

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0142
Proposed development:	Alterations & Additions to St Marys Rugby Leagues Club Including the Provision of Shade Structures and Internal Layout Amendments
Property address:	Boronia Road, NORTH ST MARYS NSW 2760
Property description:	Lot 11 DP 1192443
Date received:	25 March 2020
Assessing officer	Pukar Pradhan
Zoning:	E2 Environmental Conservation - LEP 2010 RE2 Private Recreation - LEP 2010
Class of building:	Class 9b , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for construction of a number of new internal walls and installation of a number of windows at St Marys Rugby Leagues Club at Boronia Road, North St Marys. The subject site is zoned RE2 Private Recreation under Penrith Local environmental Plan 2010 and the proposed work is ancillary to the existing Club which is existing on site and *registered clubs* are permissible landuses in the zone and as such the proposal is a permissible land use in the zoning with Council consent.

The application has been notified to adjoining properties and exhibited from 17 April 2020 to 1 May 2020 in accordance with relevant legislation. There were no submissions received after exhibition period.

The site is within Bushfire Prone zone and the application was referred to the RFS for comments. They have provided their comments in their letter dated 01/07/2020 in which they have raised no objection to the proposal subject to their recommended conditions in the GTA.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal on balance is considered to be satisfactory and the application is recommended for approval, subject to recommended conditions.

Background

The St Mary's Rugby League Club (SMRLC) is an established community club that provides members and visitors with entertainment, dining and childcare opportunities.

The current application relates to internal and some external works that related to approved **DA No 06/1840** issued on 11 July 2007. This DA (along with several modifications) included design amendments to Club building, additional car parking spaces, increase in floor space area and also included **children's facilities** (Go Bananas) and provision of 2 new dining areas, amendments to levels of external play area raised.

It is noted in the assessment report of DA 06/1840.08 approved on 18 July 2007 makes reference to outdoor Children's play area and signage "Go Bananas" and the condition 25 of the consent also makes reference to the Child Care and children's access area.

Condition 25 *Access to the child care and children's interactive areas shall be controlled to restrict unauthorised access to the area. CCTV shall be installed at the entrance/exit to this area. The child care and children's interactive area shall have only one entry/exit point. (Excluding emergency exit points) .An emergency duress alarm shall be installed for staff working in the child care and children's interactive area.*

The other applications approved on site are summarised below.

- DA10/1141 Training Field Relocation Deferred Commencement consent was granted by Council in 2011.
- DA11/0470 Masters Home Improvement Store Development consent and a torrens title subdivision of the St Marys Leagues Club land was granted by Council in 2012.
- DA13/0362 Outdoor Family and BBQ Court Development consent was granted in 2013.
- DA 13/1018 Remediation Works Development consent was granted in February 2014.
- DA13/1196 Fitness Centre and Motel In October 2013 an application was lodged seeking consent for a two-storey fitness centre including a café, pools and play area, as well as two x three-storey motel buildings but was withdrawn on 18 September 2014.
- DA14/0932 Extension to existing club building and associated car parking was granted approval on 10 December 2014.
- DA14/1086 Construction of an Aerial Rope Recreation Facility was granted approval on 14 August 2015
- DA16/0519 Construction of a Hotel within the site on 7 August 2016..

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 previous 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 proposal includes the followings:

- The construction of a number of internal partition walls to create individual rooms and toilets within the existing building.
- Amendments to external facades to include five windows into the northern, eastern and southern elevations.
- A canopy over the entrance/exit door.
- No other changes are proposed to existing function and its operations.
- There is no changes to the way in which the St Marys Leagues Club currently operates.

Plans that apply

- Penrith Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The site is located within Council's Bushfire Prone land and as such the development has been assessed in accordance with the matters for consideration under Section 4.14 of the Environmental Planning and Assessment Act 1979 as it requires an approvals under to section 100B of the *Rural Fires Act 1997* from the NSW Rural Fire Services department (RFS).

The application was referred to the RFS for comments and GTA. They have examined the application and have provided their comments recommending to provide IPZ of 42m, new construction to comply with BAL 12.5 and preparation of an emergency evacuation management plans in their GTA dated 1 July 2020. No objection raise to the to the proposed development subject to their GTA. Their GTA will form part of the recommendations in the consent.

• 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 4.15(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application includes soil erosion and sediment control measures to minimize any potential impacts to the river and site surrounds and this is satisfactory subject to recommended standard conditions of consent.

Penrith Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
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	Complies
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	N/A
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	N/A
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	N/A
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	N/A
Clause 6.3 Flood Planning	Complies
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
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

The subject site is zoned partly *IN2 Light Industrial* and *RE2 Private Recreation* under *Penrith Local Environmental Plan 2010 (LEP 2010)*. The proposed work mainly involves internal alterations and partitioning wall works within a section of a hall to create several rooms inside the building to improve its internal function and the opening of blank walls by providing window glazing to provide more daylight to internal rooms and to improve the aesthetic of the elevations of existing club building.

The applicant has confirmed that the function and it's operation of the building will remain the same and will not change.

Under the planning instrument, Registered Clubs and Centre Based Child Care Centre are both permissible land uses in RE2 Zone and the proposed works are considered to be ancillary to the existing Club on site and as such, the proposal is a permissible in the zone with Council's consent.

A condition will be recommended to ensure that there is no changed to the existing approval of the building and its operation and that the approval is for only internal works and amendments to facades.

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 improves internal function and external appearance of the building which will support the overall recreational uses on the site.

- The new proposed landscaping will improve the visual setting by providing some screening of the large paved areas within the site.
- Given the new openings in the existing building provides a better design outcome, there will be no significant adverse impact on the natural environment.

In view of the above, the proposed development is consistent with the aims and objectives of the LEP and the RE2 zone

Clause 5.9 – Preservation of trees or vegetation –

The proposed development does not propose removal of any existing trees.

Clause 5.11 - Bushfire Prone Land

This has been discussed in the earlier part of the report and found to be satisfactory.

Clause 6.1 – Earthworks

The extent of earthworks is minimal.

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 part of the site is identified as flood prone land however, the proposed building location is not located within a flood planning area.

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 overall impact of the building will be minimal as it does not propose any physical increase of building envelope but internal alterations and improving the facades and hence will maintain its scenic character and landscape value of the site..

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.

Landscape

No changes to existing landscaping proposed.

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.

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

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

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

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 4.15(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 4.15(1)(b) The likely impacts of the development

Bulk, scale and design

The proposed amendments to provide several openings with large windows to the the exterior blank walls will result in an improved elevations along the northern and eastern part of the facades.

The proposed internal partitions and toilet facilities will provide an improved function of the existing club internal area and will have minimal additional impacts.

Section 4.15(1)(c) The suitability of the site for the development

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

- The zoning of the site under the PLEP permits the proposal.
- The proposed amendments to the building is considered to be of good design which results in an improved elevations.
- The location of the building is such that it is not visible from the street.
- The site is not a heritage item, within a heritage conservation area, or within close proximity to a heritage item;
- The applicant has confirmed that the function and it's operation of the building will remain the same and will not change.
- The site is capable of accommodating adequate parking for staff, members and guests.

Accordingly the site is considered suitable for the proposed development.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with the Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents and advertised in the local newspaper for 14 days Exhibited from 17 April 2020 to 1 May 2020. Council has received no submissions in response.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

Section 4.15(1)(e)The public interest

The proposed alteration will improve internal function and provide improved facades and the development as such is in the public interest.

Conclusion

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan pertaining to the land and has been found to be satisfactory.

- The proposed internal works and several openings to blank walls of exterior facades will result in improved elevation of the building.
- The proposed development is unlikely to have a negative impact on the surrounding environment.
- The site is suitable for the proposed development and the proposal is in the public interest.

The proposal is therefore worthy of support.

Recommendation

1. That DA20/0142 for the **Internal Alterations & alterations to eastern elevation at St Marys League Club, Boronia Road, North St Marys** be approved subject to the attached conditions:

General

1 [A001 - Approved plans table](#)

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

Description	Drawing numbers	Designed by	date
Site Plan	DA – 01/AC	Robertson - Mark	28/05/2020
Floor Plan	DA – 02/B	Robertson - Mark	28/05/2020
Elevations	DA – 03/B	Robertson - Mark	28/05/2020
Sections	DA – 04/B	Robertson - Mark	28/05/2020
External Finishes	DA – 05/B	Robertson - Mark	28/05/2020

2 [A005 - APPROVED BODY'S CONSENT \(FOR INTEGRATED DAS\)](#)

A copy of the General Terms of Approval approval (GTA) issued by the Rural Fire Services under the Rural Fires Act 1997 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority. The following three matters has been listed in the GTA:

a) From the start of building works, the property around the building must be managed as an inner protection area (IPA) for a distance of 42 metres on the eastern and southeastern aspects in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- *tree canopy cover should be less than 15% at maturity;*
- *trees at maturity should not touch or overhang the building;*
- *lower limbs should be removed up to a height of 2 metres above the ground;*
- *tree canopies should be separated by 2 to 5 metres;*
- *preference should be given to smooth barked and evergreen trees;*
- *large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;*
- *shrubs should not be located under trees;*
- *shrubs should not form more than 10% ground cover; clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.*
- *grass should be kept mown (as a guide grass should be kept to no more than 100 mm in height); and*
- *leaves and vegetation debris should be removed.*

b) New construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

c) The Bush Fire Emergency Management and Evacuation Plan shall be updated to include the childcare facility, and prepared consistent with Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014.

3 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

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

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

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

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

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

This consent is limited to building works only. No approval is granted or implied for any changes to the approved use of the site under DA06/1840 and DA08/1245, as modified. This consent does not change the existing functions or operations of the broader St Marys Leagues Club site.

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

Prior to the issue of an Occupation Certificate, the development must comply with the requirements of *Planning for Bush Fire Protection Nov 2019*, including:

- *Boundary fences for properties determined to be BAL 12.5 or BAL 19 may be constructed using hardwood where there is a minimum 1 metre separation from a dwelling. Where there is less than 1 metre separation or for properties determined to be BAL 29, BAL 40 or BAL FZ, non-combustible materials shall be used. No brushwood fencing shall be used.*
- *Unobstructed pedestrian access should be provided to the rear of the property to aid in fire fighting activities.*
- *The existing portions of the building shall be upgraded for ember protection, if it does not comply with BAL-12.5. This can be done by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.*

Demolition

8 [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**.

9 [B005 - Mud/Soil](#)

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

10 [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

11 **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).

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development.

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

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

13 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

14 **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.

15 **E01A - BCA compliance for Class 2-9**

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

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

(b) formulating an alternative solution which:

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

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

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

Construction

16 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.

17 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.

18 [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

19 [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.

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

Any new stormwater drainage from the development shall be connected to the existing 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.

Landscaping

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

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

Certification

22 [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.

23 [Q05F - Occupation Certificate for Class10](#)

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

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

Penrith Development Control Plan 2014 (DCP 2014) 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 to those attending St Marys RL Club.	Yes
<i>C1 Site Planning and Design Principles</i>		
<i>Key areas with scenic and landscape value</i>		
	The proposed works will improve the northern and eastern elevation of the building and result in an acceptable form of development for the area.	Yes
<i>Vegetation Management</i>		
• <i>Preservation of trees and vegetation</i>	The proposal does not involve the removal of any trees	Yes
<i>Landscape Design</i>	All existing landscaping will be retained. This is considered to be satisfactory.	Yes
<i>Transport, Access and Parking</i>	No increase in floor space are and hence existing parking is considered satisfactory.	Yes