

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/1328
Proposed development:	Colorbond Shed and Gymnasium
Property address:	Boronia Road, NORTH ST MARYS NSW 2760
Property description:	Lot 11 DP 1192443
Date received:	8 December 2016
Assessing officer	Pukar Pradhan
Zoning:	E2 Environmental Conservation - LEP 2010 RE2 Private Recreation - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application from the St Mary's Leagues Club for the construction of a shed for a proposed gym 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 ancillary to the main existing outdoor recreation facility which is defined as Recreation Facilities (outdoor) and being ancillary to this facility is permissible in the zone with Council consent. The proposal can also be defined as Recreation Facilities (indoor) which is a permissible form of development in the zone site with Council's consent.

The subject proposal being of minor nature in the scheme of the whole development site and was not considered necessary to be notified.

An assessment of the proposed development under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and 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. The application is recommended for approval subject to conditions.

Background

Council's record indicate that there has not been any pre-lodgment meetings held for the proposed development. There have been several approvals granted on this site and are as follows:

- On 11/12/2014 Council granted approvals for the alterations and additions to the St Mary's Rugby Leagues Club.
- On 11/12/2015 Council granted approval to an Aerial Rope Recreation Facility.
- On 10/10/2016 Council granted approval for the construction of a hotel.

This application proposes a shed for a gym for fitness exercise purposes.

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, associated playing fields and car parking spaces .
- 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 proposal involves the construction of a new metal clad building/shed to provide a space for football players to undertake gym works indoor. The building is dimensioned 15m x 16.40m with a total floor area of 247sqm. The height at the ridge is 4.0m and is to be located north of the grand stand and east of the Masters Building. The building will be locate 150m from the Forrester Road boundary, 6m from the existing water tank and 3m from the rear of Masters building.

The external colour of the shed will be of "Surf Mist" colour which is similar to the other existing shed built and located south of the proposed shed location on the site.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2014
- 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

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.

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 applicant will be required to provide a soil and sediment control measures prior to commencement of any earth or construction works as a condition of consent and hence the proposed works will have no impact on the wider Hawkesbury-Nepean River system.

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

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	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	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	N/A
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 ancillary to the existing approved Recreation Facilities (outdoor) and as such is a permissible form of development on the site with Council's consent. Furthermore, Recreation Facilities (indoor) are also permissible land use in the zone.

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 indoor training facilities which will improve the overall recreational uses on the site. Given the additional she is 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 4.0m. This height is considered suitable given that it will be smaller than the other existing buildings on the site.

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 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 the 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 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)(ii) The provisions of any draft environmental planning instrument

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

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	N/A
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
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 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

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 major excavation works or the removal of any trees and is adequately distanced from the Cumberland Plains Woodlands conservation area that is located within the site and will not result in a significant reduction to amount of deep soil area. Given the above, and considering the works will take place on an existing grassed 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 proposal has been examined by Council's Development Engineer and have raised no issues with the proposal and confirms that it will not increase risk of damage by flood to people or property.

Overland Flow

The proposal will not prevent overland flows from passing over the facility.

Stormwater and Sediment Control

The proposed development will provide soil erosion and sediment control measures during construction phase of the building and as such 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

Proposed work is at a distance of well over 100m existing vegetation on site and as such, the deemed to satisfy construction requirements of AS3959 2009 are not considered applicable to this application.

Noise

The usage of the gym is indoor and as such unlikely to have adverse noise impacts to residential area. The nearest residence is locate over 400m and are screened by existing buildings on site. A condition has however been recommended to limit the hours of operation from 7am to 10pm so that there is no noise impacts from the gym or associated traffic movements to the nearby residences during night time.

Waste

Management plans for construction have been prepared and form part of this application and appropriate conditions have been recommended for waste location and their disposal to appropriate depot..

Water

The proposed will utilise existing water facilities.

Built Environment

Built Form and Scale

The building is not large in size, with a floor area of 247sqm and a maximum height of 4.0m with external finishes of Surf mist colour with deep ocean doors that is similar to the alrger shed located on the south of this building. The building will not have a high visual impact from the public domain. A materials and finishes schedule has been provided with this application and is considered to be satisfactory.

Relationship to Adjoining Properties

The setback of the proposed works to Forrester Road is greater than 150m and hidden behind the Masters building and the existing club building façade. The structure will be screened from residential dwellings in Boronia Road by the existing club building which will ensure there will be no visual impact on adjoining residential properties.

Access, Parking and Traffic

The proposed usage for the proposed gym is mainly for the rugby players and trainers only and there are ample on site parking areas for their use and hence the proposal is unlikely to generate the need for additional on site parking spaces or lead to high level of traffic generation.

Social Impacts

The facility will provide indoor exercising facility for players of the club that will improve their performance in the field and games performance.

ECONOMIC IMPACT

The proposal is expected to provide gym facility for player of the club/recreational facilities within St Marys and job during construction phase of he development.

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 site is capable of accommodating adequate parking for staff, members and guests; and
- The zoning of the site under the PLEP permits the proposed use.

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

Section 79C(1)(d) Any Submissions

Community Consultation

The proposed development was considered to be of a minor nature that would have minimal adverse impact to surrounding area and as such was not notified to nearby and adjoining residents.

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

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

The proposed gym will assist to train the players of the club during any season of the year and assist to provide better physical condition of the players of the club.

It will generate work for local people during construction phase.

The proposal approval is considered to be in the public interest.

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

1. That DA16/ 1328 for the construction of a shed for a gym at 183 - 197 Boronia Road, St Marys, be approved subject to the attached conditions (Development Assessment Report Part B)

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the plans numbered

Description	Plan Numbers	Issue/Revision & Date	Prepared by
Site Plan	DA - 100.1	B - 31 January 2017	Curtin Architects
Architectural & Layout drawings	WSS163584 - 3	18/11/2016	Tabercoengineering Pty Ltd

and 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.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours of the gym is limited to from 7am to 10 pm daily.

4 A032 - Goods in buildings

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

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)

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

8 A Special (BLANK)

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

Environmental Matters

9 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.

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

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

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.

13 D014 - Plant and equipment noise

The operating noise level of plant and equipment in use within the gymnasium shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

14 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).

Utility Services

15 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.**

16 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

17 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.

18 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.

19 [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

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

Stormwater drainage from the site shall be discharged to the:

- a) 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.

21 [K701 - Flood Risk Advice](#)

You are advised that Penrith City Council's current adopted flood level for this location is RL 24.6 m AHD. Penrith City Council records indicate that the approximate ground level at the proposed development location is at RL 24.5 m AHD (approximately 0.1 m below the standard flood level). Use of this development should reflect the flood risk.

Landscaping

22 [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.

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

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

Certification

24 [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.

25 [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/use of the Gym building

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 provide a training facility (Gym) for sports persons of the Club) and will ensure the continued commercial viability of St Mary's Leagues Club and provide a place for improving player's physical health and their performance during their matches.	Yes
<i>C1 Sites 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 Gym/shed has a low visual impact and compatible with other existing shed and other structures located to the south of this building.	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 gym building will be constructed from colourbond materials with insulation materials.	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 plans/design provides demonstrates the proposal has minimal impact on surrounding areas and the landscape.</p> <p>The building has only 4.0m maximum height to the ridge and 2.5m external wall which is less than other buildings located in close proximity of this building</p> <p>Setbacks provided are considered to be adequate and will not have detrimental adverse impacts.</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 natural topography and landform of the site based on analysis drawings.</p>	<p>The proposed location is an existing grassed 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 will form part of the whole sports complex and as such 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 building is located at ground level and 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>No fences proposed.</p>	<p>Yes</p>
<p><i>C2 Vegetation Management</i></p>		

<i>2.1. Preservation of trees and vegetation</i>		
<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. 	The proposal does not involve the removal of any trees	Yes
<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.	No special wastes to be generated from the usage.	Yes
<i>C6 Landscape Design</i>		
<i>6.1 Development Process</i>		
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.	Existing landscape area will be able to manage the drainage of the shed.	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>The gym will only be used by the players using the sports facility and as such will not generate additional on site parking requirements or traffic.</p> <p>Ample parking spaces have been provided on site for sports event and the Club.</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>Satisfactory parking and access arrangements have been provided on site.</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>Physical exercises are all done indoor and not likely to generate noise that will have adverse impact and hence satisfactory.</p>	<p>Yes</p>

<i>C13 Infrastructure and Services</i>	The development will utilise existing electricity, telecommunications, gas and sewerage services.	Yes
--	---	-----