapped bushfire hazard to this proposal is to the east of the proposed works at a distance of well over 100m. The vegetation has been identified as Woodland on land that is generally flat.

As the proposed work is greater than 100 m from the identified hazard the deemed to satisfy construction requirements of AS3959 2009 are not considered applicable to this proposal.

Although AS 3959 2009 is not considered appropriate for this building, Planning for Bushfire Protection (PBP) applies to 'all development applications on land that is classified as Bushfire Prone Land (BPL), identified on a councils BPL map'.

This proposal falls outside the requirements for specific bushfire safety construction standards as outlined in the BCA and requires only the general fire safety provisions of the BCA that are associated with that class of structure.

Planning for Bushfire Protection requires that this proposal complies with the aims and objectives of that document.

It is considered that this proposal does comply with the aims and objectives of Planning for Bushfire Protection.

Clause 6.1 – Earthworks

The extent of earthworks is necessary to form level pads for building, and parking and to ensure that the development proposal can comply with relevant flooding requirements. The extent of excavation will not have a detrimental effect on the land in terms of drainage patterns, soil stability, and amenity impacts to adjoining properties. The site is not identified as containing relics however an advisory condition of consent will be imposed to require the cessation of works in the event that relics are discovered.

Clause 6.2 – Salinity

The development complies with the provisions of this clause as the works are contained on land which is currently impervious with no detrimental environmental impact resulting from the proposed further development.

The proposal is consistent with the provisions of the clause and the proposed works will not be impacted by salinity.

Clause 6.3 – Flood planning

The site is identified as flood prone land and a flood study prepared by Worley Parsons was submitted with the development application. The development proposal has been designed to ensure that flood behaviour is not unreasonably affected and that floodwater can continue to be conveyed through the site whilst ensuring safety for motorists and other users of the site.

The LEP requires that development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) *is compatible with the flood hazard of the land;*
- (b) *if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway;*
- (c) *is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties;*
- (d) *is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area;*
- (e) *is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or a reduction in the stability of river banks or waterways;*
- (f) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding; and*
- (g) *is consistent with any relevant floodplain risk management plan.*

In addition, development consent must not be granted for development on flood prone land unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.

Council's Development Engineer has reviewed the proposed development with regard to the preceding flood planning considerations and is satisfied with this aspect of the proposal.

Clause 6.5 – Protection of scenic character and landscape values

The objectives of this clause are as follows:

- *To identify areas that have particular scenic value either from major roads, identified heritage items or other public places; and*
- *To ensure development in these areas is located and designed to minimise its visual impact.*

The location of the proposed works is adjacent to, but not within the area identified as having 'Landscape and Scenic Values' by Council.

The proposed foyer extension will not be visible from the public domain, and will not in any way interfere with landscape and scenic view.

The proposed AAP when finished will be setback further from Forrester Road than the existing front building line, and have a maximum height of 22m. As such, the overall impact of the building will be minimal.

The existing verge and car park landscaping, combined with the proposed building periphery landscaping, will assist in creating a visual buffer from the public domain.

The proposal satisfies the provisions of this Clause of PLEP 2010.

Clause 6.6 – Servicing

The proposed development complies with this clause as existing services are available to the site and conditions of consent can be imposed to ensuring sufficient servicing is available as a result of the proposed intensified development.

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies - see Appendix - Development Control Plan Compliance
Part C 1 - Site planning and design principles	Complies - see Appendix - Development Control Plan Compliance
Part C2 - Vegetation management	Complies - see Appendix - Development Control Plan Compliance
Part C3 - Water management	Complies - see Appendix - Development Control Plan Compliance
Part C4 - Land management	Complies
Part C5 - Waste management	Complies - see Appendix - Development Control Plan Compliance
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	N/A
Part C10 - Transport, access and parking	Complies - see Appendix - Development Control Plan Compliance
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies - see Appendix - Development Control Plan Compliance
Part C13 - Infrastructure and services	Complies - see Appendix - Development Control Plan Compliance

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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

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

Site Design, Context and Setting

Natural Environmental

The proposed works do not involve excavation or the removal of any trees, are adequately distanced from the Cumberland Plains Woodlands conservation area, and will not result in a reduction in deep soil area. Given the above, and considering the works will take place on an existing hard paved area, there will be no negative impacts on the natural drainage and stormwater patterns on the site.

- *Flood Management*

While the northern region of the subject site falls within the 1:100 year flood plain for the Ropes Crossing flooding scenario and catchment flooding scenario, the proposed AAP location will not be affected. Therefore the proposal will not increase risk of damage by flood to people or property.

Worley Parsons has completed a Flood Impact Assessment for the proposed works and has found the proposed is fully compliant with Council's DCP requirements.

- *Overland Flow*

Given the proposed AAP is a frame; it will not prevent overland flows from passing over the facility. TTW have prepared an Overland Flow and Drainage Impact Assessment Report, which has been provided with this application. Given this, there will be no negative impact on the overland flows.

- *Stormwater and Sediment Control*

The location of the works is presently a hard paved and impervious surface. Given this, the proposed development will not have a negative impact on stormwater and sediment movement on the site.

- *Flora and Fauna*

The proposed works do not involve the removal of any trees and are adequately distanced from the Cumberland Plains Woodlands conservation area so as to not have an impact on this habitat.

- *Bush Fire*

A statement regarding the site's vulnerability to bushfires has been prepared by Bushfire Planning Services. This statement concludes the mapped bushfire hazard on this site is to the east of the proposed work at a distance of well over 100m. As such, the deemed to satisfy construction requirements of AS3959 2009 are not considered applicable to this application.

The Bushfire Statement provides further detail on this, and compliance with Planning for Bushfire Protection aims and objectives.

- *Noise*

Acoustic Logic has prepared an Acoustic Report which assesses the potential environmental noise impacts of the proposal. The report concludes that the primary source of noise will be from patron voices. The nearest potentially affected residential properties are those on Boronia Road. In order to ensure acceptable noise standards, Acoustic Logic recommend a maximum music volume and a further review of any mechanical plants at CC stage.

- *Waste*

Management plans for demolition, construction and ongoing waste have been prepared and form part of this application.

- *Water*

The proposed will utilise existing water facilities.

Built Environment

- *Built Form and Scale*

The considerable setback to Forrester Road and the Masters building reduces the visual impact of the APP. Careful selection of colours and materials have ensured the proposed does not have a high visual impact from the public domain. A materials and finishes schedule has been provided as part of the architectural set, and is provided with this application.

- *Relationship to Adjoining Properties*

The setback of the proposed works to Forrester Road is greater than that of the existing club building

facade. The works are also setback a considerable distance to the Masters development. The structure will be screened from residential dwellings in Boronia Road by the existing club building which will ensure there will be no impact on adjoining residential properties.

- *Access, Parking and Traffic*

Given the withdrawal of DA13/1196 for the fitness centre and motel development on the St Mary's Leagues Club site, the traffic study has been amended to delete references to parking proposed by DA13/1196. As such, the assessment of the parking and traffic demands for the aerial rope park has been considered in the context of only the active development proposals approved or currently before Council across the site.

It is noted the McLaren Traffic Engineering Traffic Report has used recent analyses performed by CBHK for the purpose of the St Marys Rugby Leagues Club Western Foyer Extension DA14/0932. The CBHK Traffic Report submitted as part of DA14/0932 contains the details requested by Council. The detail and location within the report is provided below:

- Parking survey details including date and time
- Detailed information on traffic counts, including duration: Section 2.9 table 2.1
- Results of the SIDRA modelling: Section 2.10, 2.11

The Traffic Report assessment for the aerial rope park found that it will generate a maximum parking demand for 48 vehicles during its peak period on Friday evenings. As the proposed provision of parking will satisfy the parking demand for both the ropes park and the finished Phase 1 extension of the Club, McLaren Traffic Engineering conclude there is sufficient parking to support the operation of the aerial ropes park and the Phase 1 expansion of the club without additional parking being required or further assessment being undertaken. However the traffic assessment concludes a further assessment of parking demand would be required prior to Phase 2 expansion construction. The Club supports this being imposed in the conditions of consent on DA14/0932.

- *Accessibility*

The application has been accompanied by an Accessibility Report prepared by Design Confidence which provides a review of the proposed works with regard to access considerations. The key access issues considered in the Accessibility Report include:

- Accessible pedestrian pathways from the car parking are proposed to the principal entrance of the building.
- An accessible entrance and circulation area to the site is proposed.
- All internal doors and circulation areas are proposed to be of a dimension mandated by AS1428.1-2009.
- The entrance doorways are proposed to have a zero step entrance.
- The development includes unisex accessible toilets in accordance with the provisions of the BCA.
- Two (2) off street accessible car parking spaces are proposed complying with AS2890.6 and Part D3.5 of the BCA and the Premises Standard 2010.

The Accessibility Report concludes that subject to minor design changes, the proposal will provide equitable access for people with disabilities. In particular, the main car park is to be provided with an additional 2 accessible car spaces.

The proposal was reported to Council's Access Committee at its meeting held on 11 February 2015. At that meeting, the Committee requested the following matters be considered in Council's assessment of the proposal:

- Committee requested the carparking spaces adjacent to the main entry of the Go Bananas building be converted to accessible car parking spaces.
- Committee requested an adult change table be provided in the existing sanitary facilities of the Go Bananas building.
- Committee requested justification as to why only a portion but not all the rope courses will be made universally accessible.
- Committee requested to review the specification of the rubber flooring material

proposed for the Aerial Ropes Park to ensure the material will be suitable for outdoor use (from heat absorption perspective).

In response to Council's Access Committee request, the following comment has been provided by applicant:

- With regards to Council's Access Committee request two (2) accessible parking has been proposed adjacent to the main entry of the Go Bananas building.
- With regards to Council's Access Committee request for an adult change table be included in the existing facility, due to the large spatial requirement of the adult change table (and associated hoist), existing accessible WC's have been reviewed with a view to size, height, position and general capability to convert to such a room type and advise that there is no location that would accommodate it. Notwithstanding it is noted that the requirement for adult change table is not a mandatory requirement under the code in NSW.
- With regards to Council's Access committee request for justification as to why only a portion but not all the rope courses will be made universally accessible.

It is noted that the proposed facility is an Adventure and Entertainment facility and as outlined in the submitted Disability Access and Inclusion Plan the operator has designed the facility so that it offers courses that are physically, cognitively and emotionally challenging for those without disabilities and this deliberate deliverable is no less or more for those adventurers with disabilities. The concept of 'access' and 'inclusion' will naturally mean different things to different people (particularly where the intended outcome is 'challenge'). The fundamental intention, that everyone regardless of ability is able to experience an at-height adventure event at the Go Bananas Aerial Adventure Park at St Marys and has been considered in both the design and operational aspects. Requiring all courses to be universally accessible is impractical in this instance and it is considered that suitable provision is made for access in aspects of the course.

- With regards to Council's Access committee request to review the specification of the rubber flooring material proposed for the Aerial Ropes Park to ensure the material will be suitable for outdoor use (from heat absorption perspective), the operator TouchCloud advised that due to early stage of the project, they have not determined the actual specification of the rubber flooring material. Nevertheless, the final selection will at least meet the relevant AS 4685:2014 Playground Equipment and Surfacing.

<http://www.kidsafensw.org/playground-safety/playground-standards/>

The facility will require all participants to wear footwear therefore will be no issue with the access committee concerns of burning participants' feet from heat gain of the rubber. TouchCloud will ensure most suitable outdoor rubber material be used to meet all the legislative requirements that govern the application.

Social Impacts

- The facility provides an outdoor entertainment opportunity in Western Sydney for all age groups and abilities.
- The expected patronage is 40% families or children aged 6 or over, and the remainder above 18 years with no children including corporate visitors and international tourists.
- The facility allows for easy sightlines around the perimeter to aid in child supervision. The perimeter fence, wind breaks and shade structures will provide for a safe and child friendly environment.
- The facility is inclusive, and caters for all abilities with specialized harnesses and lanyards for those with mobility impairments.
- The facility also provides opportunities for functions, parties, and corporate team building events with the activity and open space area accommodating up to ISO people.

ECONOMIC IMPACT

The proposal is expected to bring the following benefits to the local economy:

- Approximately 10 employment opportunities;
- Studies of similar projects have indicated an estimated \$5.8m positive effect on economic output; and
- Increasing the offer of recreational facilities within St Marys.

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

The site is considered suitable for the proposed development given the following:

- The facility and infrastructure on the site are already established, therefore the facility will be maximising the efficiency of the existing services and infrastructure;
- The expansion will have no adverse impact on the Cumberland Plains Woodlands, and does not require the removal of existing trees or vegetation;
- The location of the facility is not identified as being bush fire prone;
- The facility introduces areas of pervious surfaces to aid in natural infiltration;
- The site is not a heritage item, within a heritage conservation area, or within close proximity to a heritage item;
- The site is capable of accommodating adequate parking for staff, members and guests; and
- The zoning of the site under the PLEP permits the proposed outdoor recreational use.

Accordingly the site is considered suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

Referrals

The application was referred to the following persons within Council and their comments have formed part of the assessment:

<i>Referral Body</i>	<i>Comments Received</i>
<i>Building Surveyor</i>	No objections raised subject to conditions of development consent.
<i>Development Engineer</i>	No objections raised subject to conditions of development consent.
<i>Traffic Engineer</i>	No objections raised subject to conditions of development consent.
<i>Environmental Management</i>	No objections raised subject to conditions of development consent.
<i>Access Committee</i>	<p>The proposal was reported to Council's Access Committee at its meeting held on 11 February 2015. At that meeting, the Committee requested the following matters be considered in Council's assessment of the proposal:</p> <ul style="list-style-type: none"> · Committee requested the carparking spaces adjacent to the main entry of the Go Bananas building be converted to accessible car parking spaces. · Committee requested an adult change table

Referral Body**Comments Received**

be provided in the existing sanitary facilities of the Go Bananas building.

- Committee requested justification as to why only a portion but not all the rope courses will be made universally accessible.

- Committee requested to review the specification of the rubber flooring material proposed for the Aerial Ropes Park to ensure the material will be suitable for outdoor use (from heat absorption perspective).

In response to Council's Access Committee request, the following comment has been provided by applicant:

- With regards to Council's Access Committee request two (2) accessible parking has been proposed adjacent to the main entry of the Go Bananas building.

- With regards to Council's Access Committee request for an adult change table be included in the existing facility, due to the large spatial requirement of the adult change table (and associated hoist), existing accessible WC's have been reviewed with a view to size, height, position and general capability to convert to such a room type and advise that there is no location that would accommodate it. Notwithstanding it is noted that the requirement for adult change table is not a mandatory requirement under the code in NSW.

- With regards to Council's Access committee request for justification as to why only a portion but not all the rope courses will be made universally accessible.

It is noted that the proposed facility is an Adventure and Entertainment facility and as outlined in the submitted Disability Access and Inclusion Plan the operator has designed the facility so that it offers courses that are physically, cognitively and emotionally challenging for those without disabilities and this deliberate deliverable is no less or more for those adventurers with disabilities. The concept of 'access' and 'inclusion' will naturally mean different things to different people (particularly where the intended outcome is 'challenge'). The fundamental intention, that everyone regardless of ability is able to experience an at-height adventure event at the Go Bananas Aerial Adventure Park at St Marys and has been considered in both the design and operational aspects. Requiring all courses to be universally accessible is impractical in this instance and it is considered that suitable provision is made for access in aspects of the course.

Referral Body	<p>Comments Received</p> <p>· With regards to Council's Access committee request to review the specification of the rubber flooring material proposed for the Aerial Ropes Park to ensure the material will be suitable for outdoor use (from heat absorption perspective), the operator TouchCloud advised that due to early stage of the project, they have not determined the actual specification of the rubber flooring material. Nevertheless, the final selection will at least meet the relevant AS 4685:2014 Playground Equipment and Surfacing.</p> <p>http://www.kidsafensw.org/playground-safety/playground-standards/</p> <p>The facility will require all participants to wear footwear therefore will be no issue with the access committee concerns of burning participants' feet from heat gain of the rubber. TouchCloud will ensure most suitable outdoor rubber material be used to meet all the legislative requirements that govern the application.</p>
<i>Environmental Management (Water Ways)</i>	No objections raised subject to conditions of development consent.

Community Consultation

In accordance with Section F4 (Notification and Advertising) of *Penrith DCP 2010*, the proposed development was notified to the owners and occupiers of adjoining and nearby properties from 15 September 2014 to 29 September 2014 and no submission was 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
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

The proposed facility provides school children, families, professionals and people with a disability in Western Sydney with access to a unique and state of the art AAP.

The facility provides an outdoor entertainment opportunity for all age groups and is designed to aid in child supervision to make the facility as family-friendly as possible.

The facility is inclusive, and caters for all abilities with specialized harnesses and lanyards for those with mobility impairments.

The facility also provides opportunities for functions, parties, and corporate team building events with the activity and open space area accommodating up to 150 people.

Increased visitation to the St Mary's Precinct as a result of the facility will help activate the area and increase localised spending, while also providing additional employment opportunities.

Conclusion

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendation

That DA14/1086 for construction of aerial ropes park as an extension to the Go Banana facility at 183-197 Boronia Road, NORTH ST MARYS NSW 2760, 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 following plans

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan, Ground Level Plan and Part Roof Plan	DA101 (Issue B)	Curtin Bathgate & Somers Pty. Limited	18.02.15
Elevations and Sections	DA102 (Issue A)	Curtin Bathgate & Somers Pty. Limited	27.08.14
Accessibility Mark Up Plan	Rev 3	Curtin Bathgate & Somers Pty. Limited	9/3/15
Sample Board	SB AAP 003	Touch Cloud Global Pty Ltd	August 2014
Schedule of Materials and Finishes	SMF AAP 001	Touch Cloud Global Pty Ltd	August 2014
Access Upgrade Strategy Report	P214_266-4 (Access) QT	Design Confidence	3 November 2014
Plan of Management	-	Touch Cloud Global Pty Ltd	-
AAP Safety Statement	-	Touch Cloud Global Pty Ltd	-
Waste Management Plan	-	Lei Chen	10/03/15

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 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 Penrith Development Control Plan-Advertising Signs.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 9am to 8pm Monday to Sunday in Daylight Savings Time (First Sunday in October to First Saturday in April) and 9am to 6pm Monday to Sunday in Non-Daylight Savings Time (First Sunday in April to First Saturday in October). Delivery and service vehicles generated by the development are limited to daylight hours.

5 A032 - Goods in buildings

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

6 A038 - LIGHTING LOCATIONS

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. 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).

7 A039 - Graffiti

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

8 A046 - Obtain Construction Certificate before commencement of works

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

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

The design recommendations of the Access Upgrade Strategy Report (Reference: P214_266-4, Access QT) dated 3 November 2014 prepared by Design Confidence shall be incorporated into the **Construction Certificate** plans and the works shall be certified accordingly by a suitably qualified access consultant **prior to the issue of an Occupation Certificate**:

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

The recommendations contained in the Plan of Management Report prepared by Touch Cloud Global Pty Ltd shall be implemented.

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

The recommendations contained in the AAP Safety Statement prepared by Touch Cloud Global Pty Ltd shall be implemented.

Water Sensitive Urban Design (WSUD)

Prior to issue of the Construction Certificate the following information shall be submitted and approved by Penrith City Council.

Music Modelling

a) Stormwater quantity and quality modelling shall be undertaken applying the Model for Urban Stormwater Improvement and Conceptualisation (MUSIC) to inform development of a stormwater treatment system and WSUD Strategy for the development site. The design must meet the following environmental pollutant retention criteria:

- 90% Gross Pollutants
- 85% Suspended solids
- 60% Phosphorus
- 45% Nitrogen, and
- Requirements to meet water conservation and flow management targets (refer to WSUD Policy)

b) The MUSIC model is to include a report which clearly identifies catchment breakup, splitting of surface types and all other assumptions that have been made in the model. This must include detail down to the sub-catchment level. Electronic copies of the modelling are also to be submitted to Council for review and approval.

c) Modelling parameters for the determination of the size and configuration of WSUD elements must be in accordance with MUSIC Modelling Guidelines for New South Wales (eWater User Guide which is provided with the MUSIC Software (2011) and with the parameters developed for use in Penrith. Penrith Council has developed a range of parameters to be used in the Stormwater modelling which is available in Council's WSUD Technical Guidelines (available www.penrithcity.nsw.gov.au).

It is preferable that MUSIClink is utilised which is available in the latest version of MUSIC as it allows the model to be prepared using Council's required parameters.

Concept Designs / WSUD Strategy and Operation and Maintenance manual

A WSUD Strategy shall be submitted which includes information on the following:

- WSUD Principles, Objectives and Targets
- Site analysis which identifies any possible constraints for the implementation of WSUD
- Details in the proposed WSUD measures including concept designs of the proposed measures.
- Details of proposed GPTs should also be included to ensure that the proposed devices are modelled appropriately in MUSIC and are suitable for use in the Penrith LGA.

A Draft Operation and Maintenance manual is also be provided for the proposed stormwater treatment measures. The manual is to include details on the cleaning / maintenance requirements as well as provide estimation on the annual and lifecycle costs associated with the proposed treatment measures.

The approved WSUD strategy plans and operational maintenance manual is to be completed with as part of the development.

Demolition

13 [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**.

14 [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.

15 [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

16 [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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

17 [D004 - Dust](#)

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

18 [D005 - Mud/Soil](#)

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

19 [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.

20 **D131 - Approved noise level 2**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Emission Assessment prepared by Acoustic Logic dated 12 August 2014. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

21 **D**

Music must not exceed 75dB(A) in the outdoor aerial park.

22 **D**

The maximum number of patrons occupying the facility shall not exceed 150 at any one time.

BCA Issues

23 **E006 - Disabled access and facilities**

Access for persons with disabilities is 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.

24 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

25 **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.

26 **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.

Utility Services

27 **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.

28 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

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 H006 - Submission of and implement waste management plan

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate be issued for the approved development.

The waste management plan shall consider the construction and operational phases of the development and be prepared in accordance with the Waste Planning Development Control Plan (2004). The plan shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

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 [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

34 [K208 - 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.

35 [K221 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

Landscaping

36 [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.

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

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

Certification

38 [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.

Appendix - Development Control Plan Compliance

Development Control Plan 2010

Part C - Controls applying to all land uses

Penrith Development Control Plan 2010 (DCP 2010) applies to the development. The following sections are relevant for the planning assessment.

DCP Control	Comments	Compliance
<i>Part B – DCP Principles</i>		
<i>The principles and objectives should be addressed as part of any development application to Council.</i>	This development application is compliant with the relevant controls of this DCP and the principles provided in Section B. The proposal will ensure the continued commercial viability of St Mary's Leagues Club, provide employment opportunities, and provide a gathering place for the local community.	Yes
<i>C1 Sits Planning and Design Principles</i>		
<i>1.1.2 Key areas with scenic and landscape value</i>		
<i>New proposals on land identified on the Penrith LEP 2010 Scenic and Landscape Values Map (including gateway sites) or on land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation, are to submit a visual impact assessment with their development application. This assessment involves describing, analysing and evaluating the visual impacts of the proposed development, and identifying measures to minimise the impacts and ensure the development is sympathetic to the scenic and landscape character of the area.</i>	The proposed works are outside lands identified as having scenic and landscape values. The facility is highly transparent and thus has a low visual impact; a photomontage has been prepared to demonstrate this.	Yes
<i>1.2.2. Built Form - Energy Efficiency and Conservation</i>		
<i>The selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.</i>	The ropes park will be constructed from the energy efficient and sustainable materials provided in the set of architectural plans.	Yes
<i>1.2.3. Built Form - Energy Height Bulk and Scale</i>		

<ul style="list-style-type: none"> An application must demonstrate how all proposed buildings are consistent with height, bulk and scale of adjacent buildings and minimise the impact on the area's landscape Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces 	<p>No height control is assigned to the site under the LEP. The photomontage provides demonstrates the proposal has minimal impact on surrounding areas and the landscape.</p> <p>The ropes park will not cause overshadowing of adjacent buildings or public spaces.</p>	<p>Yes</p> <p>Yes</p>
<p><i>1.2.4. Responding to the site's topography</i></p>		
<p>Applicants must demonstrate the site's topography how the development responds to the naturel topography and landform of the site based on analysis drawings.</p>	<p>The proposed location is an existing hard surface.</p>	<p>Yes</p>
<p><i>1.2.5. Safety and Security (Principles of Crime Prevention Through Environmental Design)</i></p>		
<p>Effective access control can be achieved by:</p> <ul style="list-style-type: none"> Providing clear entry points Ensuring there are appropriate security measures in place for the range of land uses within a development 	<p>The proposal incorporates the necessary security measures to achieve access control for the facility.</p>	<p>Yes</p>
<p><i>1.2.6. Maximising Access and Adaptability</i></p>		
<p><i>Principle of universal design include:</i></p> <ul style="list-style-type: none"> Equitable use for people with diverse abilities Flexibility in use for a range of preferences and abilities 	<p>The rope park is designed to accommodate people with disabilities.</p>	<p>Yes</p>
<p>1.3 Fencing</p>		
<p>The location and design of fences including the materials used to construct fencing, should:</p> <ul style="list-style-type: none"> Be sympathetic to natural setting Maximise surveillance Be located wholly on the property Be structurally adequate 	<p>The proposed fence meets pool standards with locking gates, is located wholly on the property and will be structurally adequate.</p>	<p>Yes</p>
<p><i>C2 Vegetation Management</i></p>		
<p><i>2.1. Preservation of trees and vegetation</i></p>		

<ul style="list-style-type: none"> <i>In accordance with Clause 5.9 of Penrith LEP 2010, a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation which is prescribed by this Plan without development consent.</i> An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality. 	<p>The proposal does not involve the removal of any trees</p> <p>The proposed works are located on an existing hard paved area</p>	<p>Yes</p>
<i>C3 Water Management</i>		
<i>3.3 Water Courses Wetlands and Riparian Corridors</i>		
If any activities/land uses are proposed near a watercourse, the Water Management Act 2000 may apply and you may be required to seek a Controlled Activity Approval from the NSW Department of Environment, Climate Change and Water.	The proposed works will be setback further from the riparian corridor than the existing building line. No impact on the watercourse is expected.	Yes
<i>C5 Waste Management</i>		
<i>5.1. Waste Management Plans</i>		
Proposals involving demolition and/or construction are to include a waste management plan.	Waste management plans have been included in this application.	Yes
<i>5.2.5 management of waste facilities</i>		
Administrative arrangements for ongoing waste management must be provided, including signs.	Go Bananas will continue to provide administrative arrangements for waste management.	Yes
<i>C6 Landscape Design</i>		
<i>6.1 Development Process</i>		
Development that falls into Category 1 will generally not be required to submit landscaping information; however, landscaping of such development should be designed in accordance with the landscape requirements of this section.	The proposal is classified as category 1.	Yes
All landscape works are to include provision for adequate drainage including collection or dispersal of stormwater runoff, prevention of ponding of water on pavements or discharge of runoff onto adjoining properties or public areas.	An increase in area of pervious surfaces is proposed with the introduction of grass to an existing hard paved area.	Yes
<i>C10 Transport, Access and Parking</i>		

<p>· Any Traffic Report or Traffic Impact Statement is required to address the following issues:</p> <ol style="list-style-type: none"> 1. The objectives of /his Chapter relating to transport and land use; 2. The objectives of /his Chapter relating to traffic management and safety; 3. The objectives and controls of this Chapter relating to traffic generating developments; and <p>· Each development should demonstrate how it will:</p> <ol style="list-style-type: none"> 1. Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road; 2. Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary; 	<p>A traffic and parking assessment has been submitted with this proposal.</p> <p>The existing entry and exit points will be maintained. Existing pedestrian access ways will be maintained.</p>	<p>Yes</p> <p>Yes</p>
<p><i>10.5 Parking access and driveways</i></p>		
<p>In accordance with RTA guidelines or if there are no parking guidelines provided for a specific use, then a site specific car parking analysis will be required. This may require the applicant to submit a car parking report from an appropriately qualified traffic consultant.</p>	<p>Refer to Traffic and Parking assessment submitted with this application.</p>	<p>yes</p>
<p><i>10.5.2 Road access</i></p>		
<p>The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).</p>	<p>The existing entry and exit points will be maintained.</p>	<p>Yes</p>
<p><i>C12 Noise and Vibration</i></p>		
<p><i>12.6 Open air entertainment</i></p>		

<p>· Outdoor sporting activities are to operate between the hours of:</p> <ol style="list-style-type: none"> 1. Monday to Friday- 7.00am to 6.00pm; and 2. Weekends and Public Holidays - 8.00am to 6.00pm. <p>· Outdoor sporting activities are permitted provided the LAeq noise level, measured over a representative period, does not exceed the background LA90 sound level by more than 10 dBA when measured in the vicinity of the external structure of any residential premises.</p> <p>Council/ may require a Noise impact Statement to be submitted, depending on the scale, nature and location of the development to residential areas and other sensitive land uses.</p>	<p>In summer months, the facility is proposed to operate until 8pm. Summer opening hours and winter opening and closing hours are compliant. Due to the minimal impact of the proposed in terms of acoustic privacy the extended hours to 8pm in summer will not impact the amenity of surrounding residences.</p> <p>These details are provided in the Key Operational Considerations document submitted with this application.</p> <p>A noise impact statement has been submitted with this application</p>	<p>Yes</p> <p>Yes</p>
<p><i>C13 Infrastructure and Services</i></p>	<p>The development will utilise existing electricity, telecommunications, gas and sewerage services.</p>	<p>Yes</p>