

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA13/0785
Proposed development:	Deck & Awning
Property address:	1 a Leonay Parade, LEONAY NSW 2750
Property description:	Lot 4 DP 564713
Date received:	31 July 2013
Assessing officer	Jane Hetherington
Zoning:	ZONE NO 6(C) PRIV REC (LEP 1998 URB L)
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the construction of a deck and awning at the Golf Course and Club House, Leonay Parade, Leonay. Under Penrith Local Environmental Plan 1998 (Urban Land), the subject site is zoned 6(c) Private Recreation and the proposal is a ancillary use to the existing permissible land use of the site. An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

Properties of the site

The subject site is on the eastern side of Leonay Parade and is know as Emu Plains Sports and Recreational Club. It is 22.23 hectares in area and is currently occupied by golf course and club house. The surrounded area is characterised by low density residential development.

Site constraints

The subject site is affected by various easements, rights of carriageways and rights of access. It is Council's policy not to allow development within these easements. The proposal is in accordance with this policy.

History

Previous consents for the site include:

- DA950053 Alterations and additions to club house
- BA023390 Machinery shed
- BA951791 Other commercial buildings
- BA970876 Shade structure
- DA00/0299 Construction of a golf course tee
- DA06/0504 Internal alterations and new terrace

Proposal

The proposed development involves:

- Construction of a timber deck measuring 116.2m², with 2m wide stairs leading from the garden area and a 1m high handrail.
- Construction of a rear flat colourbond steel awning over a new timber deck.

Plans that apply

- Penrith Local Environmental Plan 1998 (Urban Land)
- Development Control Plan 2006
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

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

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Local Environmental Plan 1998 (Urban Land)

Provision	Compliance
Clause 7 - Aims and Objectives of the Plan	Complies
Clause 9 - Zone Objectives	Complies
Clause 9 - Zone Permissible	Complies
Clause 10 - Subdivision controls	N/A
Clause 10 - Subdivision objectives	N/A
Clause 10A - Subdivision Glenmore Park	N/A
Clause 11 - Controls for Dual Occupancy and Multi-unit Housing	N/A
Clause 11 - Objectives for Dual Occupancy and Multi-unit Housing	N/A
Clause 12 - Building Envelope	N/A
Clause 12 - Maximum External Wall Height	N/A
Clause 12 - Minimum Landscape	N/A
Clause 13 - Provisions for Environmental Performance	N/A
Clause 14 - Design Principles in development generally	N/A

Clause 15 and Schedule 3 - Development for additional purposes	N/A
Clause 16 - Activities Unaffected by this Plan	N/A
Clause 17 - Community Services and Infrastructure	N/A
Clause 18 - Temporary Use of Land	N/A
Clause 19 - Near boundary of Adjoining Zones	N/A
Clause 19A - Acquisition of Land	N/A
Clause 20 - Acquisition of Land reserved for roads	N/A
Clause 22 - Acquisition of Land within Zone 5(B), 6(B) or 7(A)	N/A
Clause 23 - Development of Land within Zone 5(B), 6(B)	N/A
Clause 24 - Acquisition of land within zone 6D by the Corporation	N/A
Clause 25 - Community use of educational establishments and tertiary institutions	N/A
Clause 26 - Additional matters for consideration for development in zones 6A, 6B or 6D	N/A
Clause 27 - Advertising of development applications for restaurants and kiosks in Zone No.6A, 6C or 6D	N/A
Clause 28 - Tree Preservation	N/A
Clause 29 - Prohibited access	N/A
Clause 30 - Development on contaminated land	N/A
Clause 31 - Development for the purposes of advertisement	N/A
Clause 32 - Flood Liable Land	N/A
Clause 33 - Development of certain land for medical centres	N/A
Clause 34 - Consent required for subdivisions	N/A
Clause 35 - Development of land at North Penrith	N/A
Clause 36 - Thornton Hall and land in the vicinity	N/A
Clause 37 - Land in the vicinity of Combewood	N/A
Clause 37A and Schedule 5 - Claremont Meadows Stage 2	N/A
Clause 38 - Development of the Werrington Mixed Use Area	N/A

Permissibility

The subject site is zoned 6(c) Private Recreation under the provisions of Penrith Local Environmental Plan 1998 (Urban Land). The proposal is considered ancillary to the previously approved club and therefore permissible in the zone with Council consent.

Club means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or a different kind and whether or not the whole or part of such building is the premises of a club registered under the Registered Clubs Act 1976.

LEP and Zone Objectives

The proposed development is consistent with the aims and objectives of both the LEP and the zone.

Development Standards

There are no development standards applicable to the proposal.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**Planning Proposal - Penrith Local Environmental Plan 2010**

The Stage 2 planning proposal was on public exhibition until July 2013. Under the proposal the subject site is to be partly zoned R2 Low Density Residential and partly zoned RE2 Private Recreational. The proposed development is to occur in the portion of the land zoned RE2 and is ancillary to the previously approved club, defined as a *registered club* which is permissible in the zone with Council consent. Therefore the proposal is a permissible land use in the zone.

Section 79C(1)(a)(iii) The provisions of any development control plan**Development Control Plan 2006**

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

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

Council's building surveyor raised no objection to the proposal and recommended conditions to be imposed in the consent.

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

Context and Setting

The size of the proposed deck and awning are only minor and will have no adverse impacts on surrounding properties and the natural environment.

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

The site is suitable for the following reasons:

- The site is zoned 6(c) Private Recreation and the proposal is a permissible land use
- The use is compatible with surrounding/adjoining land uses

Section 79C(1)(d) Any Submissions

Referrals

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

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

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

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

Conclusion

The site is zoned 6(c) Private Recreation under the provisions of Penrith Local Environmental Plan 1998 (Urban Land). The development is generally consistent with the aims and objectives of LEP 1998 and DCP 2006. Further, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Recommendation

1. That DA13/0785 for the construction of deck and awning at Golf Course and Club House, Leonay Parade, Leonay, be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

- 1 [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 carport, garage, shed, rural shed, swimming pool and the like}.
- 2 [A009 - Residential Works DCP \(no specific section\)](#)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.
- 3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.
- 4 [A02F - Approved Fast Light Das](#)

The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City 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.
- 5 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 [A Special \(BLANK\)](#)

The external material and colour scheme shall complement the existing club building.
- 8 [A special BLANK](#)

Amplified music is not to be played in the 'outdoor' area.
- 9 [A special BLANK](#)

The glazed sliding door and double swinging door separating the 'outdoor' areas from the internal area of the Club House must be kept closed at all times when not in use.

Environmental Matters

- 10 [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).
- 11 [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.
- 12 [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

13 E001 - BCA compliance

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

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

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Construction

14 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 is to be erected:

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

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

15 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.

16 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with 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.

17 H18F - Timber framework

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

Landscaping

18 L012 - Existing landscaping (for existing development)

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

Certification

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

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

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

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

20 Q05F - Occupation Certificate for Class10

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

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.