

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0219
<b>Proposed development:</b>	Alterations and Additions to Community Facility, Castlereagh Hall
<b>Property address:</b>	1158 - 1160 Castlereagh Road, CASTLEREAGH NSW 2749
<b>Property description:</b>	Lot 1 DP 198257
<b>Date received:</b>	26 March 2019
<b>Assessing officer</b>	Lucy Goldstein
<b>Zoning:</b>	RU1 Primary Production - LEP 2010 SP2 Infrastructure - Classified Road - LEP 2010
<b>Class of building:</b>	Class 9b
<b>Recommendations:</b>	Approve

## Executive Summary

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Council is in receipt of a Development Application for alterations and additions to a community facility, being Castlereagh Hall, at 1158-1160 Castlereagh Road, Castlereagh.

Under Penrith Local Environmental Plan 2010 (Penrith LEP 2010), the proposal is defined as alterations and additions to a community facility, which is a permissible land use in the zone with Council consent.

The application has been referred to the Local Planning Panel for determination in accordance with Section 9.1 of the Environmental Planning and Assessment Act 1979 (The Act 1979), as the subject site is owned by Penrith City Council, and the applicant is also Penrith City Council. Although an exception exists when carrying out 'restoration and maintenance' works to a heritage item, it is considered that the proposed deck does not strictly fall into the category of 'restoration' or 'maintenance'. As such, the determining authority for the application is the Local Planning Panel.

Key issues identified for the proposed development and site include:

- **Heritage**

Under Penrith LEP 2010, the building is identified as a local Heritage Item (Item 018), being the former Council Castlereagh Chambers. Accordingly, the application was referred to Council's Heritage Adviser for consideration, who raised no objection to the proposed works, providing the following comments. The internal building works are located within a modern addition to the building, and will have minimal impact on the heritage fabric of the building. The alterations and additions to the toilet facilities, and addition of the access ramp is a necessary introduction to ensure the building is accessible and meets current Australian Standards. Further to this, the addition of the deck is anticipated to increase the amenity and function of the heritage item.

- **Access**

The application was accompanied by a *Design Specification - Accessibility Report* prepared by Trevor R Howse Pty Limited, dated 8 January 2019, which provides a number of recommendations relating to access matters including the design of the accessible toilet facilities in compliance with Australian Standard 1328.1-2009, the design of handrails, doorway openings in compliance with Australian Standard 1735.12, the provision of signage to accessible toilets (including tactile braille signage and tactile ground indicators), and glazing treatment on access ways in compliance with Australian Standard 1428.1-2009. The application was referred to Council's Access Committee on 10 April 2019, in which additional design recommendations were provided in relation to the accessible toilet facilities. These matters have been addressed by way of a condition of consent.

- **Tree Removal**

The application proposes to remove two trees to facilitate a new deck on the southern side of the hall. Whilst the subject trees appear to be deliberately planted to frame the hall, the trees are not identified as being significant in respect to heritage considerations. The application also includes the replanting of four trees on the site on the southern side of the hall. Given the trees are not identified as having heritage significance, and the application proposes replacement and additional replanting of trees of the same species as that being removed, tree removal is considered acceptable in this instance. The application was referred to Council's Tree Management Officer, who raised no objection to the proposal, subject to conditions. These conditions require the applicant to plant an additional specimen tree in a suitable location on the site, to further mitigate the impact of the proposed tree removal, to implement tree protection measures to ensure surrounding trees are not damaged as a result of the works, and require the new footpath to be constructed at grade to minimise the impact on surrounding tree roots. These requirements have been imposed as a conditions of consent.

The application has been notified to adjoining properties and exhibited between 2 April and 15 April 2019. Council has received no submissions.

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

## Site & Surrounds

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The site is legally described as Lot 1, DP 198257, commonly known as 1158 - 1160 Castlereagh Road, Castlereagh. The site is located on the western side of Castlereagh Road, approximately 250m from its intersection with West Wilchard Road.

The site is rectangular in shape, with frontage of approximately 25m to Castlereagh Road, and a lot depth of 57m, resulting in a total land area of 2026m<sup>2</sup>. The site is relatively flat with a moderate slope down to the south-west corner of the site, and a total cross fall of approximately 1.5m. The lot is identified as entirely Bushfire Prone Land.

Currently on the site is an existing Community Facility, owned by Penrith City Council. The Community Facility, known as the Castlereagh Hall, is identified as a Heritage Item under Penrith Local Environmental Plan 2010 (Item 018). As stated on the Heritage Inventory Sheet (Number 2260018), the significance of the item is due to the building being *"unique in the Castlereagh and surrounding localities, this modest public building is significant in the Castlereagh locality for its historic association with the now defunct municipal council and for demarcating a village precinct on Castlereagh Road. The facade of the building is distinctive on the Castlereagh Road while the hall continues as a community space."*

The existing hall is currently used for community purposes and comprises of a hall, stage, kitchen and dining area, lounge room, toilets and storage space.

## Proposal

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The application seeks development consent for alterations and additions to the existing Community Hall, comprising:

- addition and renovation to the existing toilets located at the western side of the hall , including the addition of an accessible facility;
- installation of a new platform lift on the southern side of the lift, to provide accessible access to the stage;
- construction of a new outdoor deck located at the southern side of the building;
- construction of an access ramp that connects the deck to the hall;
- Installation of aluminium louvre screening to the existing air conditioning unit which is located on the southern elevation of the building;
- removal of two trees to accommodate the new deck. The application proposes to replant four trees on the site to alleviate the impact of the tree removal; and
- Associated drainage works.

## Plans that apply

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

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

The site is identified as being bushfire affected land, with the entire site being mapped as category 'low' on Council's *Bushfire Prone Land Map*. As such, the application has been assessed in accordance with the matters for consideration under Section 4.14 of The Act 1979, and is considered satisfactory for the following reasons:

- The surrounding vegetation within 100m of the building is considered to be consistent with the definition of managed vegetation, resulting in the development not being subject to BAL construction requirements.
- Notwithstanding this, the new deck is proposed to be constructed from Inex 'Maxideck' decking boards. This material is non-combustible and suitable for all BAL levels (including up to BAL-Flamezone.)

With consideration to the above, the application is considered acceptable in respect to the requirements under Section 4.14 of The Act 1979.

### • **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 79C(1)(a)(i) The provisions of any environmental planning instrument**

### **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The accompanying Heritage Report identifies that the existing building was constructed in 1895 with additions added in 1933. The previous uses of the building were mainly limited to Council meetings and public functions. Further to this, a review of historical aerial photographs do not indicate any potential contamination activities have occurred on the site.

With consideration to the past and current uses of the site, and review of aerial photographs of the site, the site is considered to be unlikely to be affected by contamination. As such, the proposal is considered satisfactory in respect to the requirements under SEPP 55.

### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The SREP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

In accordance with the objective of SREP 20 to protect the Nepean river system, the application was accompanied by a Erosion and Sediment Control Plan (Ref. A33, dated 19/10/18). A condition of consent has been imposed requiring the development to comply with the Erosion and Sediment Control Plan.

With consideration to the above, the proposal is considered satisfactory in respect to the requirements of SREP 20.

## Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion

### Clause 2.3 Permissibility

Under Penrith Local Environmental Plan 2010, the majority of the site is zoned RU1 Primary Production, with the exception of the front portion of the lot which is zoned SP2 Infrastructure. The works proposed under this application are located within the area of the site zoned RU1 Primary Production. The proposal is defined as alterations and additions to an existing Community Facility, noting that a Community Facility is a permissible land use in the zone with Council consent.

### Clause 2.3 Zone objectives

The proposal is consistent with the objectives of the RU1 Primary Production zone, specifically:

- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*  
The proposal will not result in an increase for demand of services.
- *To preserve and improve natural resources through appropriate land management practices.*  
The application seeks consent for the removal of two (2)x trees to construct the new deck. The application proposes to replant four (4)x trees to compensate the tree removal, and to further enhance the natural landscape.

### Clause 4.3 Height of buildings

Penrith Local Environmental Plan 2010 does not specify a maximum building height control for the site. Notwithstanding this, the proposal will not result in any changes to the existing building height. As such, the proposal is considered satisfactory in this regard.

### Clause 5.10 Heritage conservation

Under Penrith LEP 2010, the building is identified as a local heritage item (Item 018) being the Former Castlereagh Council Chambers. The application has been referred to Council's Heritage Adviser who has raised no objection to the proposal, as detailed below:

- The bathroom upgrade is in a modern section of the Hall, that has minimal heritage significance. As such, the internal alterations to the bathroom area are considered to have minimal heritage impacts.
- The access ramp is a necessary introduction to ensure the building is accessible, and the location of the ramp does not significantly affect the heritage fabric.
- The introduction of the deck is anticipated to increase the amenity and function of the building. However, the given location of the deck requires the removal of two(2)x trees, a condition of consent is recommended that deep-rooted replacement trees be planted in the adjacent area.

With consideration to the above heritage matters, the application subject to conditions is considered acceptable on heritage grounds.

## 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
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
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

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

A condition of consent has been applied requiring all aspects of the development to comply with the requirements under the Building Code of Australia. As such, subject to compliance with conditions, the proposal is satisfactory in respect to the Regulations.

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

### Context and Setting

The proposed works are of a minor nature, being internal building works, with the exception of the outdoor deck and access ramp. The deck and access ramp are located at the side and rear of the building, and have been designed to be sensitive to the existing character of the building, being simple in design.

The application also includes new aluminium louvre screening for an existing air conditioning unit located at the southern elevation of the hall. The proposed screening improves the current presentation of the air conditioning unit to Castlereagh Road.

Given the nature of the works, the application will not result in any significant changes to the street view of the building. As such, the application will have minimal visual impacts, and is acceptable in this regard.

### Stormwater

The application includes minor drainage works to facilitate the alterations and additions. The application was accompanied by a stormwater drainage plan, titled '*Proposed Roof and Stormwater Drainage Plan*', Ref A04, dated 19 October 2018, which shows that the site currently drains to Castlereagh Road, and the new drainage works will continue to drain to Castlereagh Road using the natural gradient of the site, as per Council's Stormwater Management policy. A condition of consent has been imposed requiring the development to comply with the '*Proposed Stormwater Drainage Plan*'.

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

The site is suitable for the proposed works for the following reasons:

- The proposed works are a permissible land use in the zone with Council consent;
- The works are sympathetic to the heritage significance;
- The works will not result in significant changes the existing streetscape; and
- The site is able to drain Council's satisfaction.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents.

Council notified four (4)x residences in the area, and the exhibition of the proposal occurred between 2 April 2019 and 15 April 2019. Council has received no 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
Heritage	No objections
Tree Management Officer	No objections - subject to conditions

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

The development is considered in the public interest for the following reasons:

- The works are a permissible land use in the zone with Council consent;
- The location of the internal bathroom upgrade and external access ramp will have minimal impact on the heritage fabric of the building (as the works are located at the rear of the building, which is a modern addition);
- The alterations and additions are necessary to ensure the building is accessible and complies with current Australian Standards;
- The introduction of the deck will increase the amenity and function of the heritage item; and
- The application did not attract any objections from neighbouring properties.

## Conclusion

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

As detailed in this report, the site is suitable for the works, and the works are considered in the public interest. As such, the application is recommended for approval, subject to conditions.

## Recommendation

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1. That Development Application DA19/0219 for alterations and additions to Castlereagh Hall 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 following plans and documents stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Drawing No.	Issue	Date
<i>Proposed Greater Site Plan</i>	Justin Long Design	A01	-	8.03.2019
<i>Proposed Demolition Work Plan</i>	Justin Long Design	D01	-	8.03.2019
<i>Proposed Ground Floor Plan</i>	Justin Long Design	A03	-	8.03.2019
<i>Proposed Sections</i>	Justin Long Design	A07	-	8.03.2019
<i>Proposed Roof &amp; Stormwater Drainage Plan</i>	Justin Long Design	A04	-	8.03.2019
<i>Proposed Elevations</i>	Justin Long Design	A05 - A06	-	8.03.2019
<i>Proposed Door &amp; Window Schedule</i>	Justin Long Design	A08 - A09	-	8.03.2019
<i>Proposed AC Screen, Ramp and Balustrade Details</i>	Justin Long Design	A10	-	8.03.2019
<i>Proposed Male Toilet Details (Ground Floor Plan)</i>	Justin Long Design	A13	-	8.03.2019
<i>Proposed Female Toilet Details (Ground Floor Plan)</i>	Justin Long Design	A19	-	8.03.2019
<i>Proposed Erosion and Sediment Control Plan</i>	Justin Long Design	A33	-	8.03.2019

### 2 A019 - Occupation Certificate

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

### 3 A039 - Graffiti

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

### 4 A046 - Obtain a Construction Certificate before the commencement of works

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

### 5 A Special - Compliance with Accessibility Report

The works must be carried out in accordance with the recommendations of the '*Design Specifications - Accessibility*' report prepared by Trevor R Howse, Reference J18174(a), Issue No.1, dated 8.01.2019.

**Prior to the issue of a Construction Certificate**, the following amendments must be made in accordance with the recommendations of Council's Access Committee:

- In order to comply with Australian Standard AS 1428.1, the length of the accessible toilet must be a minimum of 2.3m.
- The change table located within the accessible toilet shall be relocated within the male and female toilets, so as to not occupy the accessible toilet.
- The steps to the stage area are required to be compliant with handrails on both sides with handrail extensions and Tactile Ground Surface Indicators regardless of the provision of the platform lift.

## Demolition

## 6 B002 - Demolition Works and Disposal of Material 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**.

## 7 B003 - Asbestos Management

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

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

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

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

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

## 8 B004 - Dust Management

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

## 9 B005 - Mud/Soil

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

## Heritage/Archaeological relics

### 10 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

## Environmental Matters

### 11 D001 - Implement approved sediment and 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.

## 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.

## 14 D014 - Plant and equipment noise

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

## BCA Issues

### 15 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

### 16 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

## 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 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.

## 20 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.

## Landscaping

### 21 L002 - Landscape construction

The approved landscaping for the site must be constructed by a suitably qualified landscape professional.

### 22 L Special: Landscape Plan

**Prior to the issue of an Occupation Certificate**, the following landscape works shall be provided:

- 4 x *Photinia sp* (Photinia) shall be planted no closer than 4.0m apart (unless they are proposed to be hedged) in the location identified on the stamped approved Greater Site Plan dated 8 March 2019.
- Additional planting of one specimen tree shall be provided in a suitable location on the site. The specimen tree shall have the capacity to grow to a minimum mature height of 8.0m, and be a minimum container size of 75L. The tree shall comply with *NATSPEC Specifying Trees: a guide to assessment of tree quality* (2003) or *Australian Standard AS 2303 – 2015 Tree stock for landscape use*.
- The ground around the remaining trees as bounded by the path, deck and dripline of the tree shall be maintained as a mulched area for the life of the trees.

### 23 L Special: Path Construction

The new footpath leading to the deck shall be constructed at grade, unless satisfactory evidence can be provided to Council to demonstrate that tree roots will not be severed or damaged.

**Prior to the issue of a Construction Certificate**, the plans shall be amended to show that the footpath is to be constructed at grade, or alternative construction methods/materials shall be used to ensure that the remaining trees are not damaged during the works. In this instance, details of alternative construction methods/materials shall be submitted to Council for consideration and approval. *Note:* If this option is required then the path needs to be designed with the input of an appropriately qualified Engineer and an AQF (Australian Qualification Framework) Level 5 Arborist.

Mulch can be used to blend the height of the path with the existing ground level providing that mulch is not built up around the trunk of any of the trees to be retained and protected.

## 24 L Special: Trees to be removed on site

The following existing trees on the site are permitted to be removed:

<b>Tree Species</b>	<b>Location</b>
1 x <i>Photinia</i> sp	Southern side of hall, second tree from the east in the row of 6 and as shown on Proposed Greater Site Plan, prepared by Justin long Design, Dwg No A01, 19/10/18
1 x <i>Photinia</i> sp	Southern side of hall, third tree from the east in the row of 6 and as shown on Proposed Greater Site Plan, prepared by Justin long Design, Dwg No A01, 19/10/18

All tree removal works must comply with the *Amenity Tree Industry – Code of Practice, 1998* (Workcover, NSW) and *Guide to Managing Risks of Tree Trimming and Removal Work* (Safe Work Australia 2016).

When removing the two trees listed above it will be required to ensure the adjacent trees are not damaged. If stump grinding is used for the removal of the stump then grinding shall be limited to the the area immediate to the root crown to ensure that damage to any intertwined roots from the remaining trees are not damaged.

All other vegetation not specifically identified above, and protected by C2 Vegetation Management, Penrith Development Control Plan 2014 is to be retained and protected from construction damage and pruning.

## 25 L Special: Trees to be retained and protected

The following trees must be retained and protected, as detailed below.

<b>Species</b>	<b>Location</b>	<b>Protection measures</b>
<i>Photinia</i> sp ( <i>Photinia</i> )	Southern side of the hall, first tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites  Ground protection shall be installed in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Ground protection shall be installed within the designated TPZ but as excluded by the deck footprint.
<i>Photinia</i> sp ( <i>Photinia</i> )	Southern side of the hall, fourth tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites  Ground protection shall be installed in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites. Ground protection shall be installed within the designated TPZ but as excluded by the deck footprint.
<i>Photinia</i> sp ( <i>Photinia</i> )	Southern side of the hall, fifth tree from the east in the row of 6	*TPZ - 4.8 metres Trunk and branch protection is to be installed as per Section 4.5.2 of AS4970 - 2009, Protection of trees on development sites  Ground protection shall be installed within the designated TPZ in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites.  Once the construction of the deck has been completed then the ground protection can be removed to facilitate the construction of the path.

*Photinia* Southern side of the \*TPZ - 4.8 metres  
*sp* hall, sixth tree from  
(*Photinia*) the east in the row of Trunk and branch protection is to be installed as per Section 4.5.2 of  
6 AS4970 - 2009, Protection of trees on development sites

Ground protection shall be installed within the designated TPZ in accordance with Section 4.5.3 of AS4970 - 2009, Protection of trees on development sites.

Once the construction of the deck has been completed then the ground protection can be removed to facilitate the construction of the path.

\*TPZ - Tree Protection Zone

The deck shall be constructed on piers as shown on Footing Plan, prepared by Pel Eng Consulting Engineers , Dwg No S0201, Issue B, dated 13/3/2019.

Pier holes should be hand dug for the first 500 mm. Should tree roots greater than 50mm be found then the piers shall be relocated so that they are no closer than 100 mm from any tree root greater than 50 mm in diameter.

Once piers have been hand dug to a depth of 500 mm and appropriately located away from tree roots, the remaining hole depth can be excavated using mechanical hand equipment.

## Certification

### 26 Q01F - Notice of Commencement & Appointment of Principal Certifying Authority

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.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### **C2 Vegetation Management**

The application proposes the removal of two trees, located at the southern side of the hall in order to accommodate a new deck. As such, the application was referred to Council's Tree Management Officer for review, and a site inspection was undertaken by Council's Tree Management Officer on 3 May 2019.

Council's Tree Management Officer raised no objection to the proposal, subject to recommended conditions relating to replanting of trees, tree protection measures and construction of the footpath on grade, as detailed below.

#### *Tree Planting*

The application proposes to replant four *Photinia sp* in close proximity to the existing trees (on the southern side of the hall). Given the trees are not considered significant in respect to heritage considerations, and appropriate conditions have been imposed requiring the applicant to replant four trees of the same species, the proposed tree removal is considered acceptable in this instance. However, to further mitigate the impact of the tree removal, a condition of consent has been imposed requiring the applicant to plant an additional specimen tree at a suitable location on the site. With consideration to the above, the proposed tree removal is acceptable in this instance.

#### *Tree Protection Measures*

With the removal of two trees it will be required to ensure the existing adjacent trees are not damaged. As such, conditions of consent have been applied relating to tree protection measures. In particular, if stump grinding is used for the removal of the stump then grinding shall be limited to the the area immediate to the root crown to ensure that damage to any intertwined roots from the remaining trees are not damaged.

It is noted that the deck is to be constructed on piers which will minimise the impact on the existing trees. Tree protection including trunk protection for the two existing trees adjacent to the deck will be required, and conditions have been provided accordingly.

#### *Footpath Construction*

To further protect the existing trees, a condition of consent has been imposed requiring the new footpath to be constructed on grade, without the need to sever or damage tree roots of the remaining trees. If required, alternative construction methods/ materials shall be used to ensure that the remaining trees are not damaged during the proposed works.

#### **C7 Culture and Heritage**

The works are minor in nature and are considered to have minimal impact on the heritage fabric of the building. The bathroom works are located within the rear of the building which is a modern addition to the hall. The access ramp is a necessary introduction to ensure the building is accessible, and the location of the ramp does not significantly affect the heritage fabric. The introduction of the deck is anticipated to increase the amenity and function of the heritage item.

#### **C10 Transport, Access and Parking**

The site has an existing car park located to the north of the building for the use of the community facility. The application does not amend the provision of car parking spaces currently onsite.