PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/0538
Proposed development:	Conversion of a Dwelling to Health Care Consulting Rooms & Construction of Car Parking
Property address:	194 Bennett Road, ST CLAIR NSW 2759
Property description:	Lot 1142 DP 259309
Date received:	21 July 2021
Assessing officer	Donna Clarke
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 9a
Recommendations:	Approve

Executive Summary

Council is in receipt of Development Application 21/0538 proposing a health service facility under State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) at Lot 1142 DP 259309, 194 Bennett Road St Clair.

As Council has received over 10 unique submissions objecting to the proposed development, the application will be reported to and determined by the Penrith Local Planning Panel.

The subject site is located is zoned R2 Low Density under Penrith Local Environmental Plan 2010. The proposal is defined as a health service facility and while such a use is not identified within the subject site's R2 zone under the Penrith Local Environmental Plan 2010 as permissible with consent, it is a permitted use within the subject zone under Clause 57 of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).

The development application was advertised in local newspapers and notified to all adjoining and adjacent property owners and placed on public exhibition from 2 August 2021 to 16 August 2021. During this period, Council received 12 submissions.

Key issues identified for the proposed development include parking, hours of operation, safety and amenity impacts.

An assessment under Section 4.15 of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval subject to appropriate conditions.

Site & Surrounds

The site is identified as Lot 1142 DP 259309, 194 Bennett Road St Clair and contains a single storey dwelling with garage. The site is located on the corner of Bennett Road with McLaren Grove and has an area of 809m².

The site has a formal driveway to Bennett Road and a secondary gate for informal vehicular access from McLaren Grove. A brick wall is provided to both street frontages, as well as along the side boundaries to the adjoining dwellings.

The site is located within a residential area. St Clair Shopping Centre and Leisure Centre is located 500m to the north of the site and various other commercial businesses are located within the residential area including child care centres, home businesses, out of school care, hairdresser, dentist and the medical practice which is currently operated by the applicant is located at 168 Bennett Road, St Clair approximately 400m north of the subject site. St Clair Primary and High Schools are also located next to St Clair Shopping Centre, as well as recreational areas.

Background

On 20 August 2001, Council granted consent to DA 00/5472 for Health Consulting Rooms on the subject site. Notably, the consent includes the following requirements and restrictions via conditions of consent:

- 12 month timeframe for the use after issue of the Occupation Certificate, with the need for a further DA for continuance of the use.
- Parking Management Strategy to be implemented.
- The 'health care consulting room' shall not involve use of the premises by more than two health care professionals, contain more than two consulting rooms, provide health care services to persons other than outpatients of the health care consulting room, employ more than three employees (two health care professionals and one receptionist) in connection with the health care services provided by the health care consulting room, or involve procedures such as x-rays, ultrasounds, cat scan, radiography, pathology tests or the like.
- The number of outpatients booked/visiting the site is to be limited, and subject to an appointment system so as to ensure that vehicles associated with the health care consulting room can be predominantly parked on the site.
- The approved hours of the health care consulting room are from 8am to 6pm Mondays to Fridays, and from 9am to 12noon on Saturdays. The development is not to function on Sundays and public holidays.
- Signage comprised a Doctor's cube and two directional signs within the two front setbacks.
- The brick wall facing McLaren Grove, with the exception of the 2.5m return, shall be demolished and replaced with 1.2m high open style fencing (eg. pool fencing) and associated landscaping to ensure that the car park area is visible from McLaren Grove at the same time as providing security to the site. A gate that does not open out onto the road reserve and in line with the fencing shall also be provided across the 5.5m wide driveway (off McLaren Grove) to provide security to the site outside the approved operating hours. This gate is to remain open only during the approved operating hours.
- Provision of concrete footpath to both street frontages of the property.
- Provision of a 1 m driveway splay west of the driveway (off McLaren Grove).
- Increase the width of the driveway to 6m (off Bennett Road) and 5.5m (off McLaren Grove).
- Direct access to the building being provided from the rear, adjacent the car park.
- Closure of the access to the building from Bennett Road.
- Deletion of the gate adjacent to the "waiting room window".
- The pathway in front of the doctor's room shall be replaced with landscaping.
- A submission is to be made to Council's Local Traffic Committee seeking consideration to the imposition of 'No Stopping' zone restrictions.
- The three parking spaces, including the garage space, that is accessed off Bennett Road shall be designated for use by the two health care professionals and a staff member of the health care consulting rooms. The six parking spaces located at the rear of the site are to be made available for patients of the health care consulting rooms at all times during the approved operating hours.

Proposal

Version: 1, Version Date: 18/01/2022

Environmental Planning Policy (Infrastructure) 2007 (ISEPP). The proposal includes:

Internal fit out works

- Two (2) doctor's consulting rooms
- One (1) treatment room
- A reception desk with open waiting room
- Two (2) bathrooms (a staff toilet and accessible bathroom)
- Kitchen

Demolition works

- Removal of fixed glass panels and replacement of existing front entrance door to accommodate expansion of entrance for equitable access
- Removal of bedroom wardrobe and hallway cupboard to provide wider internal walkway for equitable access
- Demolition of internal nib walls to expand proposed reception/waiting room
- Demolition of internal bathroom walls to create an accessible bathroom and a separate staff only toilet (accessible via treatment room)
- Demolition of rear veranda and brick columns including paving
- Demolition of detached rear pergola and shed structures to accommodate new landscaping
- Demolition of side gate from Bennett Road frontage to accommodate equitable access
- Partial demolition of side boundary wall to accommodate suitable vehicular access from McLaren Grove

New Construction work

- Bricking up garage window to north-western elevation (to match existing) to comply with BCA requirements
- Construction of driveway layback at McLaren Grove and expansion of existing driveway layback at Bennett
- Replacement of flooring throughout to achieve compliance with accessibility requirements

External works

- Construction of new ramp to front entrance of Bennett Road to achieve equitable access
- Paving and associated drainage works to rear yard to accommodate new car park
- New landscaping works throughout the site incorporating a range of trees and low-lying shrub plantings

Hours of operation

- 8am-6pm Monday to Friday (more specifically 8am 12pm for the morning session and 2:30pm 6pm for the afternoon session)
- 8am-12pm Saturdays, Sundays and Public Holidays.
- Consultations are by appointment only.
- Typical patient appointment times vary between 10-30 minutes each.

Staff

- A maximum of two (2) medical practitioners will operate at any given time.
- One (1) administration/support staff.

Parking

- Eight (8) off-street parking spaces on the site, with three (3) spaces allocated to staff and five (5) allocated to patrons.
- Ambulance loading bay adjacent the rear entrance of the facility.
- Parking for staff will be accessed via Bennett Road.
- Parking for visitors will be provided in the rear carpark accessed via McLaren Grove.

Signage

1 x Doctor's surgery illuminated red light box and 2 x Business identification signs both 610mm x 910mm.

- The signs will sit flush with the façade wall and will be located either side of the front entrance.
- The signage will provide details of the business name, address, contact number, hours of operation and doctor's names.

Waste

- Waste will be disposed of using the residential waste and recycling bins.
- Clinical waste (including sharps and contaminated waste) will be disposed of (as needed) via private waste contractors.

Plans that apply

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River

Planning Assessment

Section 4.15 - Evaluation

The proposal 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 7.12 - Developer Contributions

While Section 7.11 (previously Section 94) contributions do not apply to the proposed development, the development is subject to contribution considerations under the adopted Section 7.12 Contribution Plan. The development however does not generate a Section 7.12 contribution requirement either as the cost of works is less \$100,000.00

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

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) provides for greater flexibility in the location of infrastructure and service facilities across the State. Division 10 'Health service facilities' of the ISEPP allows for health service facilities to be provided within prescribed zones. The following definition of a health service facility is provided under Clause 56 of the ISEPP;

"health service facility means a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) heath consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals"

Clause 57 of the ISEPP allows for development permitted with consent. Clause 57(1) reads as follows;

"(1) Development for the purpose of health service facilities may be carried out by any person with consent on land in a prescribed zone.

A prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,
- (d1) R2 Low Density Residential,
- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (g1) B1 Neighbourhood Centre,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (i) B4 Mixed Use,
- (k) B5 Business Development,
- (I) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure"

The subject site is located within a R2 Low Density zone which is identified as a prescribed zone under Clause 57 of the ISEPP. In this regard, as the proposal is for a health service facility, the proposed development is a permissible use and may be carried out subject to development consent.

Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007 identifies which type of development requires concurrence from the Roads and Maritime Services (RMS) as 'traffic generating development'. In this regard, the current Development Application is not identified as a traffic generating development noting that the site is not on a classified road and has no connection to a classified road within 90m of the site. In addition, referral would be required to the RMS where there are 200 or more beds provided to a hospital and this application does not meet the trigger.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The subject site is located outside of the Western Sydney Aerotropolis. However, the SEPP (Western Sydney Aerotropolis) 2020 contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 'wildlife buffer zone' of the airport.

The Aerotropolis SEPP commenced on 1 October 2020, before the development application was lodged. Consideration has been given to Clause 21 of the SEPP and the proposed development. The objective of Clause 21 is to regulate development on land surrounding the airport site where wildlife may present a risk to the operation of the airport. Certain types of development then trigger the requirements for further consideration under Clause 21. The proposed development, is not one of the types of uses that warrant additional consideration under the SEPP with regard to wildlife and the operation of the airport.

The subject site is also identified as being located within the Obstacle Limitation Surface Map. Clause 24 of the SEPP relates to development that would penetrate the prescribed air space for the airport and be a 'controlled activity'. The proposed development neither penetrates the prescribed air space, nor is it a controlled activity, therefore not triggering any additional considerations under this clause.

State Environmental Planning Policy No 55—Remediation of Land

Clause 7 of State Environmental Planning Policy No. 55 (SEPP 55) outlines the following requirements that a consent authority consider prior to the issue of a consent for any development:

"A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

There is no record or indication that the subject site is contaminated. The proponent has outlined that the site has been historically used for residential purposes. The historical use and location of the development and site suggests little likelihood for any onsite contamination as the land has not been the subject of recent agricultural use, nor is there any suggestion or evidence of any land contaminating activities previously occurring. The most notable source of potential contamination will be during the demolition phase of the development which can be managed as outlined in the recommended conditions of consent. Council's Environmental Management Department were satisfied that the key considerations in the SEPP have been suitably met to confirm that the site is suitable for the proposed development (noting a similar development has already been approved on the site in the past).

As a result, it is considered that the proposed development is compliant with the provisions of SEPP 55.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against the relevant criteria within the *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)* and the application is satisfactory subject to recommended conditions of consent. The proposal suitably addresses and complies with water quantity and water quality management measures as outlined within Council's Water Sensitive Urban Design Policy and Stormwater Management Policies. This compliance addresses the relevant considerations within Clause 6 of the SREP instrument. Clause 11 which outlines development specific controls is not relevant to the proposed development.

Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The provision of a *health service facility* is not identified within the subject site's R2 Low Density zoning as being specified in Item 2 (Permitted without consent) or Item 3 (Permitted with consent) within the Penrith Local Environmental Plan 2010 'Land Use Table' and may be defined therefore as a prohibited use.

While so, as discussed previously within this report, the provision of a health service facility is permitted under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP (ISEPP) 2007. In this regard, no concern is raised in this instance in regard to the permissibility of the proposed use noting that the provisions of the ISEPP override the provisions of the Penrith Local Environmental Plan 2010 (PLEP) where there is an inconsistency between the ISEPP and the PLEP.

Clause 2.3 Zone objectives

The objectives for a R2 Low Density zone within the Penrith Local Environmental Plan 2010 are as follows;

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.
- To enhance the essential character and identity of established residential areas.
- To ensure a high level of residential amenity is achieved and maintained.

The provision of a health service facility is considered to satisfy the objectives provided for the subject site's R2 zoning as it will allow for other land uses which will service the day to day needs of residents. The use of the existing dwelling retains the features and qualities of the form of buildings in the area and the low scale nature of the medical practice comprising two doctors and one staff member, as well as on site parking, ensures residential amenity is maintained.

It is considered that the objectives of the zone are met by the proposed development.

Clause 4.3 Height of buildings

The proposed development does not increase the height of the building from existing, which is one storey and well below the maximum height limit of 8.5m.

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

The only Draft State Environmental Planning Policy that is applicable to the proposed development is the Draft Remediation of Land SEPP. The intention of this draft SEPP was to repeal SEPP 55 however the Draft EPI has not progressed since its public exhibition in 2018. The draft provisions do not alter requirements for development to demonstrate that the land is suitable or can be made suitable, and therefore the Draft Instrument has no further considerations beyond what has already been addressed within commentary against SEPP 55 in this report.

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

Development Control Plan 2014

Provision	Compliance	
DCP Principles	Complies	
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 - see Appendix - Development Control Plan Compliance	
C6 Landscape Design	Complies	
C7 Culture and Heritage	N/A	
C8 Public Domain	Complies	
C9 Advertising and Signage	Does not comply - see Appendix - Development Control Plan Compliance	
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance	
C11 Subdivision	N/A	
C12 Noise and Vibration	Complies	
C13 Infrastructure and Services	Complies	
D5.1. Application of Certification System	N/A	
D5.2. Child Care Centres	N/A	
D5.3. Health Consulting Rooms	Complies - see Appendix - Development Control Plan Compliance	
D5.4. Educational Establishments	N/A	
D5.5 Parent Friendly Amenities	N/A	
D5.6. Places of Public Worship	N/A	
D5.7. Vehicle Repair Stations	N/A	
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A	
D5.9. Extractive Industries	N/A	
D5.10 Telecommunication Facilities	N/A	
D5.11 Boarding Houses	N/A	

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

There are no planning agreements applying to the proposal or subject site.

Section 4.15(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the Environmental Planning and Assessment Regulation 2000.

Council's Building Surveyor reviewed the proposal and noted that under the Environmental Planning and Assessment Regulation 2000 Clause 143 a certifier must not issue a CC unless;

" the fire protection and structural capacity of the building will be appropriate to its new use, and "

" the building will comply with such of the Category 1 fire safety provisions as are applicable to the new use".

Under the Environmental Planning and Assessment Regulation 2000 Clause 94 Council can include conditions on the consent requesting upgrade works to comply with the BCA. Conditions will be recommend for compliance with Parts C, D, and E of the BCA.

The building has a floor area of approximately 146m² so the applicable Category 1 provisions would be minor and will need to be determined by the PCA issuing the CC. A BCA report has been submitted verifying this requirement and advising that further details are to be provided with the CC application. The SOEE also states that the proposal will be "capable of achieving deemed compliance with the relevant BCA requirements".

Appropriate conditions of consent have been recommended.

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

This form of low scale medical use is appropriate to be located within a residential area and provides a service to the nearby residents. The location on a corner is ideal and the site meets the requirements of ISEPP and where applicable D5 the DCP for this form of development.

The existing building form and scale as single storey will remain and the amended building is appropriate in regard to considerations of scale and bulk which is compatible with its surrounds. Appropriate landscaping and accessible pathway has been incorporated into the plans.

Privacy

The layout of the car parking, proposed landscaping and building entry will ensure that privacy impacts are minimised for adjoining dwellings. Further, a condition of consent is recommended for the existing boundary wall to be repaired or replaced with a new dividing fence with a minimum height of 1.8m to ensure that the privacy for the two immediately adjoining dwellings is maintained.

Noise

Given that the development proposes two consulting rooms and one waiting room with three staff and limited clients (as stated by appointment only) it is not anticipated that offensive noise will be generated. Given the location and similar type of businesses along the same stretch of road, any noise produced will have minimal impact on the surrounding environment. The carpark and entry to the building have been sited to provide maximum separation to the existing dwellings to minimise noise impacts.

The application proposes hours of operation 7 days a week. Given this is a residential area, it is not considered appropriate to allow 7 day operation. The original consent under DA 00/5472 allows for Monday to Saturday, with no operations on Sundays or Public Holidays. This is considered a more suitable outcome and conditions of consent have been recommended which limit the hours of operation. In the future, should it be demonstrated that there are no adverse noise impacts from the facility as a result on going operation, the applicant may lodge an application to extend the hours of operation which would be considered on its merits at that time.

Air and Odour

It is not anticipated that there will be any air quality or odour impacts due to the development.

Waste Management

The application is considered to have adequately demonstrated that the proposed waste management arrangements associated with future tenancies will be adequately catered for. It is considered that appropriate areas have been provided for by the proposal for both general waste and clinical waste storage.

Water Management

Comments provided from Council's Development Engineering and Water Management Departments have also indicated that drainage works proposed in association with the development will comply with Council's Water Sensitive Urban Design Policy. The proposed development will connect to existing systems, including roads.

The addition of a rainwater tank and a bio-retention swale will allow water conservation and is sufficient in addressing concerns regarding water management on site.

Accessibility

The proposal either complies with, or can comply with, the relevant accessibility provisions within the Building Code of Australia, Premises Standard and Penrith DCP 2014.

Social & Socio-Economic Impacts

The development is not considered likely to result in any negative social impact in the area. The proposal has been assessed against the principles and objectives contained within the Penrith DCP specifically those related to safety and security and is compliant in this regard. The development of the site as a health service facility is in accordance with the aims of the Penrith LEP 2010.

Public Health

The application details indicate that skin penetration equipment will be sterilised onsite, an autoclave has been identified in the plans however a single wash basin for the sole purpose of washing of equipment has not been provided. Conditions of consent will be recommended to ensure an equipment wash sink is provided with a supply of warm water, soap, and paper towels.

The plans show the treatment room and consult room 1 as separate rooms. The treatment room is required to have a hand wash basin with a supply of warm water, soap, and paper towels. The hand wash basin in the toilet cannot be used for washing of hands prior to performing treatment on a patient. Conditions of consent will be recommended to ensure that this is provided.

The plans indicate the treatment room indicates carpeting on the flooring, this flooring is inappropriate for effective cleaning of spills and bodily fluids. Conditions of consent will be recommended to ensure that the floor of the treatment room is constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.

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

The proposal is considered to have addressed the constraints of the subject site, in particular with regard to the interface with the adjoining residential dwellings.

Overall, the subject site is deemed suitable for the development for the following reasons:

- The development is permissible with consent and consistent with the zone objectives.
- The development is considered compatible with the desired future land uses expected for a low density residential area and supports the residents.
- Stormwater from the site is able to drain to Council's satisfaction.
- The site is adequately serviced by transport, water and sewage infrastructure which has the capacity to cope with any increase in demand associated with the proposed development.

Section 4.15(1)(d) Any Submissions

Community Consultation

Between 2 August 2021 to 16 August 2021, the Application was advertised and notified to adjoining and nearby residences. Twelve (12) individual submissions were received, as well two submissions from the same people clarifying or expanding upon their earlier submission. The following issues were raised:

Issue Raised Traffic & Parking:	Comment Council's Engineers reviewed the proposal and information provided and raised no objections in terms of traffic generation and the capacity within the existing road
 Already issues with parking impacting traffic movements, especially 	network. The applicant's information is used by Council's Engineer's as one component of their review and does not form the basis for suitability on its own.
from driveways Traffic impacts on quiet cul-de-sac.	The proposed Convex Mirror is not supported by Council's Engineers.
Who will maintain the Convex mirror.No footpaths or	With respect to parking, the DCP requirements are satisfied, with 7 spaces required and 8 proposed (including the existing garage).
•	Accessible parking is required as a percentage of the parking required, not in addition to. As such, the 1 accessible space is satisfactory and is not required in addition to the 7 spaces generated by the development.
and Bennett Rd, removing parking on- street for residents and obstructing driveways	A condition of consent is recommended which restricts the number of practitioners to 2 and staff to 1, to correspond with the available on-site car parking.
and garbage collection Turning out of McLaren Grove is already difficult and a fatality occurred in this section. McLaren is only a	A condition of consent is also recommended for directional signage within the frontage / setback which indicates on-site parking is available from McLaren Grove and that staff should be advising patients to park on-site and not in surrounding streets. This will assist with education of patients and less on-street overflow parking.
narrow, light residential street Insufficient car parking and does not meet DCP requirements Disabled space can only be used by permit	This DA cannot consider the cumulative impact of other undetermined DA's as there is no certainty they will be supported.
holder Number of practitioners should be restricted and not allowed to increased	

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to ensure traffic and parking impacts addressed.

- Unclear if Covid was considered in traffic data and was for only 2 days.
- Proposal places extra pressure on McLaren Grove and Bennett Rd, and up to Roper Road which is being enlarged for airport.
- No directional signage to carpark or parking management strategy. Current practice has signage advising patients not to park onsite, forcing parking on the street.
- Cumulative impact from this DA and nearby child care DA under assessment.

Amenity:

There will be potential for noise and light impacts from the site during operational hours, however these are considered to be manageable.

Noise from commercial use in residential area.Application incorrectly

- Application incorrectly identifies garage adjoining at No. 192 Bennett Rd, not a carport and bedroom, which will be affected by noise.

- Noise from vehicles, as well as car doors opening and closing.
- Noise impacts for shiftworkers.
- Light spill from headlights, in particular during winter.
- Hours of Operation excessive for weekends and should not be on Sundays or Public Holidays.

Conditions of consent have been recommended which require the boundary wall to be made structurally sound and/or replaced with a new boundary fence which is of solid construction.

The hours of operation are recommended by way of a condition of consent to be limited to not allow Sunday or Public Holiday operations.

Safety:

with medical use introduced.

for children.

- Concerned about potential after hours criminal activities and drug use.

for children riding bikes and skating in the culde-sac.

- Existing brick walls unstable and requires maintenance. Previous DA in 2001 requires structural certification, but not undertaken.

- Asbestos.

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered with respect to the proposed development. The proposed - Loss of feeling of safety layout allows for access control via one main clearly marked entry, clear and unobstructed pathways, no hidden recesses and provides for casual surveillance from the building to all areas of the site. A condition of consent is recommended - Potential safety issues to ensure that the operation of the premises reduces opportunities for crime by incorporating security systems, such as alarms and CCTV, and appropriate signage is provided that indicates cash and medicine is not stored on the premises.

A condition of consent is also recommended which requires the existing walls to - Traffic will make unsafe be repaired and deemed structurally sound, or replaced with new appropriate fencing / wall, as well as standard conditions regarding removal and disposal of asbestos.

All vehicles will be entering and leaving the visitor car park and onto McLaren around all boundaries are Grove in a forward direction, which will assist with the safety of children playing in the cul-de-sac.

Loss of property value.

Planning Controls:

- Not permissible.

- Businesses are creeping into residential areas.

- Should not be located on a cul-de-sac or no through road.

This is not a matter for consideration in the assessment of the development application under the Environmental Planning & Assessment Act. Whilst the proposed use is not permissible within the zone, the provision of a health service facility is permitted under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP (ISEPP) 2007. In this regard, no concern is raised in this instance in regard to the permissibility of the proposed use noting that the provisions of the ISEPP override the provisions of the Penrith Local Environmental Plan 2010 (PLEP) where there is an inconsistency between

The R2 zone objectives encourage the location of facilities or services to meet the day to day needs of residents within residential zones.

the ISEPP and the PLEP.

Council's DCP states that "health consulting rooms should not be located in a cul-de-sac or on a no through road". Given the location of the site on the corner, at the entrance to McLaren Grove, the intent of the control is still satisfied. The intent is to avoid these types of facilities being located within the cul-de-sac head where there is limit room for parking or manouvering and greater opportunity for congestion.

Waste:

An appropriate condition of consent has been recommended which requires the site and verge to be kept tidy and free of litter or waste at all times.

- Rubbish / litter along Bennett Rd that residents pick up currently and should be responsibility of the owner.
- Concerned that the site will not be maintained and remain dilapidated given the same owners.

Drainage:

- Current water issues between subject site and No. 2 McLaren Grove, with water seeping and not drainage, primarily due to dilapidation, lack of repair or maintenance on subject site.

The assessment by Council Officers has concluded that there is adequate infrastructure in the area to withstand the proposal and that stormwater can be managed adequately with disposal to a legal point of discharge.

Site Suitability:

- Current site is more suitable, being closer to other services, easier to park, closer to public transport. Questions the need to relocate and if this site will be a second location for the surgery.
- Previous 2001
Development Application for medical use with 3 practitioners on the site was rejected or restrictive conditions imposed. Unsure if the current application is truthful that there will only be 2.

Relocation and/or expansion of the business to the current site is a commercial decision and not a matter for consideration in the assessment of the development application under the Environmental Planning & Assessment Act. The DA indicates that the existing practice is relocating to the subject site.

park, closer to public transport. Questions the need to relocate and if this site will be a second location for the surgery.

- Previous 2001

Development Application for medical use with 3

Development Application for the public transport. Questions the meeting of 20 August 2001. The DA was originally deferred at the Council meeting of 23 April 2001 and after being deferred for an on-site meeting, reconsidered on 6 August 2001 pending additional information regarding the stability of the brick fence along the western boundary and suitability of landscaping on sight lines at the intersection. The 2001 consent included conditions of consent which clearly restricted the number of practitioners and staff, which have been replicated as draft conditions of consent.

Conflict of Interest / Dishonesty / Inappropriate Dealings may have occurred. Council is not aware of any conflict of interest, dishonesty or inappropriate dealings.

Unauthorised works:

Council's Compliance Team can separately investigate reported unauthorised works (including tree removal) and take action if deemed necessary.

- tree removal in May 2021.

 Awning erected without consent and blew off and damaged No. 2 McLaren Grove.

2021. The proposed plans indicate that the awning is to be removed and the area - Awning erected without replaced by landscaping. A condition of consent is recommended which requires consent and blew off and this area to remain uncovered and landscaped at all times.

With respect to the internal referrals, Council's Engineers have indicated they do not support the proposal given the staff / practitioner car parking spaces require vehicles to reverse into Bennett Road. The reversing manourvere however is considered to be no different to the existing situation of the dwelling house where residents are required to reverse into the public road. While a health services facility is not a residential dwelling, the duration of stay for staff parking is similar to that of a residential occupant as these spaces are used long term throughout the day. Further the parking arrangement in this location is is consistent with the 2001 approval. Refer to further discussion under DCP assessment. Notwithstanding this concern, appropriate conditions of consent have been provided.

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	Not supported, however conditions provided	
Environmental - Environmental management	No objections - subject to conditions	
Environmental - Waterways	No objections - subject to conditions	
Environmental - Public Health	No objections - subject to conditions	
Traffic Engineer	Not supported, however conditions provided	

Section 4.15(1)(e)The public interest

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposed works are considered to be consistent with the relevant planning provisions. Subject to compliance with conditions of any development consent, the proposal is considered worthy of support.

Conclusion

The proposed development has been assessed in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. While the provision of a Health Service Facility is a prohibited use under the site's R2 Low Density zoning, it is a permitted use within the subject zone under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP 2007.

The proposal will provide for a built form which is considered to be consistent with the objectives of the R2 Low Density zone under the Penrith Local Environmental Plan and Part D5 of Penrith Development Control Plan 2014.

The proposal is not considered to create an unacceptable amenity impact to surrounding properties in regard to amenity impacts.

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the Environmental Planning and Assessment Act, 1979 and has been found to be satisfactory. The site is suitable for the proposed development and the proposal subject to compliance with conditions is in the public interest. The proposal is therefore worthy of support.

Recommendation

- That DA 21/0538 for a health service facility under State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) at Lot 1142 DP259309, 194 Bennett Road St Clair be approved subject to the attached conditions.
- 2. That the individuals who made a submission be advised of this decision and of the consideration given to their concerns.

General

1 A001 - Approved plans table

The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan No.	Plan Title	Prepared By	Revision	Date
A0.1	Cover Sheet, Notes & Abbreviations	Lara's Design	D	7/6/21
A1.1	Existing Site / Demolition Plan	Lara's Design	D	7/6/21
A1.2	Proposed Site / Landscape Plan	Lara's Design	E	8/7/21
A2.1	Existing / Demolition Floor Plan	Lara's Design	D	7/6/21
A2.2	Proposed Floor Plan / Street Elevation & Sign	Lara's Design	E	8/7/21
210431	Stormwater Plans	Engineering Studio	В	16/6/21
Report / I	Document Title	Prepare	ed By	Date
Design Compliance Report		BCA Vision		1/6/21
Waste Management Plan		L. Gibson		20/7/21

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A025 - Sign on Residential property

The health services facility shall be restricted to the following signage:

- 1. 1 x doctor's cube,
- 2. 2 x Business identification signs both 610mm x 910mm on the windows either side of the entrance door;
- 3. 1 x sign (maximum dimensions 1.2m x 0.6m) in the front yard facing Bennett Road directing access and parking at the rear,
- 4. 1 x sign (maximum dimensions 1.2m x 0.6m) to be erected on the fence facing McLaren Grove directing access and parking at the rear.

With regard to points 3 and 4 above, the applicant shall submit details of the location, height and the following wording "Access and parking only at the rear" to Penrith City Council for approval prior to the installation of the signs.

Signage in accordance with this condition shall be erected prior to the commencement of operation of the health services facility.

No other signs, other than signage prescribed by this condition, are to be displayed on the property.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 8am to 6pm Mondays to Fridays and 8am to 12pm Saturdays.

Delivery and service vehicles generated by the development are limited to the hours stated above.

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 A19f - Compliance Certificate (use instead of A019 for other devt earthworks subdivision)

Prior to the issue of the Construction Certificate the requirements of Clause 143 of the Environmental Planning and Assessment Regulation 2000 are to be addressed.

8 A Special (BLANK)

The site and verges are to be kept tidy and free of litter or waste at all times.

9 A Special (BLANK)

A parking management strategy for the development is to be prepared and submitted to Council for approval.

The strategy is to be approved prior to the issue of a Construction Certificate for the development. The strategy is to show the measures that the applicant/operators of the health care consulting rooms will employ to actively ensure that patients, visitors and staff of the health care consulting room are, in most circumstances, parking in accordance with the development consent.

The number of outpatients booked/visiting the site is to be limited, and subject to an appointment system so as to ensure that vehicles associated with the health care consulting room can be predominantly parked on the site.

The approved parking management strategy shall be implemented on commencement of operation of the health care consulting room.

10 A Special (BLANK)

The health services facility shall not:

- involve use of the premises by more than two health care professionals,
- contain more than two consulting rooms,
- provide health care services to persons other than outpatients of the health care consulting room,
- employ more than a total of three employees (two health care professionals and one receptionist) in connection with the health care services provided by the health services facility,
- involve procedures such as x-rays, ultrasounds, cat scan, radiography, pathology tests or the like.

11 A Special (BLANK)

To ensure no obstruction for vehicles and safety of the site:

- The brick wall facing McLaren Grove, with the exception of the 2.5m return (subject to structural integrity or replacement), shall be demolished and replaced with 1.2m high open style fencing (eg. pool fencing) and associated landscaping to ensure that the car park area is visible from McLaren Grove at the same time as providing security to the site.
- A gate that does not open out onto the road reserve and in line with the fencing shall also be provided across the driveway (off McLaren Grove) to provide security to the site outside the approved operating hours. This gate is to remain open only during the approved operating hours.
- The type of trees and their location on the corner of Bennant Road and McLaren Grove are to ensure they do not introduce any intrusion into the motor vehicle drivers' sightlines.

Details of the replacement fencing, gate and landscaping are to be submitted to Penrith City Council for approval prior to the issue of the Construction Certificate. Prior to the preparation of the drawings, the applicant shall liaise with Council in respect to the appropriate planting species and pot sizes to ensure that the aim of this condition is achieved.

12 A Special (BLANK)

Prior to the issue of a Construction Certificate, a structural engineer's certificate certifying to the structural adequacy of the existing brick fence, for its full length and on all boundaries is to be submitted and any identified deficiencies in the wall corrected.

Alternatively, details are to be submitted Prior to the issue of a Construction Certificate of the new replacement boundary fencing, as agreed with the adjoining landowners for the two portions along common boundaries and having a minimum height of 1.8m.

13 A Special (BLANK)

To prevent crime, the operation of the premises is to incorporate security systems, such as alarms and CCTV, and appropriate signage is provided that indicates cash and medicine is not stored on the premises. A gate is to be provided to the visitor car parking area and is to remain closed when the facility is not in operation.

Details of the security measures are to be included on the Construction Certificate plans.

14 A Special (BLANK)

The existing pergola in the northern corner of the site is to be removed and replaced with landscaping, as per the stamped approved plans. This area is to remain uncovered at all times.

Demolition

15 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

In accordance with the Environmental Planning and Assessment Regulation 2000 Clause 94 the building is to be upgraded to comply with Parts C, D, and E of the Building Code of Australia. Details are to be provided with the Construction Certificate application.

16 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

17 B004 - Dust

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

Environmental Matters

18 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 Landcom's "Managing Urban Stormwater: Soils and Construction" 2004.

{Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.}

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained** throughout the construction phase of the development until [the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

19 D009 - Covering of waste storage area

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

20 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

21 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.

22 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.

Health Matters and OSSM installations

23 F006 - Water tank & nuisance

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

24 F111 - Premises construction

The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

25 F112 - Hand wash basin

A hand wash basin in the treatment room/s is to be provided where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).

26 F113 - Designated sink for cleaning

Provide a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises).

27 F114 - Equipment sterilisation - Autoclave

Any equipment used to penetrate the skin or which is capable of penetrating the skin, must be sterilised in a Therapeutic Goods Administration (TGA) approved autoclave prior to reuse. If reusable articles are sterilised at the premises, a bench top autoclave is to be supplied and operated in accordance with Australian Standard "AS/NZS 4815:2006 Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment"

28 F116 - Autoclave record keeping - onsite

Adequate sterilization records, including the time and date the item was sterilized, the length of time the equipment was sterilised and the temperature and pressure of the autoclave must be kept on the premises. These records must be kept for at least 12 months.

29 F118 - Sterile needles & sharps

All needles and sharps that penetrate the skin are to be sterile.

30 F119 - Sharps containers

An appropriate sharps container must be provided at the premises that complies with either AS/NZS 4261:1994 "Reusable containers for the collection of sharps items used in human and animal medical applications", if reusable sharps are used; or that complies with AS 40311992 "Non-reusable containers for the collection of sharp medical items used in health care areas", if non-reusable sharps are used.

31 F120 - Sharps disposal

All sharps generated from the operation of the business must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal etc) must be provided to Council prior to the issuing of the occupation certificate and commencement of the business.

32 F122 - Staff belongings

Staff belongings and other items not associated with the business shall be kept completely separate from skin penetration activities and equipment and maintained in a clean condition.

33 F182 - Health Care Premises – toilets and waiting areas

Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times

Utility Services

34 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 a Subdivision Certificate.

35 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

36 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.

37 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 back filling 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.

38 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

39 K101 - Works at No Cost to Council

All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

40 K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

41 K202 - S138 Roads Act - Minor Works in the Public Road

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for <u>any works required</u> in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access
- g) Temporary ground anchors (for basement construction)

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

42 K209 - Stormwater Concept Plan

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Engineering Studio , reference number 210431, revision B, dated 16/06/2021.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

43 K210 - Stormwater Management

The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Engineering Studio, reference number 210431, revision B, dated 16/06/2021.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

44 K222 - Access, Car Parking and Manoeuvring - General

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, and AS2890.6.

Note: The above requirement excludes staff parking as accessed from Bennett Road which is to be provided as per that approved on the stamped plans detailed within Condition 1.

All parking spaces must be appropriately sealed.

A bike rack is to be provided within the car parking area (to accommodate two bikes) and be in accordance with AS 2890.3.

45 K301 - Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

46 K405 - Turf to Verge

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

47 K501 - Penrith City Council Clearance - Roads Act / Local Government Act

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

48 K502 - Works as executed – General and Compliance Documenation

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

49 K503 - Stormwater Compliance

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

50 K503 - Works As Executed - Stormwater Management

Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

51 K504 - Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F

52 K504 - Stormwater Compliance

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including water sensitive urban design):

- have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
- have met the design intent with regard to any construction variations to the approved design, and;
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

53 K505 - Restriction on the Use of Land and Positive Covenant

Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the stormwater management systems (including water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

54 K601 - Stormwater Management System Operation and Maintenance

The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

55 K - Waterways - Stormwater Management system operation and maintenance

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

56 K Special (BLANK)

Vehicles (excluding those entering the site from Bennett Road) must enter and exit the site in a forward direction without the need to conduct more than a three point turn.

57 K Special (BLANK)

Sight distance requirements at driveways are to be in accordance with AS 2890.2 Figure 3.2 and Figure 3.3

Landscaping

58 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

59 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

60 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014 - Appendix F4 – Technical Information.

61 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

Development Contributions

62 Noise

In the event of Council receiving a complaint regarding excessive noise, the person(s) in control of the premises from where the noise is emanating may be directed by Council to, at their own cost, arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying any need for proposed methods for the control of noise emanating from the premises.

Certification

63 Q006 - Occupation Certicate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

64 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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The proposal has been assessed against the applicable provisions of the Penrith Development Control Plan 2014, in particular those under Part C, City Wide Controls and is found to be generally compliant. Compliance with particular Sections is discussed below:

C1 Site Planning and Design Principles

The proposal has been assessed against the key aims and objectives of the Chapter and is considered to comply in that, the design of the health services facility within the existing building is of an acceptable bulk and scale in the context of the location and is compliant with the maximum permissible height expressed for the site within the Penrith Local Environmental Plan 2010.

The car parking layout is considered to be appropriate to allow for convenient access by visitors.

C5 Waste Management

The DCP does not include controls specific to a health service development. Notwithstanding this, an assessment has been made of the proposal against applicable objectives and general waste controls relating to the practical and sustainable management of waste at the site.

The waste management plan provided was sufficient in addressing any waste impacts by the development. Waste will be disposed of using the residential waste and recycling bins and clinical waste (including sharps and contaminated waste) will be disposed of (as needed) via private waste contractors.

C9 Advertising and Signage

The development application has identified areas on the building façade / frontage where proposed tenancy signage is to be provided and includes 1 x Doctor's surgery illuminated red light box and 2 x Business identification signs both 610mm x 910mm. The signs will sit flush with the façade wall and will be located either side of the front entrance. The signage will provide details of the business name, address, contact number, hours of operation and doctor's names.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows for Business Identification Signage without consent. Whilst the proposed signage is considerably smaller than permitted under the SEPP, the signage has been broken into two, being either side of the doorway on a window. To be Exempt Development, the Business Identification Signage is limited to one sign per frontage and not on a window. As such, consent is required for the proposed signage.

The DCP allows for only one business identification sign to be erected on the property in association with the approved business or activity being conducted on the land and in residential zones, the business identification sign is not to exceed 3m² and must not be illuminated. Each sign has an area of 0.55m², which cumulatively has an area of 1.1m². This is well below the maximum area permitted for the signage and it is a superior design outcome to be either side of the entry, providing balance to the façade.

Directional signage is to be provided by way of recommended conditions of consent to ensure that the visitor car park is clearly identified for users.

C10 Transport, Access and Parking

The proposal has been assessed against the provisions of this Section and is found to be acceptable

Clause 10.2 Car Parking Rates provides the following parking rates for health consulting rooms / medical centres:

Health Consulting Rooms / Medical Centres 3 spaces per health care professional practicing at any one time plus 1 space per receptionist/support staff, plus 1 space per associated dwelling

The proposal includes 2 health care professionals and 1 receptionist/support staff. No residential use remains.

Based on this, 7 spaces are generated.

The rate of 3 spaces per health care professional practicing at any one time includes 1 spaces for the practitioner, 1 space for the current patient and 1 space for the waiting patient. As such, of the 7 spaces generated, 3 are for staff and 4 are for visitors.

The proposal provides:

- Eight (8) off-street parking spaces on the site, with 3 spaces allocated to staff and 5 allocated to patrons.
- Ambulance loading bay adjacent the rear entrance of the facility.
- Parking for staff will be accessed via Bennett Road.
- Parking for visitors will be provided in the rear carpark accessed via McLaren Grove.

The proposed development satisfies the numerical requirements of the DCP.

Council's Engineers have raised concern regarding the staff parking arrangement within the existing driveway and garage accessing Bennett Rd as these vehicles cannot enter/exit in a forward direction and internal dimensions of the existing garage do not meet AS 2890.1.

The garage is an extra space beyond the DCP requirements and is an existing structure which is not easily capable of being altered. The garage currently functions and will continue to do so by a staff member, who will be familiar with the garage, not visitors to the site.

This type of arrangement of reversing out of a space is usually only supported for residential single dwellings, however the two spaces affected are allocated to staff and therefore will be utilised for less movement's, unlike the visitor spaces within the new car parking area. This is an existing situation which is managed by the current dwelling. There is not expected to be high traffic movements from these spaces given that the user of the space will be a doctor or staff, who will be running the clinic and there vehicle will be parked there for the day. This will likely be a reduced number of movements from these spaces onto Bennant Rd given the change from a dwelling house.

It is also noted that the car parking layout is consistent with the approved stamped plan (marked up in red) under DA 00/5472, which was deemed acceptable by Council by granting of consent.

As such, the traffic and parking arrangements are considered to be satisfactory and appropriate conditions of consent are recommended.

D5 Other Land Uses

The provision of a health service facility is permitted under Clause 57 of the State Environmental Planning Policy (Infrastructure) SEPP (ISEPP) 2007. In this regard, the provisions of the ISEPP override the provisions of the Penrith Local Environmental Plan 2010 (PLEP) and Penrith Development Control Plan (PDCP) where there is an inconsistency between the ISEPP and PLEP and PDCP.

Importantly, ISEPP does not restrict the location of a health service facility and therefore overrides any restriction in the DCP.

Version: 1, Version Date: 18/01/2022

Section 5.3 of the DCP contains controls specifically related to Health Consulting Rooms, as outlined in the table below.

- 1) Location
- a) Health consulting rooms in residential areas shall not include procedures such as Xrays, ultrasounds, cat-scans, radiography, pathology tests or the like. These services are to be separated from residential activities and only located either in or immediately adjacent to commercial centres or precincts established specifically for other nonresidential activities.
- b) Health consulting rooms shall not be located on sites where they are likely to have a significant impact on adjoining and surrounding residences, including but not limited to traffic and noise impacts.

A condition of consent is recommended which restricts these uses. This is consistent with the condition imposed on DA 00/5472.

Given the small scale nature of the operations and the recommended conditions of consent which limit the number of medical practitioners to two and ancillary staff to 1, the overall intensity of the use is limited and considered appropriate within the context in which it is located.

Noise impacts will be addressed by way of repair or new boundary fencing / wall and associated new landscaping, as per the plans. The entry has been centrally located on the building, away from the neighbouring dwellings, in order to quickly and easily allow access for the visitors from the car park to the building, with minimal impact upon the neighbouring properties.

There will be an increase in traffic given the change of land use from a single dwelling to a health services facility. However, the recommended conditions of consent require a Parking Management Strategy and booking system to be implemented, as well as limits on practitioner and staff numbers, and signage to advise of parking on site. These measures will all assist to limit the impact upon the road network.

c) Health consulting rooms should not be located in a cul-de-sac or on a no through road, or in a location where additional vehicles may create traffic conflict or an adverse impact on the amenity of the area.

Given the location of the site on the corner, at the entrance to McLaren Grove, the intent of the control is still satisfied. The intent is to avoid these types of facilities being located within the cul-de-sac head where there is limited room for parking or manouvering and greater opportunity for congestion. Further, the ISEPP does not restrict the location of a health service facility and is considered to overrides this clause as a DCP provision cannot prohibit an otherwise permissible development. The site was deemed suitable for health consulting rooms in 2001 by way of granting of consent to DA 00/5472 and this current application is consistent with that development.

- d) The site is to have a minimum effective lot Both frontages exceed the 18m requirement. width of 18m to provide sufficient area for parking and access, as well as achieve an appropriate separation between the development and adjoining properties.
- 2) Access and Parking
- a) Parking areas shall be easily accessible The proposed car parking satisfies these from the street and suitably screened by landscaping. Vehicular access into the car parking area is to include a landscaped area, which will act as a noise and visual buffer to adjoining properties. Parking areas, where possible, are to be located to the rear of sites where they do not impact on streetscape character.

requirements.

b) Parking for a health consulting room shall be provided at the rate specified in the Transport, Access and Parking section of this Plan.

Complies. Refer to discussion under Chapter C10 of the Penrith DCP.

c) In instances where one practitioner is operating as a home business, the parking arrangements will be assessed on merit.

Not applicable.

- 3) Visual and Noise Impact
- a) Landscaping is to be established and maintained to adequately screen the development from adjoining residential properties. Landscaping shall be established prior to the use commencing.

Complies.

b) The development is to be compatible with the existing residential streetscape. Renovations and/or additions, which seek to remove the residential character of the dwelling house, will not be supported.

The overall appearance remains as a single dwelling house, which retains the character and the streetscape.

The scale of the development remains in

c) The scale and character of the development is to be compatible with surrounding residential development.

keeping with the surrounding residential environment. No new fencing is proposed. However,

d) Fencing shall be of a height, design and material suitable to contain noise generated from cars accessing and parking within the site, while being compatible with the residential environment.

conditions of consent are recommended for the front fencing and any side boundary fencing to be repaired or replaced.

e) Business identification signs should be appropriately designed and located to ensure that it is visually compatible with the surrounding development.

The proposed signage is considered to be acceptable. Refer to discussion under C9 of the DCP.

f) A standard doctors' 'cube' (having minimum dimensions of 3m by 4m) may be erected in the front boundary setback of the property.

A doctor's cube has been included.

The proposal is considered to be acceptable with respect to Section 5.3 of the DCP.





DETERMINATION OF DEVELOPMENT APPLICATION

PENRITH CITY COUNCIL

DESCRIPTION OF DEVELOPMENT

DA No.

Description of development Classification of development DA00/5472

HEALTH CARE CONSULTING ROOMS

The classification of the building(s) forming part of this consent is as follows:

• 9A

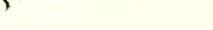
DETAILS OF THE APPLICANT

Name Address DR M COLE & DR S PASTRAS

NOTES

- 1. Your attention is drawn to the attached conditions of consent in attachment 2 and the timing requirements for these conditions in attachment 1.
- 2. You should also check if this type of development requires a construction certificate in addition to this development consent.
- 3. It is recommended that you read the Advisory Note enclosed with this consent.

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DETAILS OF THE LAND TO BE DEVELOPED

Street No.

194

Street name

BENNETT ROAD

Suburb

ST CLAIR

Lot No. DP/SP L1142 DP259309

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1)(a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 2 & the time frame for condition implementation in attachment 1.

Date from which consent operates

20 August 2001

Date the consent expires

20 August 2003

Date of this decision

20 August 2001

Please note that this consent will lapse on the expiry date in accordance with condition 2 of this consent.

OTHER APPROVALS

The following state authorities have approved the development:

Nil

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

- 1. The applicant may request that Council review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 28 days of the date of determination. The applicant cannot make this request if the development is designated or integrated development, or State Significant development.
- The applicant can appeal against this decision in the Land and Environment Court within 12 months of receiving this notice. The applicant cannot appeal if a Commission of Inquiry was held, or if the development is State significant development.
- 3. If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Penrith City Council - Notice of Determination of DA00/5472

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REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer

LIZA CORDOBA

Contact telephone number

(02) 4732 7702

SIGNATURE

Name Signature

For the Building Approvals and Environment Protection Manager

ATTACHMENT 1: TIME FRAME FOR CONDITIONS

TIME FRAME	CONDITION NO.
To be completed prior to the issue of Construction certificate	1,3,4,18,19,20,21,22
To be completed prior to commencement of construction	27
Matters to be submitted or complied with during construction	1,4,5,6,11,15,16,17,18,19,20,21,22,25, 26
To be completed prior to the issue of an Occupation Certificate	1,3,4,13,18,19,21
Note: some conditions may not be listed in the table as they are operational or do not have a time constraint.	

ATTACHMENT 2: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the stampedapproved 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.
- 2 This consent is limited to a period of 12months from the date that an Occupation Certificate has been issued for the development or date of commencement of operation of the health care consulting room (whichever occurs first). Prior to the expiry date of this consent, the applicant will be required to submit a new development application for any continuance of the use.
- A parking management strategy for the development is to be prepared in conjunction with condition 23 and submitted to Council for approval. The strategy is to be approved by Council before a Construction Certificate for the development can be issued. the strategy is to show the measures that the applicant/operators of the health care consulting rooms will employ to actively ensure that patients, visitors and staff of the health care consulting room are, in most circumstances, parking in accordance with the development consent.

The approved parking management strategy shall be implemented on commencement of operation of the health care consulting room.

Prior to the expiration of this consent, the applicant shall review the approved parking management strategy to evaluate whether the aims of the strategy and this condition were achieved or otherwise. This review is to be submitted as part of the development application for any continuance of the use and is to include any additional measures necessary to achieve the intentions of the parking management strategy and this condition.

- 4 The work must be carried out in accordance with the requirements of the Building Code of Australia. A contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.
- 5 All construction works shall be in accordance with Penrith Development Control Plan-

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Residential Construction Works. In particular, attention is drawn to the following specific provisions:

- (i) Part A2-Drainage
- (ii) Part B6-Driveway Design and Construction
- (iii) Part B7-Works Associated with Council Owned Land & Infrastructure
- (iv) Part B13-Hours of Work
- (v) Part B14-Authorities and Utility Providers
- (vi) Part B14.1-Major Utilities "Dial Before You Dig Service"
- 6 All construction works are to be undertaken strictly in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments Part 2-Construction.
- 7 The building shall not be used or occupied until an Occupation Certificate has been issued.
- 8 The 'health care consulting room' shall not:
 - *involve use of the premises by more than two health care professionals,
 - *contain more than two consulting rooms,
 - *provide health care services to persons other than outpatients of the health care consulting room,
 - *employ more than three employees (two health care professionals and one receptionist) in connection with the health care services provided by the health care consulting room,
 - *involve procedures such as x-rays, ultrasounds, cat scan, radiography, pathology tests or the like.
- 9 The number of outpatients booked/visiting the site is to be limited, and subject to an appointment system so as to ensure that vehicles associated with the health care consulting room can be predominantly parked on the site.
- 10 The approved hours of the health care consulting room are from 8am to 6pm Mondays to Fridays, and from 9am to 12noon on Saturdays. The development is not to function on Sundays and public holidays.
- 11 The health care consulting room shall be restricted to the following signage:
 - (i) one doctor's cube in the front setback area,
 - (ii) one 1.2m x 0.6m sign in the front yard facing Bennett Road directing access and parking at the rear,
 - (iii) one 1.2m x 0.6m sign to be erected on the fence facing McLaren Grove directing access and parking at the rear.

With regard to points (ii) and (iii) above, the applicant shall submit details of the location, height and the following wording "Access and parking only at the rear" to Penrith City Council for approval prior to the installation of the signs.

Signage in accordance with this condition shall be erected prior to the commencement of operation of the health care consulting room.

No other signs, other than signage prescribed by this condition, are to be displayed on

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the property.

- 12 All materials and goods associated with the use shall be contained within the building at all times.
- 13 The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the commencement of the business.
- 14 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

DEMOLITION

- 15 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 depot. Details of the proposed disposal location of all excavated material from the development site shall be provided to the Principal Certifying Authority prior to construction works commencing.
- 16 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding residences.
- 17 Where there is a likelihood of annoyance due to noise from construction sites, the following NSW Environment Protection Authority Noise Control Guidelines apply to the hours of construction works:
 - * 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.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works and demolition works.

CONSTRUCTION

- 18 A revised landscaping plan is to be submitted to Penrith City Council for its consideration and approval, prior to the issue of a Construction Certificate. The plan is to be prepared in consultation with Council's Landscape Architect and is to include:
 - *Details of semi-formal, non-paved/concreted parking areas.
 - *All landscape areas not required for car parking or maneuvering/access in accordance with the stamped-approved plan as amended 'IN RED' by Council or as a result of condition 20.
 - *Three street trees on the Bennett Road frontage of the site.
 - *Two street trees on the McLaren Grove frontage of the site.
 - *The type of tree and their location is to be approved by Council's Landscape architect and Traffic Engineer so as to ensure they do not introduce any intrusion into the motor vehicle drivers' sightlines.
 - *Replacement fencing to the existing brick wall, except for the 2.5m return, facing

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McLaren Grove.

*Location, species and pot sizes of the plantings proposed.

The plan is to also show the location and width of the footpath to be constructed to both street frontages of the site.

All landscaping depicted on the stamped-approved landscape plan shall be completed in accordance with that approved landscaping plan. Landscaping shall be maintained in a healthy state and maintained in perpetuity by the existing or future owners and occupiers of the property. If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which dies or was removed.

19 The brick wall facing McLaren Grove, with the exception of the 2.5m return, shall be demolished and replaced with 1.2m high open style fencing (eg. pool fencing) and associated landscaping to ensure that the car park area is visible from McLaren Grove at the same time as providing security to the site. A gate that does not open out onto the road reserve and in line with the fencing shall also be provided across the 5.5m wide driveway (off McLaren Grove) to provide security to the site outside the approved operating hours. This gate is to remain open only during the approved operating hours.

Details of the replacement fencing, gate and landscaping are to be submitted to Penrith City Council for approval prior to the issue of the Construction Certificate.

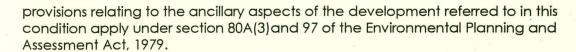
Prior to the preparation of the drawings, the applicant shall liaise with Council in respect to the appropriate planting species and pot sizes to ensure that the aim of this condition is achieved.

- 20 Subject to section 80A(2) of the Environmental Planning and Assessment Act, 1979 the following matters are to satisfied prior to the issue of a Construction Certificate for the development:
 - (a) Amended plans submitted to Council incorporating the following alterations;
 - *Direct access to the building being provided from the rear, adjacent the car park.
 - *Closure of the access to the building from Bennett Road.
 - *Deletion of the gate adjacent to the "waiting room window".
 - *The pathway in front of the doctor's room shall be replaced with landscaping.
 - (b) A drainage design submitted for the development and prepared in consultation with Council that demonstrates that the rear car park will drain to McLaren Grove.
 - (c) A structural engineer's certificate certifying to the structural adequacy of the fence, for its full length is to be submitted and any identified deficiencies in the wall corrected.
 - (d) A Waste Management Plan be submitted to Council and approve.

The requirements of this condition shall be satisfied prior to a Construction Certificate being issued for the development either by council or a Private Certifier. Appeal

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ROADS ACT REQUIREMENTS

- 21 Under the Roads Act, 1993 the following works in Bennett Road and McLaren Grove are to be approved by Penrith City Council prior to the issue of a Construction Certificate:
 - *Provision of concrete footpath to both street frontages of the property.
 - *A 1m driveway splay west of the driveway (off McLaren Grove).
 - *Increase the width of the driveway to 6m (off Bennett Road) and 5.5m (off McLaren Grove) in accordance with the stamped-approved plans.
 - *Opening the road reserve for the provision of services.
 - *Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works shall be carried out in accordance with Penrith City Council's specifications and Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Development Part 1-Design and Part 2-Construction. The works are to be completed prior to the issue of the Occupation Certificate. Contact Council's Development Services Unit on (02) 47327777 to arrange for payment of fees and an inspection of the works.

- 22 A submission is to be made to Council seeking consideration to the imposition of 'No Stopping' zone restrictions at the following locations. Consultation with Council's Local Traffic Committee and affected residents is to occur before the associated signposting is installed:
 - (i) Western side of Bennett Road opposite McLaren Grove to a distance of 43m, being 21.5m in either direction from the centre point of McLaren Grove.
 - (ii) McLaren Grove (north side) fronting the development site.
 - (iii) McLaren Grove (south side) adjacent to No. 196 Bennett Road, in consultation with the property owner of No. 196 Bennett Road.

The applicant is to liaise with Council's Local traffic Committee before the Construction Certificate is issued for the development.

Associated signage for 'No Stopping' zone restrictions are to be installed prior to the commencement of operation of the health care consulting room. The cost of the supply and installation of the signs associated with the above parking restrictions are to be met by the applicant.

ENGINEERING

23 The three parking spaces, including the garage space, that is accessed off Bennett Road shall be designated for use by the two health care professionals and a staff member of the health care consulting rooms.

The six parking spaces located at the rear of the site are to be made available for patients of the health care consulting rooms at all times during the approved operating hours.

24 A total of nine off-street parking spaces, including the garage space, are to be provided

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for the development. The six parking spaces, including two spaces for persons with disabilities, located at the rear of the site are to be linemarked and maintained generally in accordance with the approved schedule of external finishes. The parking space dimensions and maneuvering areas are to comply with Australian Standard AS2890.1-1993.

In this regard, the number of parking spaces generated by this development was calculated at the rate of three spaces per health care professional plus a space for each ancillary staff member.

LANDSCAPING

25 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.

PAYMENT OF FEES

26 All fees associated with Penrith City Council owned land and infrastructure shall be paid to Council prior to any works commencing. These fees include Road Opening fees and Infrastructure Restoration fees.

CERTIFICATION

- 27 The applicant is required to submit to Penrith City Council a completed "Notice of Commencement and Appointment of Principal Certifying Authority" form at least 2 days prior to the commencement of construction works. If the "Notice of Commencement and Appointment of Principal Certifying Authority" form is not submitted, and Penrith City Council undertakes the first compliance inspection for the proposed development, Council is deemed to have been nominated as the Principal Certifying Authority.
- An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent are outstanding, and does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Name Signature

For the Building Approvals and Environment Protection Manager

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ADVISORY NOTES for COMMERCIAL/ INDUSTRIAL DEVELOPMENT

These advisory notes have been developed for your information and should be read in conjunction with Council's Notice of Determination issued for your development.

You will need to obtain a Construction Certificate before you can commence any construction works on the site. You can apply to Penrith Council or an appropriately accredited certifier for the Certificate. The application should include detailed plans, specifications and other documentation that may have been specified in the consent Notice.

If Penrith Council is the Principal Certifying Authority for the development, an inspection regime should be obtained from Council relating to your development to ensure that inspections are undertaken for the relevant stage of construction.

Any inspection request to Penrith Council should be made at least 24 hours (by phone) or by 4.00pm on the weekday before the inspection is required. The approved fee must be paid for the inspection. Council does not accept facsimile requests for inspections.

Major Utilities "Dial Before You Dig Service". Damage to underground cables, pipework and other utility services are a serious problem. Damage to major underground utilities can be avoided by calling the "Dial Before You Dig Service" on 1100 and following simple guidelines provided by the operators on this telephone number. Individuals and companies who do not follow these simple procedures may be found to be financially liable for damage cause to major utilities. Consideration should also be made for other non-member utility providers who do not participate in the "Dial Before You Dig Service".

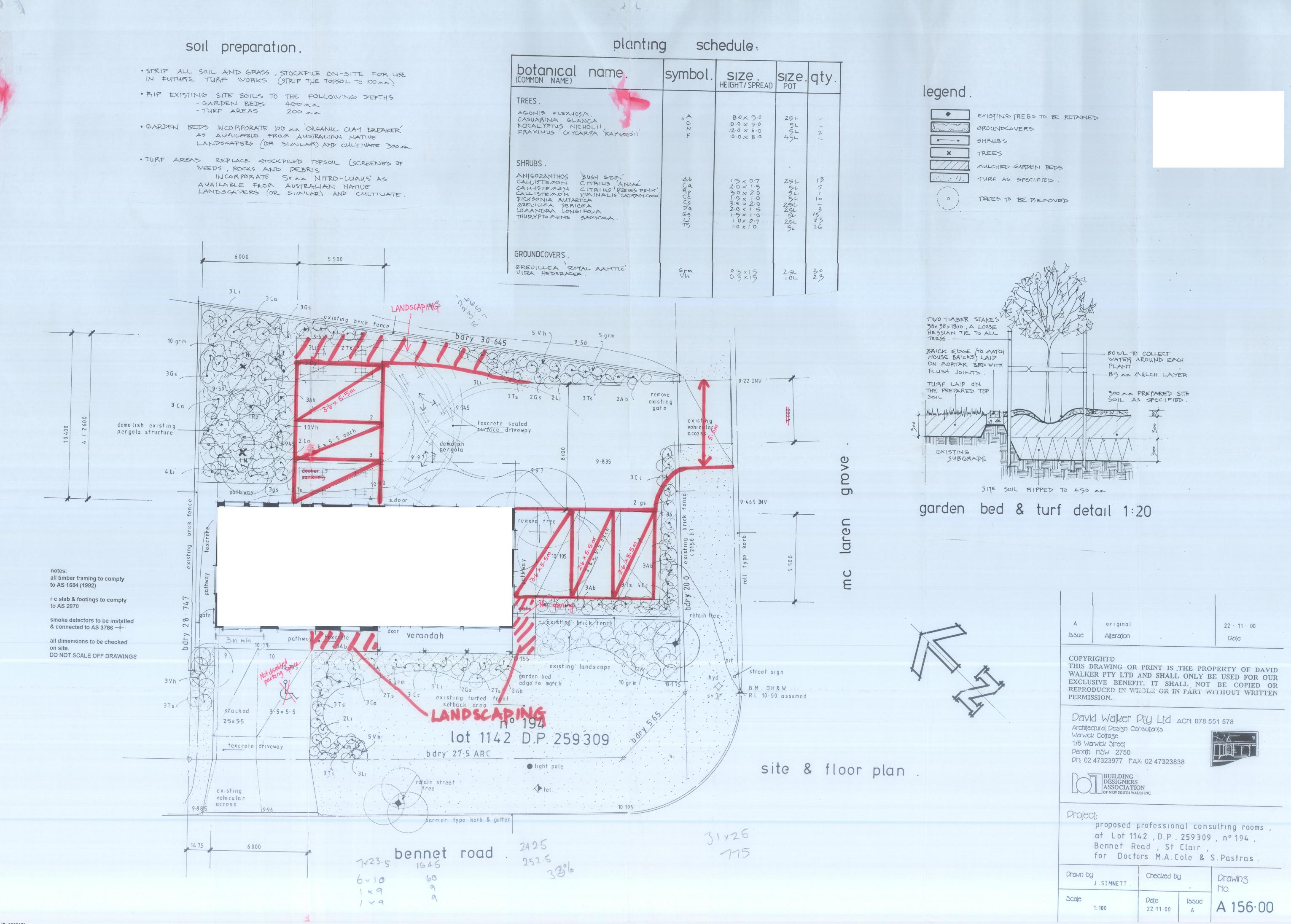
As part of all construction works, you need to liaise with appropriate authorities and utility providers, which include (but not limited to) Integral Energy or other energy suppliers/ providers, Sydney Water (particularly for the disposal of trade waste), a Telecommunications provider, Australia Post, WorkCover Authority, other relevant State and Federal Government departments.

A Fire Safety Certificate will need to be issued for the building/use before you can request the Principal Certifying Authority to issue you with an Occupation Certificate. The Occupation Certificate needs to be issued before you can occupy the new building (work), or use the building or part of the building (the subject of the consent). Failure to obtain the Occupation Certificate is an offence and is subject to a penalty under the Environmental Planning and Assessment Act 1979.

The following matters should also be considered, where appropriate-

For development including an on-site detention system (OSD), you are advised that the OSD levels are critical and should be carefully checked prior to and during construction of the system to ensure they are built in accordance with the approved plans and that the system will have the required volume of storage.

For development involving a food shop, Penrith Council's Public Health Unit should be contacted to arrange a final inspection of the food shop prior to commencement of operation of the business. The final inspection is to assess compliance with the Australian Institute of Environmental Health's "National Code for the Construction and Fitout of Food Premises" 1993, the Food Act 1989 and accompanying Regulation.



PROPOSED HEALTH CONSULTING ROOMS, LOT 1142 DP 259309, 194 BENNETT RD, ST CLAIR, NSW 2759

Drawing Index

AO.1	COVER SHEET, NOTES & ABBREVIATIONS
A1.1	EXISTING SITE/DEMOLITION PLAN
A1.2	PROPOSED SITE/LANDSCAPE PLAN
A2.1	EXISTING/DEMOLITION FLOOR PLAN
A2.2	PROPOSED FLOOR PLAN/STREET ELEVATION & SIGNAGE

Design Calculations

SITE LOT AREA	809.2m2
EXISTING GROSS FLOOR AREA	145.9m2
PROPOSED LANDSCAPE AREA	204.0m2

Legend/Abbreviations

14 W	WINDOW NO, REFER TO SCHEDULE
RL 40.865	PROPOSED REDUCED LEVEL
	GALV GRATED DRAIN
-	SEWER DRAINAGE LINE
SW	STORMWATER DRAINAGE LINE
SA	SMOKE ALARM
E	ELECTRICITY PILLAR
- ★	OVERLAND WATER FLOW
	GREY LINES = EXISTING
	BLACK DASHED LINES = DEMOLITION
	BLACK LINES = NEW
AC	AIR CONDITIONING UNIT
BDY	BOUNDARY
BLDG	BUILDING
CBD	CUPBOARD
CS	CAVITY SLIDING
DP	DOWN PIPE
EGL	EXISTING GROUND LINE
F	FILING CABINET
FD	FLOOR DRAIN
FE	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
HYD	HYDRANT
HWS	HOT WATER SERVICE
NCC	NATIONAL CONSTRUCTION CODE (BUILDING CODE OF AUSTRALIA)
NBN	NATIONAL BROADBAND NETWORK
NTS	NOT TO SCALE
P	PANTRY
R	REFRIGERATOR
SC	SOLID CORE
SMH	SEWER MAN HOLE
TYP	TYPICAL
WC	WATER CLOSET (TOILET)
WHB	WASH HAND BASIN
WM	WASHING MACHINE

General Notes

- 1. THESE ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SURVEY PLAN, STORMWATER PLAN, REPORTS BY ACCESS, BCA & TRAFFIC CONSULTANTS, STATEMENT OF ENVIRONMENTAL EFFECTS AND WASTE MANAGEMENT PLAN.
- 2. DESIGN AND DOCUMENTATION TO PENRITH CITY COUNCIL DCP 2014 & AMENDMENTS



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	rev	revision	date	initials
	Α	PRELIMINARY TO CLIENT		
)	D	DA ISSUE	07/06/21	KS

Prop Health Consulting Rooms 194 Bennett Rd, St Clair, NSW 2759

Dr MA Cole & Dr Steven Pastras

Cover Sheet, Notes & **Abbreviations**

scale (A3): 30 March 2021

A0.1



EXISTING SITE/ DEMOLITION PLAN Scale 1:200



GREY SCREENED LINE-WORK = EXISTING

BLACK DASHED LINE-WORK DENOTES NEW ITEMS

CONCRETE PAVEMENT LAWN AREAS BRICK PAVEMENTS

EXISTING TREES



DEMOLITION

DEMOLISH OR REMOVE THE FOLLOWING:

 $\begin{array}{c} \hline 1 \\ \hline DE \\ \end{array} \text{GATE}$

VERANDAH STRUCTURE



4 PERGOLA AND SPA STRUCTURE



5 BRICK/CONCRETE PAVEMENTS



 $\frac{6}{DE}$ PART OF LAWN



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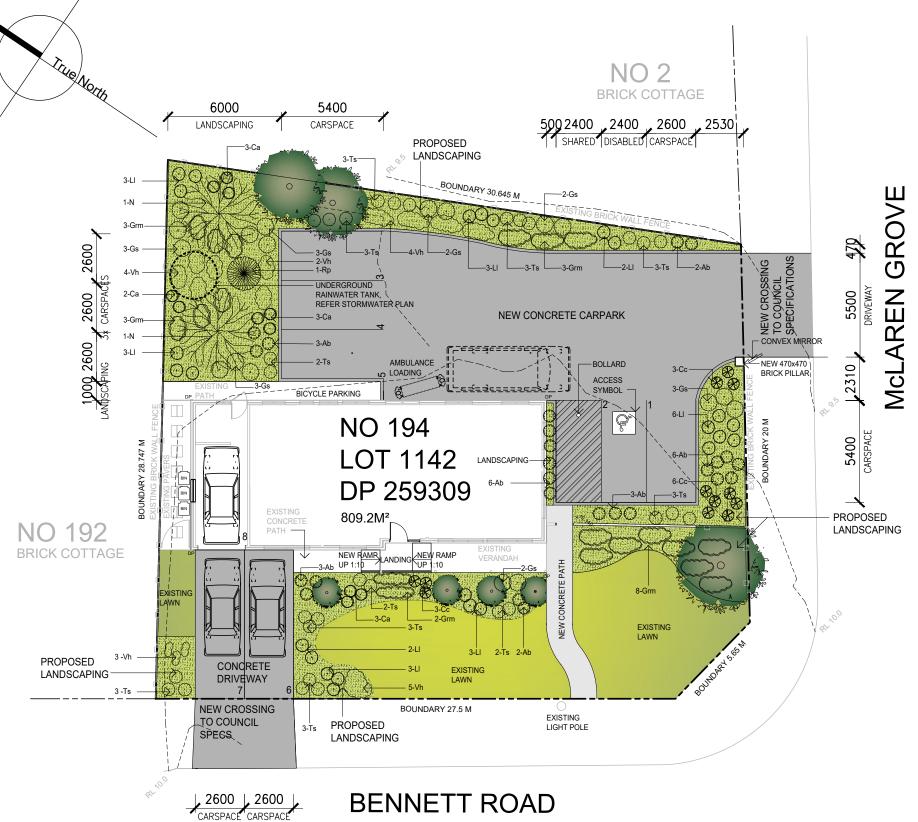
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	D	DA ISSUE	07/06/21	KS
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Prop Health Consulting Rooms 194 Bennett Rd, St Clair, NSW 2759 Dr MA Cole & Dr Steven Pastras

Existing Site & Demolition Plan

scale (A3): 1:200 30 March 2021

A1.1



PLANTING SCHEDULE

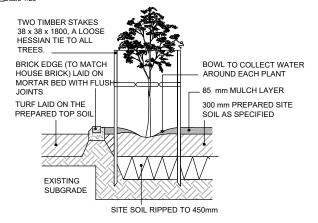
2
25
11
1
12
18
23
30
22
18

SOIL PREPARATION

- * STRIP ALL SOIL AND GRASS, STOCKPILE ON-SITE FOR USE IN FUTURE TURF WORK (STRIP THE TOPSOIL TO 100mm.)
- RIP EXISTING SITE SOIL TO THE FOLLOWING DEPTHS -GARDEN BEDS 400mm -TURF AREAS 200mm
- * GARDEN BEDS INCORPORATE 100mm ORGANIC CLAY BREAKER' AS AVAILABLE FROM AUSTRALIAN NATIVE LANDSCAPERS (OR SIMILAR) AND CULTIVATE 300MM
- * TURF AREAS REPLACE STOCKPILED TOP SOIL (SCREENED OF WEEDS, ROCKS AND DEBRIS)

INCORPORATE 50mm NITRO-LUMUS AS AVAILABLE FROM AUSTRALIAN NATIVE LANDSCAPERS (OR SIMILAR) AND CULTIVATE

GARDEN BED & TURF DETAILS





BLACK DASHED LINE-WORK DENOTES NEW ITEMS

CONCRETE CARPARK
CONCRETE PAVEMENT
LAWN AREAS

W. C. 1 . J. 1 . W . C. J. Marine, 12 12 4. 7

EXISTING TREES

PROPOSED TREES

PROPOSED SHURBS

ARK
MENT

S

BS

DAISSUE

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 date
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 A
 TO CONSULTANTS
 28/04/21
 LAB

 B
 TO HYDRAULIC ENGINEER
 18/05/21
 KS

 C
 PRELIMINARY TO CLIENT, ACCESS/BCA/TRAFFIC CONS 25/05/21
 KS

 D
 DA ISSUE
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 KS

 E
 REVISED DA ISSUE - TO ACCESS CONSULTANT
 08/07/21
 LAB

PROPOSED SITE PLAN
Scale 1:200

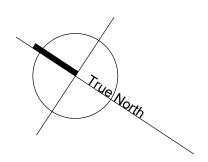
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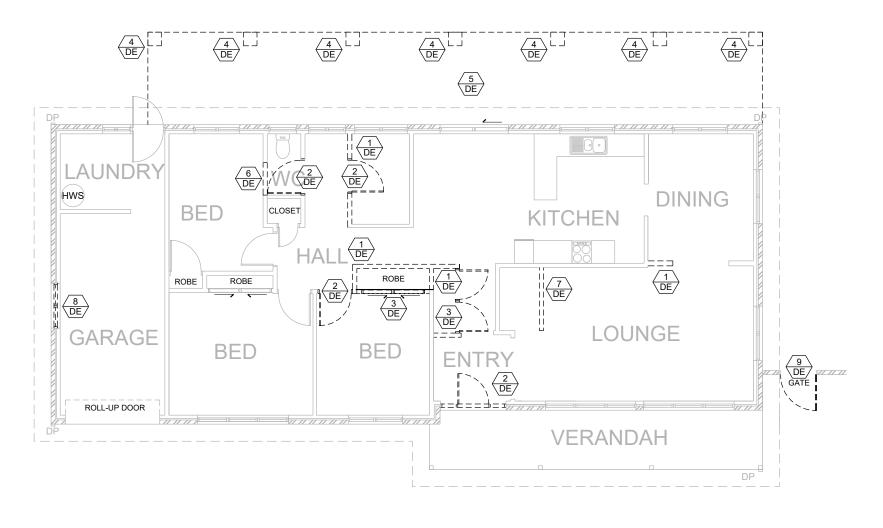
Dr MA Cole & Dr Steven Pastras

Proposed Site Plan & Landscape Concept Plan

scale (A3): 1:200 date: 30 March 2021

A1.2





EGEND

GREY SCREENED LINE-WORK = EXISTING **MATERIALS**

BLACK DASHED LINE-WORK DENOTES NEW ITEM

DEMOLITION

DEMOLISH OR REMOVE THE FOLLOWING:

STUD WALL



DOOR



CUPBOARD



VERANDAH STRUCTURE



CREATE NEW WALL OPENING



BRICK WALL & BAR



WINDOW



GATE



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ACCREDITED Mob: 0412 868 141 BUILDING DESIGNER

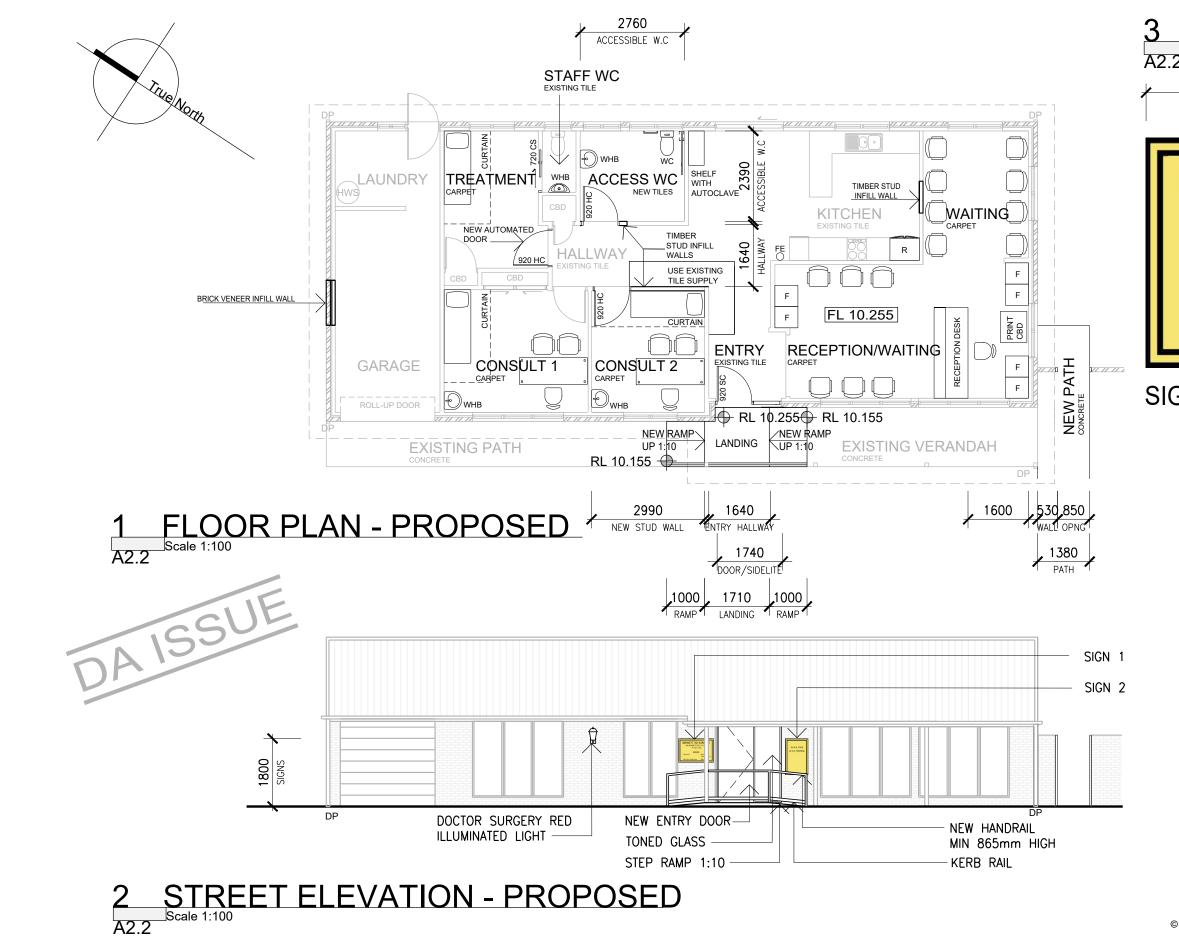
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D	DA ISSUE	07/06/21	KS

Prop Health Consulting Rms 194 Bennett Rd, St Clair, NSW 2759 Dr MA Cole & Dr Steven Pastras

Existing/Demolition Floor Plan

scale (A3):

1:100 30 March 2021 A2.1



910 BENNETT RD SURGERY 194 BENNETT RD, ST CLAIR Ph. 9670 1406 HOURS Mon to Fri 8am - 12md 2:30pm - 6pm Sat, Sun, Public Hols 8am - 12md SIGN 1 610 Dr M.A. COLE Dr S.P. PASTRAS

SIGN 2

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C PRELIMINARY TO CLIENT, ACCESS/BCA/TRAFFIC CONS 25/05/21 KS

D DA ISSUE 07/06/21 KS

E REVISED DA ISSUE - TO ACCESS CONSULTANT 08/07/21 LAB

Prop Health Consulting Rms 194 Bennett Rd, St Clair, NSW 2759

Dr MA Cole & Dr Steven Pastras

Proposed Floor Plan, Street Elevation & Signage

scale (A3): 1:100 , 1:

1:100 , 1:10 30 March 2021 A2.2

Version: 1, Version Date: 18/01/2022

Document 3e795.9583170



Date: 1 February 2021 Our Ref: P210005

Drs Cole and Pastras



Dear Dr Cole,

RE: 194 Bennet Rd, St Clair DESIGN COMPLIANCE ASSESSMENT

Please find enclosed our BCA Design Compliance Report prepared in respect of the proposed design contained within the architectural documentation provided.

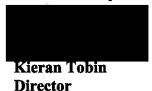
In reviewing the content of this Report, particular attention is drawn to the content of Parts 3 and 4 as: –

- Part 3 summarizes the compliance status of the proposed design in terms of each prescriptive provision of the BCA.
 - The inclusion of this summary enables an immediate understanding of the compliance status of the proposed design to be obtained.
- Part 4 contains a detailed analysis of the proposed design, and provides informative commentary & recommendation in respect of each instance of prescriptive non-compliance and area of insufficient (design) detail, as applicable.

This commentary enables the project team to readily identify and understand the nature and extent of information required within the Building Permit (or other) application to demonstrate the attainment of BCA compliance.

Should you require any further information, please do not hesitate to contact me on the number provided.

Yours faithfully



DESIGN COMPLIANCE ASSESSMENT

PREPARED FOR

Drs COLE AND PASTRAS

REGARDING

194 Bennet Rd, St Clair

Prepared By



REPORT REGISTER

The following report register documents the development and issue of this report and project as undertaken by this office, in accordance with the *Quality Assurance* policy of BCA Vision Ptv Ltd.

Our Reference	Issue No.	Remarks	Issue Date
P210005	1	Design Compliance Assessment	1 February 2021

The format, technical content and intellectual property associated with this report remain the property of BCA Vision Pty Limited, and has been prepared and may only be used, for the development / buildings the subject of this report.

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1.0 Introduction

1.1 GENERAL

This "BCA Compliance Assessment" report has been prepared at the request of Drs Cole and Pastras and relates to 194 Bennet Rd, St Clair.

The project proposal includes alterations, additions and change of use to an existing single storey building for use as a General Practitioners Office.

This report is based upon, and limited to, the information depicted in the documentation provided for assessment, and does not make assumptions regarding "design intention" or the like.

1.2 REPORT BASIS

(a)

The content of this report reflects –

- The principles and provisions of BCA 2019 Parts C, D, E and F;
- A site inspection of the existing premises on Wednesday the 11th of January (b) 2021:
- Architectural documentation A 1560.00 prepared by David Walker Pty Ltd (c) and dated 22/11/00.

1.3 **EXCLUSIONS**

It is conveyed that this report should not construed to infer that an assessment for compliance with the following has been undertaken –

- Structural and services design documentation; (a)
- (b) General building services (i.e. passenger lifts);
- The individual requirements of service providers (i.e. Telstra, Water (c) Supply, Energy Australia);
- The individual requirements of the Workcover Authority; (d)
- Disability Discrimination Act (DDA). (e)

1.4 REPORT PURPOSE

The purpose of this report is to identify the extent to which the architectural design documentation complies with the relevant prescriptive provisions of the BCA 2019, Parts C, D, E and F.

Assessment of the proposed design considers each prescriptive BCA provision, and identifies such as either: -

- Being complied with; or (a)
- Not being complied with; or (b)
- Requiring the provision further detail with the future Building Permit (c) or other application or
- Not being relevant to the particular building works proposal.

The status of the design, in terms of these four (4) categories, is summarised within Part 3 of this report.

Where prescriptive non-compliance is identified, suitable recommendations to remedy the non-compliance shall be detailed in Part 4.

In instances where insufficient detail exists, summary of the information required from the project team for inclusion within future applications (i.e. Building Permit) shall also be outlined in Part 4.

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2.0 **BUILDING DESCRIPTION**

2.1 **GENERAL**

In the context of the Building Code of Australia (BCA), the subject development is described within items 2.2 - 2.6 below.

2.2 RISE IN STOREYS (CLAUSE C1.2)

The building has a rise in storeys of one (1)

2.3 **BUILDING CLASSIFICATION (CLAUSE A3.2)**

The entire building incorporates the following classifications:-

CLASS	DESCRIPTION
Class 5	an office building used for professional or commercial purposes, excluding buildings of Class 6, 7, 8 or 9.
Class 10a	Private Garage

2.4 **EFFECTIVE HEIGHT (CLAUSE A1.1)**

The building has an effective height Not exceeding 12m.

2.5 Type of Construction (Table C1.1) **Table 5 TYPE C CONSTRUCTION: FRL OF BUILDING ELEMENTS**

Building element	Class of building—FRL: (in minutes)	
	Structural adequacy/ Integrity/ Insulation	
	5, 7a or 9	
EXTERNAL WALL (including any column and other building element, where the distance from any <i>fire-source</i>	•	
Less than 1.5 m	90/ 90/ 90	
1.5 to less than 3 m	60/ 60/ 60	
3 m or more	-/-/-	
EXTERNAL COLUMN not incorporated in an <i>external wall</i> , where the distance from any <i>fire-source</i> to which it is exposed is—		
Less than 1.5 m 90/-/-		
1.5 to less than 3 m	60/-/-	
3 m or more	-/-/-	
COMMON WALLS and FIRE WALLS—	90/ 90/ 90	
INTERNAL WALLS-		
Bounding <i>public corridors</i> , public lobbies and the like—	-/-/-	
Between or bounding sole-occupancy units—	-/-/-	
Bounding a stair if required to be rated—	60/ 60/ 60	
ROOFS -/-/-		

2.7 GENERAL FLOOR AREA LIMITATIONS (TABLE C2.2)

Type C Construction: –

Table C2.2 – Maximum size of Fire Compartments				
Building Class		Type A	Type B	Type C
5, 9b, 9c	Max Floor area Max Volume	8000 m ² 48,000 m ³	5,500 m ² 33,000 m ³	3000 m ² 18,000 m ³

FIRE SAFETY UPGRADES TO EXISTING BUILDINGS (EP & A REGS) 2.7

Subject to the following maximum fire compartment floor area and volume limits for

93 FIRE SAFETY AND OTHER CONSIDERATIONS

Sub clause	Requirement	Comment/Advice
1	This <u>clause</u> applies to a <u>development</u> <u>application</u> for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.	A Change of use is proposed. The first floor was previously a class 5 and is proposed to be a Class 9b assembly building
2	In determining the <u>development</u> <u>application</u> , the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.	For reference
3	Consent to the change of building use sought by a <u>development application</u> to which this <u>clause</u> applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use. Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.	For reference

94 CONSENT AUTHORITY MAY REQUIRE BUILDINGS TO BE UPGRADED

Sub clause	Requirement	Comment/Advice
1	This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where: (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years,	Works are proposed which represent 50% of the building floor area

represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or does not apply (b) the measures contained in the building are inadequate: (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or (ii) to restrict the spread of fire from the building to other buildings nearby. In determining a development application For Reference to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.

Category 1 fire so Means the follows	<i>lfety provision</i> ing provisions of the Building Code of A	ustralia
Performance Ref	Performance Requirement	Compliance Comments
EP1.3	A fire hydrant system must be provided to the degree necessary to facilitate the needs of the <i>fire brigade</i> appropriate to a) Fire-fighting operations; and b) The floor area of the building; and c) The fire hazard	The building is not 500m2 or greater in floor area and in this regard a Fire Hydrant system is not required
EP1.4	An <u>automatic</u> fire suppression system must be installed to the degree necessary to control the development and spread of fire appropriate to a) The size of the Fire Compartment; and b) The function or use of the building; and c) The Fire Hazard; and d) The Height of the Building	A Suppression system is not required within the building
EP1.6	Suitable facilities must be provided to the degree necessary in a building to coordinate <i>fire brigade</i> intervention during an emergency appropriate to a) The function or use of the building and b) The Floor area of the building; and c) The height of the building.	A Fire Control room is not required within the subject building
EP2.1	In a building providing sleeping accommodation, occupants must be provided with <u>automatic</u> warning on the detection of smoke so they may evacuate in the event of a fire to a <u>safe</u> place.	The building does not provide sleeping accommodation

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2

EP2.2	In the event of a fire in a building the conditions in any evacuation route must be maintained for the period of time occupants take to evacuate the part of the building so that i) the temperature will not endanger human life; and ii) the level of visibility will enable the evacuation route to be determined and iii) the level of toxicity will not endanger human life.	Fire separation to the external walls generally comply
EP3.2	The period of time occupants take to evacuate referred to in (a) must be appropriate to i) the number, mobility and other characteristics of the occupants; and ii) the function or use of the building; and iii) the travel distance and other characteristics of the building; and iv) the fire load; and v) the potential fire intensity; and vi) the fire hazard; and vii) any active fire safety systems installed in the building; and Viii) fire brigade intervention.	As Above

3.0 BCA ASSESSMENT – SUMMARY

3.1. GENERAL

The tables contained within items 3.2 - 3.5 below summarise the compliance status of the proposed architectural design in terms of each prescriptive provision of the Building Code of Australia.

For those instances of either "prescriptive non-compliance" or "insufficient detail", a detailed analysis and commentary is provided within Part 4.

3.2. SECTION C – FIRE RESISTANCE

BCA reference	Complies	Does not comply	Detail required	Not relevant
Spec. C1.1 – fire resisting construction	✓			
C1.3 – buildings of multiple classification				✓
C1.4 – mixed types of construction				✓
C1.5 – two storey Class 2 or 3 buildings				✓
C1.6 – Class 4 parts of a building				✓
C1.7 – open spectator stands & indoor sports stadiums				✓
C1.8 – lightweight construction				✓
C1.10 – fire hazard properties			✓	
C1.11 – performance of external walls				✓
C1.12 – non-combustible materials				✓
C2.2 – general floor area & volume limits	✓			
C2.3 – large isolated buildings				✓
C2.4 – requirements for open spaces & vehicular access				✓
C2.5 – Class 9a and 9c buildings				✓
C2.6 – vertical separation of openings in external walls				✓
C2.7 – separation of firewalls				✓
C2.8 – separation of classifications in same storey				✓
C2.9 – separation of classifications in different storeys				✓
C2.10 – separation of lift shafts				✓
C2.11 – stairways and lifts in one shaft				✓
C2.12 – separation of equipment				✓
C2.13 – electricity supply system				✓
C2.14 – public corridors in Class 2 and 3 buildings				✓
C3.2 – openings in external walls			✓	
C3.3 – separation of external walls & associated openings				✓
C3.4 – acceptable methods of protection			✓	
C3.5 – doorways in firewalls				✓
C3.6 – sliding fire doors				✓
C3.7 – doorways in horizontal exits				✓
C3.8 – openings in fire-isolated exits				✓
C3.9 – service penetrations in fire-isolated exits				✓
C3.10 – openings in fire-isolated lift shafts				✓
C3.11 – bounding construction: Class 2, 3, 4 and 9 buildings				✓
C3.12 – openings in floors & ceilings for services				✓
C3.13 – openings in shafts				✓
C3.15 – openings for service installations				✓
C3.16 – construction joints				✓
C3.17 – columns protected with f/r lightweight construction				✓

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3.3. SECTION D – ACCESS AND EGRESS

BCA reference	Complies	Does not comply	Detail required	Not relevant
D1.2 – number of exits required	✓			
D1.3 – when fire-isolated exits are required				✓
D1.4 – exit travel distances	✓			
D1.5 – distance between alternative exits				√
D1.6 – dimensions of exits and paths of travel to exits			✓	
D1.7 – travel via fire-isolated exits				✓
D1.8 – external stairways or ramps in lieu of fire-isolated exits				√
D1.9 – travel via non-fire isolated stairways or ramps				✓
D1.10 – discharge from exits	✓			
D1.11 – horizontal exits				\
D1.12 – non-required stairways or ramps				\
D1.13 – number of persons accommodated				✓
D1.16 – plant rooms and lift motor rooms: concession				✓
D1.17 – access to lift pits				✓
D2.2 – fire-isolated stairways and ramps				✓
D2.3 – non-fire isolated stairways and ramps				✓
D2.4 – separation of rising and descending stair flights				✓
D2.5 – open access ramps and balconies				✓
D2.6 – smoke lobbies				✓
D2.7 – installations in exits and paths of travel				✓
D2.8 – enclosure of space under stairs and ramps				✓
D2.9 – width of stairways				✓
D2.10 – pedestrian ramps				✓
D2.11 – fire-isolated passageways				✓
D2.12 – roof as open space				✓
D2.13 – goings and risers				✓
D2.14 – landings				✓
D2.15 – thresholds				✓
D2.16 – balustrades				✓
D2.17 – handrails				√
D2.18 – fixed platforms, walkways, stairways and ladders				✓
D2.19 – doorways and doors				✓
D2.20 – swinging doors			✓	
D2.21 – operation of latch			✓	
D2.22 – re-entry from fire-isolated exits				✓
D2.23 – signs on doors				✓
D2.24 – Openable windows				✓
D3.1 – general building access requirements			✓	
D3.2 – Access to buildings			√	
D3.3 – parts of buildings to be accessible			✓	
D3.4 – exemptions				✓
D3.5 – accessible car parking			√	
D3.6 – signage			✓	
D3.7 – hearing augmentation				√
D3.8 – tactile indicators				√
D3.9 – Wheelchair seating spaces class 9b				✓
D3.10 – swimming pools				✓
D3.11 – ramps				√
D3.12 – glazing on an accessway			✓	

3.4. SECTION E – SERVICES AND EQUIPMENT

BCA reference	Complies	Does not comply	Detail required	Not relevant
E1.3 – fire hydrants				✓
E1.4 – fire hose reels				✓
E1.5 – sprinklers				✓
E1.6 – portable fire extinguishers			\	
E1.8 – fire control centres				✓
E1.9 – fire precautions during construction				√
E1.10 – provision for special hazards				✓
E2.2a – general provisions				✓
E2.2b – specific provisions				✓
E2.3 – provision for special hazards				✓
E3.2 – stretcher facility in lifts				✓
E3.3 – warning against use of lifts in fire				✓
E3.4 – emergency lifts				✓
E3.5 – landings				✓
E3.6 – facilities for people with disabilities				✓
E3.7 – fire service controls				√
E3.8 – aged care buildings				✓
E4.2 – emergency lighting			✓	
E4.4 – design and operation of emergency lighting			✓	
E4.5 – exit signs		·	√	
E4.6 – direction signs			✓	
E4.7 – Class 2 and 3 buildings and Class 4 parts: exemptions		_		✓
E4.8 – design and operation of exit signs			✓	
E4.9 – emergency warning and intercommunication systems				✓

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3.1. SECTION F – HEALTH AND AMENITY

NCC reference	Complies	Does not comply	Detail required	Not relevant
F1.1 – storm water drainage				√ *
F1.5 – roof coverings				√ *
F1.6 – sarking				√ *
F1.7 – water proofing of wet areas				√ *
F1.9 – damp proofing				√ *
F1.10 – damp proofing of floors on ground				√ *
F1.11 – floor wastes	✓			
F1.12 – sub-floor ventilation				✓
F1.13 – glazed assemblies				√ *
F2.1 – facilities in residential buildings				✓
F2.3 – facilities in Class 3 to 9 buildings			✓	
F2.4 – facilities for people with disabilities			✓	
F2.5 – construction of sanitary compartments	✓			
F2.8 – waste management				✓
F3.1 – height of rooms	✓			
F4.1 – provision of natural light				✓
F4.2 – methods and extent of natural lighting				✓
F4.3 – natural lighting borrowed from adjoining room				✓
F4.4 – artificial lighting			✓	
F4.5 – ventilation of rooms			✓	
F4.6 – natural ventilation				✓
F4.7 – ventilation borrowed from an adjoining room				✓
F4.8 – restriction on position of water closets and urinals	✓			
F4.9 – airlocks				✓
F4.11 – car parks				✓
F4.12 – kitchen local exhaust ventilation				✓
F5.2 –Determination – airborne sound insulation				
F5.3 Determination – impact sound insulation				
F5.4 – sound insulation of floors				
F5.5 – sound insulation rating of walls				
F5.6 – sound insulation rating of services				
F5.7 – sound insulation of pumps				
✓* = existing building element – not assessed as part of	of this report	t		

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4.0 BCA ASSESSMENT – DETAILED ANALYSIS

4.1 GENERAL

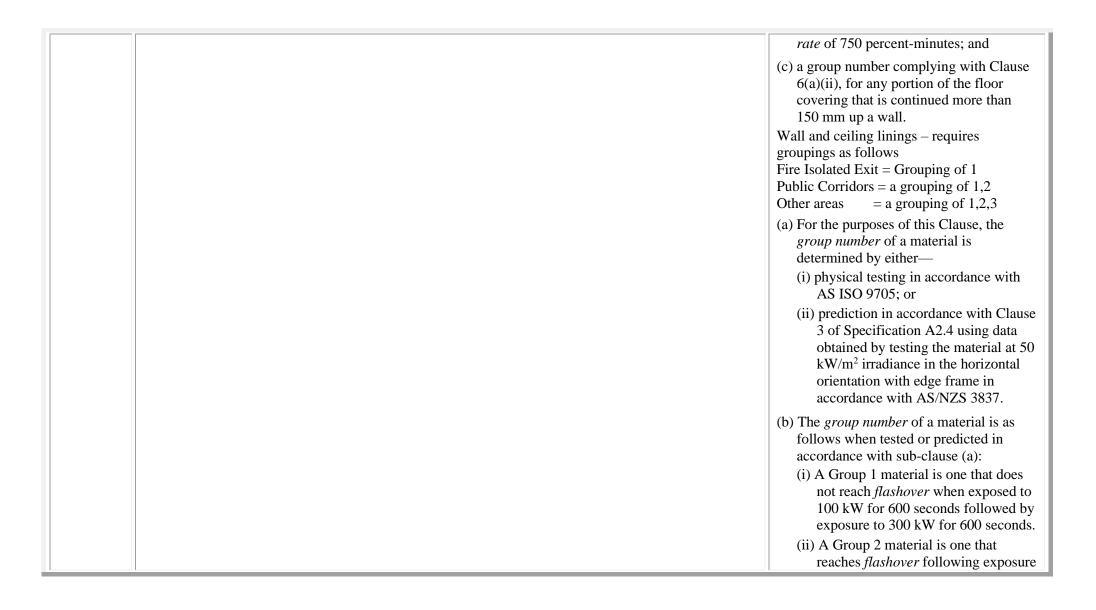
With reference to the "BCA Assessment Summary" contained within Part 3 above, the following detailed analysis and commentary is provided.

This commentary is formulated to enable the design documentation to be further progressed, for the purpose of evidencing the attainment of compliance with the relevant provisions of the BCA.

In our opinion compliance with the Building Code of Australia 2019 Volume 1 Parts C, D, E and F can be achieved subject to the implementation of the following details into the Construction documentation.

4.2 SECTION C – FIRE RESISTANCE

CLAUSE	CLAUSE REQUIREMENT	ACTION/RECOMENDATION
Cl. C1.10	Fire Hazard Properties (a) The <i>fire hazard properties</i> of the following linings, materials and assemblies in a Class 2 to 9 building must comply with Specification C1.10	Confirmation of the Fire Hazard properties will be required with the Construction Certificate Documentation. Floor linings and floor coverings
		A floor lining or floor covering must have—
		(a) a <i>critical radiant flux</i> not less than a grouping of 2.2; and
		(b) in a building not protected by a sprinkler system complying with Specification E1.5, a maximum <i>smoke development</i>



		to 300 kW within 600 seconds after not reaching <i>flashover</i> when exposed to 100 kW for 600 seconds. (iii) A Group 3 material is one that reaches <i>flashover</i> in more than 120 seconds but within 600 seconds when exposed to 100 kW. (iv) A Group 4 material is one that reaches <i>flashover</i> within 120 seconds when exposed to 100 kW.
		(c) A material used as a finish, surface, lining or attachment to a wall or ceiling must be a Group 1, Group 2 or Group 3 material used in accordance with Table 3 and for buildings not fitted with a sprinkler system complying with Specification E1.5, have— (i) a <i>smoke growth rate index</i> not more than 100; or (ii) an <i>average specific extinction area</i> less than 250 m²/kg.
Cl. C3.2	Protection of openings in external walls Openings in an external wall that is required to have an FRL must— (a) if the distance between the opening and the fire-source feature to which it is exposed is less than— (i) 3 m from a side or rear boundary of the allotment; or (ii) 6 m from the far boundary of a road, river, lake or the like adjoining the allotment, if not located in a storey at or near ground level; or (iii) 6 m from another building on the allotment that is not Class 10, be protected in accordance with C3.4 and if wall-wetting sprinklers are used, they are located externally	The window within the existing garage is less than 3m from the Northern property boundary and requires protection in accordance with Clause C3.4

Cl. C3.4

Acceptable methods of protection

- (a) Where protection is required, doorways, windows and other openings must be protected as follows:
- (i) Doorways—
- (A) internal or external wall-wetting sprinklers as appropriate used with doors that are self-closing or automatic closing; or
- (B) –/60/30 fire doors that are self-closing or automatic closing.
- (ii) Windows—
- (A) internal or external wall-wetting sprinklers as appropriate used with windows that are automatic closing or permanently fixed in the closed position; or
- (B) -/60/- fire windows that are automatic closing or permanently fixed in the closed position; or
- (C) –/60/– automatic closing fire shutters.
- (iii) Other openings-
- (A) excluding voids internal or external wall-wetting sprinklers, as appropriate; or
- (B) construction having an FRL not less than -/60/-.
- (b) Fire doors, fire windows and fire shutters must comply with Specification C3.4.

Compliance method will be required with the Construction Documentation

4.4 SECTION D – ACCESS AND EGRESS

CLAUSE	CLAUSE REQUIREMENT	ACTION/RECOMENDATION
Cl. D1.6	Dimensions of exits and paths of travel to exits In a required exit or path of travel to an exit— (a) the unobstructed height throughout must be not less than 2 m, except the unobstructed height of any doorway may be reduced to not less than 1980 mm; and (b) the unobstructed width of each exit or path of travel to an exit, except for doorways, must be not less than 1m	The hallway from the kitchen to the Consulting rooms must modified to achieve a minimum clear width of 1000mm. The Archway at the primary Entry foyer must modified to achieve a minimum clear width of 1000mm
C1. D2.20	Swinging doors A swinging door in a required exit or forming part of a required exit— (a) must not encroach— (i) at any part of its swing by more than 500 mm on the required width (including any landings) of a required— (A) stairway; or (B) ramp; or (C) if it is likely to impede the path of travel of the people already using the exit; and passageway, (ii) the measurement of encroachment in each case is to include door handles or other furniture or attachments to the door; and when fully open, by more than 100 mm on the required width of the required exit, and (b) must swing in the direction of egress unless— (i) it serves a building or part with a floor area not more than 200 m2, it is the only required exit from the building or part and it is fitted with a device for holding it in the open position; or (ii) it serves a sanitary compartment or airlock (in which case it may swing in either direction); and (iii) (c) must not otherwise impede the path or direction of egress.	A Hold Open device must be provided to the Exit door to Bennett Rd
Cl. D2.21	All doors in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily provided with door hardware located between 900-1100-mm above floor level and be readily openable without a key from the side facing a person seeking egress by a single downward action.	Door hardware to the Exit door to Bennett Rd must be modified to comply. Verification will be required with the Construction Documentation

Cl. D3.1	General building access requirements	Access is required from the property
	Buildings and parts of buildings must be <i>accessible</i> as <i>required</i> by Table D3.1, unless exempted by D3.4.	boundary into the building and to any part proposed for modification.
	Class 5 - 8	We recommend specifically:-
	To all areas normally occupied within the building	Provide a walkway ramp and landing from the street to the front entry and from the proposed accessible car space Ensure walking surfaces are slip resistant Ensure Door clearances achieve compliance with Clause 13 of AS 1428.1 - 2009 Widen the hallways to a minimum 1000mm All new works are required to comply with AS 1428.1 - 2009
		Generally, Compliance with the AS 1428.1 Clauses following must be demonstrated within the construction documentation: - Clause 7 - Floor or Ground Surfaces on Continuous Accessible Clause 8 - Signage Clause 10 - Ramps and Walkways Clause 13 - Doorways, Doors and Circulation Space at Doorways Clause 14 - Switches and General-Purpose Outlets (Power Points) Clause 15 - Sanitary Facilities
Cl. D3.2	Access to Buildings Must be provided by an AS 1428.1 complying path of travel from — (i) a entry point from the road at the allotment boundary to the entrance doorway. (ii) any disabled car parking space on the allotment.	For reference

	 (iii) any other accessible building on the allotment. (iv) through the principal public entrance. Parts of buildings required to be accessible must comply with AS 1428.1 	
Cl. D3.3	Parts of buildings to be accessible In a building required to be accessible: (a) every ramp and stairway, except for ramps and stairways in areas exempted by clause D3.4, must comply with: (i) for a ramp, except a fire-isolated ramp, clause 10 of AS 1428.1; and (ii) for a stairway, except a fire-isolated stairway, clause 11 of AS 1428.1; (iii) for a fire-isolated stairway, clause 11.1(f) and (g) of AS 1428.1; (b) every passenger lift must comply with clause E3.6; (c) access ways must have: (i) passing spaces complying with AS 1428.1 at maximum 20 m intervals on those parts of an access way where a direct line of sight is not available; and (ii) turning spaces complying with AS 1428.1: (A) within 2 m of the end of access ways where it is not possible to continue travelling along the access way; and (B) at maximum 20 m intervals along the access way; (d) an intersection of access ways satisfies the spatial requirements for a passing and turning space; (e) a passing space may serve as a turning space; (f) a ramp complying with AS 1428.1 or a passenger lift need not be provided to serve a storey or level other than the entrance storey in a Class 5, 6, 7b or 8 building- (ii) containing not more than 3 storeys; and (iii) with a floor area for each storey, excluding the entrance storey, of not more than 200 m2.	For reference
Cl. D3.5	Accessible carparking Accessible carparking spaces—	1 Accessible car space and shared space complying with AS/NZS 2890.6 is required

	(a) subject to (b), must be provided in accordance with Table D3.5 in— (i) a Class 7a building required to be accessible; and (ii) a carparking area on the same allotment as a building required to be accessible; and (b) need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and (c) subject to (d), must comply with AS/NZS 2890.6; and (d) need not be identified with signage where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.	
Cl. D3.6	Signage In a building <u>required</u> to be <u>accessible</u> — (a) braille and tactile signage complying with <u>Specification D3.6</u> must— (i) incorporate the international symbol of access or deafness, as appropriate, in	Verification will be required with the Construction Documentation
	accordance with AS 1428.1 and identify each—	
	(A) sanitary facility, except a sanitary facility within a <u>sole-occupancy unit</u> in a Class 1b or Class 3 building; and	
	(B) space with a hearing augmentation system; and	
	(ii) identify each door <u>required</u> by <u>E4.5</u> to be provided with an <u>exit</u> sign and state—	
	(A) "Exit"; and	
	(B) "Level" followed by the floor level number; and	
	(b) signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying—	
	(i) the type of hearing augmentation; and	
	(ii) the area covered within the room; and	
	(iii) if receivers are being used and where the receivers can be obtained; and	
	(c) signage in accordance with AS 1428.1 must be provided for <u>accessible</u> unisex sanitary	

	facilities to identify if the facility is suitable for left or right handed use; and (d) signage to identify an ambulant <u>accessible</u> sanitary facility in accordance with AS 1428.1 must be located on the door of the facility; and (e) where a pedestrian entrance is not <u>accessible</u> , directional signage incorporating the	
	international symbol of access, in accordance with AS 1428.1 must be provided to direct a person to the location of the nearest <u>accessible</u> pedestrian entrance; and (f) where a bank of sanitary facilities is not provided with an <u>accessible</u> unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be placed at the location of the sanitary facilities that are not <u>accessible</u> , to direct a person to the location of the nearest <u>accessible</u> unisex sanitary facility.	
Cl. D3.12	Glazing on an accessway On an <i>accessway</i> , where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.	Verification will be required with the Construction Documentation

4.5 SECTION E – SERVICES AND EQUIPMENT

CLAUSE	CLAUSE REQUIREMENT	ACTION/RECOMENDATION
Cl. E1.6	Portable fire extinguishers (a) Portable fire extinguishers must be—	Verification will be required with the Construction Documentation
	(i) provided as listed in <u>Table E1.6</u> ; and	
	(ii) for a Class 2 or 3 building or Class 4 part of a building, provided—	
	(A) to serve the whole Class 2 or 3 building or Class 4 part of a building where one or more internal fire hydrants are installed; or	
	(B) where internal fire hydrants are not installed, to serve any <u>fire compartment</u> with a <u>floor area</u> greater than 500 m ² , and for the purposes of this clause, a <u>sole-occupancy unit</u> in a Class 2 or 3 building or Class 4 part of a building is considered to be a <u>fire compartment</u> ; and	
	(iii) subject to <u>(b)</u> , selected, located and distributed in accordance with Sections 1, 2, 3 and 4 of AS 2444.	
	(b) Portable fire extinguishers provided in a Class 2 or 3 building or Class 4 part of a building must be—	
	(i) an ABE type fire extinguisher; and	
	(ii) a minimum size of 2.5 kg; and	
	(iii) distributed outside a sole-occupancy unit—	
	(A) to serve only the <u>storey</u> at which they are located; and	
	(B) so that the travel distance from the entrance doorway of any sole-occupancy unit to the nearest fire extinguisher is not more than 10 m.	
Cl. E4.2	AS 2293.1 compliant emergency lighting must be provided throughout the building.	Verification will be required with the Construction Documentation

Cl. E4.4	Refer Clause E4.2 above for emergency lighting requirements	Verification will be required with the Construction Documentation
Cl. E4.5 Cl. E4.8	AS 2293.1 compliant Exit Signage is required above each Exit (door)	Verification will be required with the Construction Documentation
Cl. E4.6 Cl. E4.8	AS 2293.1 compliant Directional signage must be provided where Exit signage is not directly visible	Verification will be required with the Construction Documentation

4.6 SECTION F – HEALTH AND AMENITY

CLAUSE	CLAUSE REQUIREMENT	ACTION/RECOMENDATION
Cl. F1.7	Wet areas must be water proofed in accordance with AS 3740	Verification will be required with the Construction Documentation
Cl. F1.11	The floor of each bathroom and laundry must be graded to permit drainage to a floor waste.	Verification will be required with the Construction Documentation
Cl. F2.2	Calculation of number of occupants and facilities (a) The number of persons accommodated must be calculated according to D1.13 if it cannot be more accurately determined by other means. (b) Unless the premises are used predominantly by one sex, sanitary facilities must be provided on the basis of equal numbers of males and females. (c) In calculating the number of sanitary facilities to be provided under F2.1 and F2.3, a unisex facility required for people with a disability (other than a facility provided under F2.9) may be counted once for each sex. (d) For the purposes of this Part, a unisex facility comprises one closet pan, one washbasin and means for the disposal of sanitary products.	For Reference
Cl. F2.3	Facilities in Class 3 to 9 buildings (a) Except where permitted by (b), (c), (f), F2.4(a), F2.4(b) and F2.9(b), separate sanitary facilities for males and females must be provided for Class 3, 5, 6, 7, 8 or 9 buildings in accordance with Table F2.3. (b) If not more than 10 people are employed, a unisex facility may be provided instead of separate facilities for each sex. (c) If the majority of employees are of one sex, not more than 2 employees of the other sex may share toilet facilities if the facilities are separated by means of walls, partitions and doors to afford privacy. (d) Employees and the public may share the same facilities in a Class 6 and 9b building (other than a school or early childhood centre) provided the number of facilities provided is not less than the total number of facilities required for employees plus those required for the public. (e) Adequate means of disposal of sanitary products must be provided in sanitary facilities for use by females.	As there are under 10 staff the following is required Male Staff – 1 WC, 1 Basin Female Staff – 1 WC, 1 basin It is noted that application of the concession provided by Clause F2.2 (c) – will allow for the provision of 1 by accessible facility to achieve compliance

Cl. F2.4	Accessible sanitary facilities In a building required to be accessible—	Verification will be required with the
	(a) accessible unisex sanitary compartments must be provided in accessible parts of the building in accordance with Table F2.4(a); and SA F2.4(b)	Construction Documentation
	(b) accessible unisex showers must be provided in accordance with Table F2.4(b); and	
	(c) at each bank of toilets where there is one or more toilets in addition to an accessible unisex	
	sanitary compartment at that bank of toilets, a sanitary compartment suitable for a person with an	
	ambulant disability in accordance with AS 1428.1 must be provided for use by males and females; and	
	(d) an accessible unisex sanitary compartment must contain a closet pan, washbasin, shelf or	
	bench top and adequate means of disposal of sanitary towels; and	
	(e) the circulation spaces, fixtures and fittings of all accessible sanitary facilities provided in	
	accordance with Table F2.4(a) and Table F2.4(b) must comply with the requirements of AS 1428.1;	
	and	
	(f) an accessible unisex sanitary facility must be located so that it can be entered without crossing an area reserved for one sex only; and	
	(g) where two or more of each type of accessible unisex sanitary facility are provided, the	
	number of left and right handed mirror image facilities must be provided as evenly as possible; and	
	(h) where male sanitary facilities are provided at a separate location to female sanitary facilities,	
	accessible unisex sanitary facilities are only required at one of those locations; and	
	(i) an accessible unisex sanitary compartment or an accessible unisex shower need not be	
	provided on a storey or level that is not required by D3.3(f) to be provided with a passenger lift or ramp complying with AS 1428.1.	
Cl. F4.4	Artificial lighting must be AS 1680 compliant.	Verification will be required with the
		Construction Documentation
Cl. F4.5	Ventilation to rooms and spaces other than habitable rooms within the Residential Sole Occupancy	Verification will be required with the
	Units must be either natural or AS 1668.2 compliant mechanical ventilation.	Construction Documentation

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194 Bennet Rd St Clair (NSW) Car Parking Impact Assessment

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> 7 June 2021 Rev B



1. INTRODUCTION

1.1 Purpose of this report

This report sets out an assessment of the parking implications of the proposed development, with specific consideration of the following:

- the existing conditions and a description of the proposal;
- an assessment of the development's car parking requirements;
- adequacy of the on-site and on-street car parking supply to accommodate both the proposal's car parking requirements and the car parking demands anticipated to be generated by the proposal;
- review of the layout of the on-site car park in accordance with the requirements of the Australian Standards; and
- the traffic impact of the proposed development.

1.2 Referenced documents

This report has been based upon a number of sources and references. These include:

- Discussions between the applicant and officers at the City of Penrith;
- Google maps, nearmap and Melways online;
- Web sites www.transportnsw.info and www.bicycleinfo.nsw.gov.au/;
- City of Penrith, Development Control Plan, (2014) and Penrith Local Environmental Plan, (2010);
- State Environmental Planning Policy (Infrastructure), 2007;
- AutoTURN computer software for swept path analysis (B85 car);
- Australian Standards AS 2890.1 (2004) and AS 2890.6 (2009); and
- Layout plan prepared by Lara's Design, Dwg A1.2, Rev A, dated 25 May 2021.

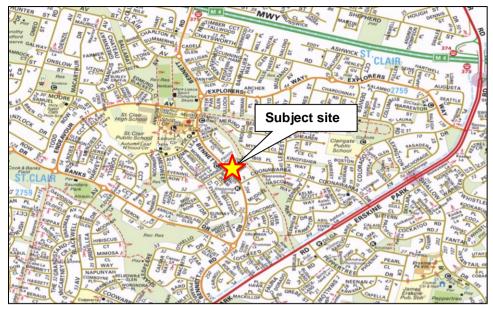
2. EXISTING CONDITIONS

2.1 Location and Land use

The subject site is currently occupied by a residential dwelling and is located on the north-east corner of Bennet Road and McLaren Grove.

The location of the subject site is shown in Figure 2.1.





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Figure 2.1: Road network surrounding the subject site

The site is occupied by a dwelling. The surrounding land uses include the St Clair shopping centre and St Clair Leisure Centre to the immediate north of the site. The applicant also has their current medical practice at 168 Bennet Road approximately 50 m south of the St Clair shopping centre.



Source: google maps

Figure 2.2: Aerial view of the subject site and surrounding area



2.2 Road Network

Bennet Road is a local road with an undivided cross section containing one kerbside parking lane and one traffic lane in each direction. Unrestricted parking exists along both sides of the road in the immediate vicinity of the site.

Photos showing the cross section of Bennet Road (looking to the north and south respectively) are shown in **Figure 2.3** and **Figure 2.4**, respectively.



Source: Google maps street view

Figure 2.3: Bennet Road looking north



Source: Google maps street view

Figure 2.4: Bennet Road looking south

McLaren Grove is a local road with an undivided cross section containing one kerbside parking lane and one traffic lane in each direction.

Unrestricted parking exists along both sides of the road in the immediate vicinity of the site with two disabled bays located across the site's frontage.

A photo showing the cross section of McLaren Grove looking to the east is shown in **Figure 2.5**.



Source: Google maps street view

Figure 2.5: McLaren Grove looking east

2.3 Existing Parking Supply and Demand

To establish the existing parking demands in the nearby on-street car parking areas, parking observations were undertaken by the applicant on Thursday 3 December 2020 between 9 am and 6 pm and on Saturday 5 December 2020 between 9 am and 1 pm.

The observations of parking activity indicated that the peak car parking demands typically corresponded to around:

- one to two cars parked along McLaren Grove within 100 metres of the site on a weekday and a weekend day; and
- four to five cars parking along Bennet Road within 100 metres of the site on a weekday and around three to four cars on a weekend day.

2.4 Sustainable Transport Modes

2.4.1 Public Transport

The site has an excellent provision of conveniently located public transport services with three bus routes which operate in the vicinity of the site.

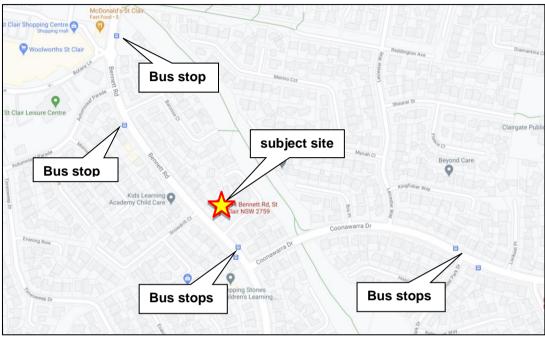
Details of the bus routes are summarised as follows:

- Bus route 775 operates between Mount Druitt to Penrith via Erskine Park;
- Bus route 776 operates between Mount Druitt to Penrith via St Clair; and
- Bus route 835 operates between UWS and Pairiewood.



An assessment of the timetables of the various public transport services indicate that the services operate during the time periods which coincide with the proposed use, that is, during the weekday daytime and Saturday morning/midday periods.

There are a number of bus stops located within close proximity to the site, the location of which are shown in Figure 2.6.



Source: google maps

Figure 2.6: Location of bus stops in close proximity to subject site

3. THE PROPOSAL

It is proposed to refurbish the existing dwelling and construct a single storey building to accommodate a medical centre to accommodate a maximum of two practitioners at any one time.

It is understood from discussions with the applicant that, as currently occurs the medical centre where he currently works, all consultations will be by appointment only with typical appointment durations varying between 10 mins and 30 mins per appointment.

The proposed operating hours will be weekdays between 8 am and 6 pm, on Saturdays between 8 am and 6 pm and on Sundays/public holidays between 8 am and 12 noon.

It is understood that the existing medical clinic at 168 Bennet Road will be relocated to the proposed development site to accommodate a more appropriate site for the business.

It is proposed to provide a total of eight on-site spaces inclusive of a disabled parking space. Three spaces will be allocated to staff and five spaces to visitors, inclusive of an accessible bay.



Access to the main on-site car park will be provided via a proposed crossover along McLaren Grove adjacent to the site's eastern boundary and three staff spaces will be accessed directly from a modified existing crossover in Bennett Road.

The layout of the proposed development and car park accesses are shown in **Attachment A.**

4. CAR PARKING CONSIDERATIONS

4.1 Car Parking Requirements

The car parking requirements for the land use components of the proposed development are set out in the City of Penrith's, "Development Control Plan (2014)", specifically, Chapter 10.5.1, Table C10.2.

Reference to this section indicates that the car parking requirement for a proposed Health Consulting Rooms/Medical Centre is:

3 spaces per health care professional practicing at any one time plus 1 space per receptionist/support staff, plus 1 space per associated dwelling.

Application of the car parking requirement to the proposed development results in a requirement to provide seven spaces for the medical centre.

Further, reference to the Building Code of Australia indicates that, for a medical use there is a requirement to provide one accessible parking space, which is satisfied by the proposed accessible space.

The proposed car parking provision of eight car spaces, inclusive of a disabled parking space, satisfies the requirements of the City of Penrith's, "Development Control Plan (2014)", specifically, Chapter 10.5.1, Table C10.2.

4.2 Bicycle Parking Requirements

The bicycle parking requirements for the land use components of the proposed development are set out in the City of Penrith's, "Development Control Plan (2014)", specifically, Chapter 10.7, section 2 (c), which requires that:

Applicants should comply with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling (NSW Government 2004)'.

This clause seeks to encourage cycling as a mode of transport with the provision of secure, accessible and convenient bicycle parking spaces.

The bicycle parking requirement stipulated within 'Planning Guidelines for Walking and Cycling (NSW Government 2004)' for 'Health and Medical Centres' is 5-10 % of the parking supply for staff and 5-10 % of the parking supply for visitors.

Application of the rate to the proposed use results in a bicycle parking requirement of one bicycle space for staff and one bicycle space for visitors for the proposed medical practice.



Having regard to the above, it is recommended that one bike rack be provided within the car parking area (to accommodate two bikes) for staff and patients who cycle to the facility.

The provision of this facility is anticipated to encourage staff and patients to cycle to and from the proposal and the immediate area.

4.3 Car park layout and access

4.3.1 Dimensions of car accommodation

It is proposed to provide a total of eight car parking spaces, inclusive of a disabled parking space with five spaces provided in the main car park and three staff parking bays located at the front of the development site accessed directly via the existing crossover in Bennet Road.

The parking spaces have been provided at a width varying between 2.4 m and 2.6 m and a length of 5.4 m with an aisle width in excess of 5.8 m, which accords with the requirements specified in AS 2890.1:2004.

Offset clearances of 0.3 m have generally been provided adjacent to bays located next to end walls as required by AS 2890.1:2004.

The parking space within the garage should technically be provided at a minimum width of 3 m, which consists of a 2.4 m wide bay and 300 mm offset clearances on either side of the bay, however given that the garage is existing, it is considered that the internal width of 2.9 m will allow a staff member to safely park their vehicle within the garage and have sufficient clearance to enter/exit their vehicle.

The disabled bay is proposed to be provided at a width of 2.4 m with the adjacent shared/manoeuvring space provided at a width of 2.4 m with a length of 5.4 m and with a centrally located column in the shared space off-set 800 mm from the accessway, which accords with Clause 2.4 of the Australian Standards, AS 2890.6 (2009).

It is however recommended that disabled parking signage and pavement markings be installed for the disabled bay.

4.3.2 Access to/from car spaces

The swept paths of vehicles entering and exiting the respective car spaces on the development site have been assessed with the use of the AutoTURN computer software for a B85 car, the analysis of which is shown in **Attachment B**.

The analysis indicates that to enable a motorist to safely access the on-site spaces, reverse from the spaces and exit from the main car parking area in a forward manner to McLaren Grove.



4.3.3 Width of internal access

To determine the width of the accessway, reference is made to Clause 3.2.1 of AS 2890.1 (2004) which states that, for user class 3/3a developments (with a local road frontage) which contain less than 25 on-site spaces, a minimum accessway width of between 3 m and 5.5 m is required be provided.

Reference to the layout plans indicate that the width of the main car park access has been provided at a width of 5.5 m, which facilitates two way vehicular flow at the entrance to the main car park.

It is proposed to widen the existing crossover along Bennet Road to provide access to the staff spaces.

The width of the two car park access points satisfy the requirements of AS 2890.1 (2004).

4.3.4 Sight lines for exiting motorists

Figure 3.3 of the Australian Standard for off-street car parking, AS 2890.1 (2004) specifies that the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.

The minimum sight lines are specified as clear sight line triangles which extend 2 m along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage. The sight line triangles are required to be clear of visual obstructions to provide the exiting motorist with a clear view of pedestrians on the footpath of the frontage road (and vice versa).

Reference to the layout plans indicate that clear sight line triangles have been provided on either side of the access on Bennet Road.

It is noted that no footpath is provided along the north side of McLaren Grove adjacent to the development site.

Notwithstanding the above, to ensure maximum sight lines are provided for exiting motorists to motorists travelling along McLaren Grove and to any pedestrians walking along the north side McLaren Grove, it is recommended that a convex mirror be provided on the west side of the McLaren Grove access adjacent to the title boundary.

Further, any obstructions within the sight line triangles on either side of the accessway at the title boundary (eg mail boxes, landscaping), are required to be less than a maximum height of 900 mm.



5. OTHER

5.1 Commercial vehicles

Discussions with the applicant indicates that, based upon her experience at the medical practice where she works, deliveries associated with the proposed medical practice are anticipated to be predominantly undertaken by small courier vehicles, which could be accommodated within the on-site car park.

5.2 Refuse

The refuse bins are proposed to be stored along the side of the medical centre and would be wheeled to the Bennet Road kerbside area to be serviced by a private contractor.

6. TRAFFIC IMPACT

The level of traffic anticipated to be generated at the development access points are considered minimal and will not represent any adverse impact upon the operation of the surrounding road network.

7. CONCLUSIONS AND RECOMMENDATIONS

Having regard to the above, it is concluded that:

- The proposed car parking provision of eight car spaces, inclusive of a disabled parking space, satisfies the requirements of the City of Penrith's, "Development Control Plan (2014)", specifically, Chapter 10.5.1, Table C10.2;
- The on-site car park has been generally designed in accordance with the requirements stipulated in the Australian Standard, AS 2890.1 2004; and
- The level of traffic anticipated to be generated at the development access points are considered minimal and will not represent any adverse impact upon the operation of the surrounding road network

Further, it is recommended that:

- one bike rack be provided within the car parking area (to accommodate two bikes) for staff and patients who cycle to the facility;
- disabled parking signage and pavement markings be installed for the disabled bay;
- a convex mirror be provided on the west side of the McLaren Grove access adjacent to the title boundary; and
- any obstructions within the sight line triangles on either side of the accessway at the title boundary, are required to be less than a maximum height of 900 mm.





Evan Boloutis Director EB Traffic Solutions Pty Ltd

B.Eng (Civil), MEng Sc (Traffic), MBA

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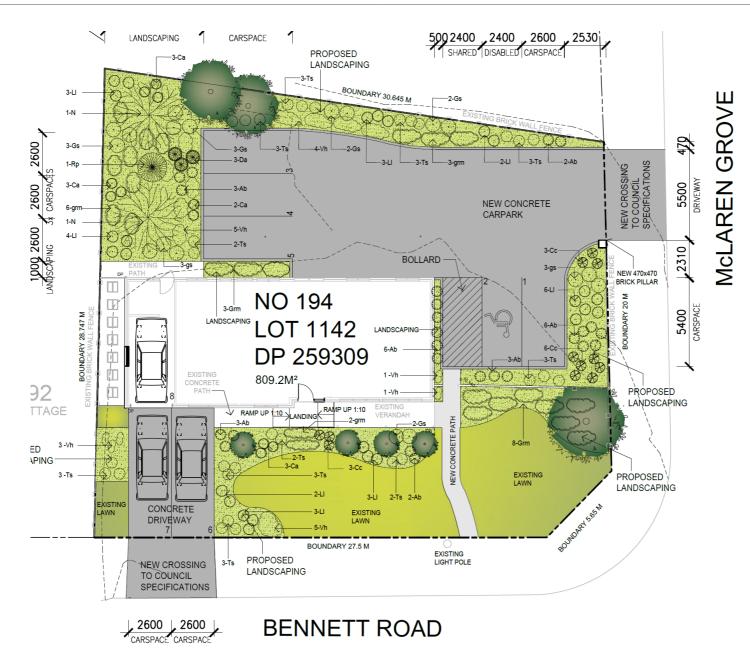
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ATTACHMENT A DEVELOPMENT LAYOUT PLAN

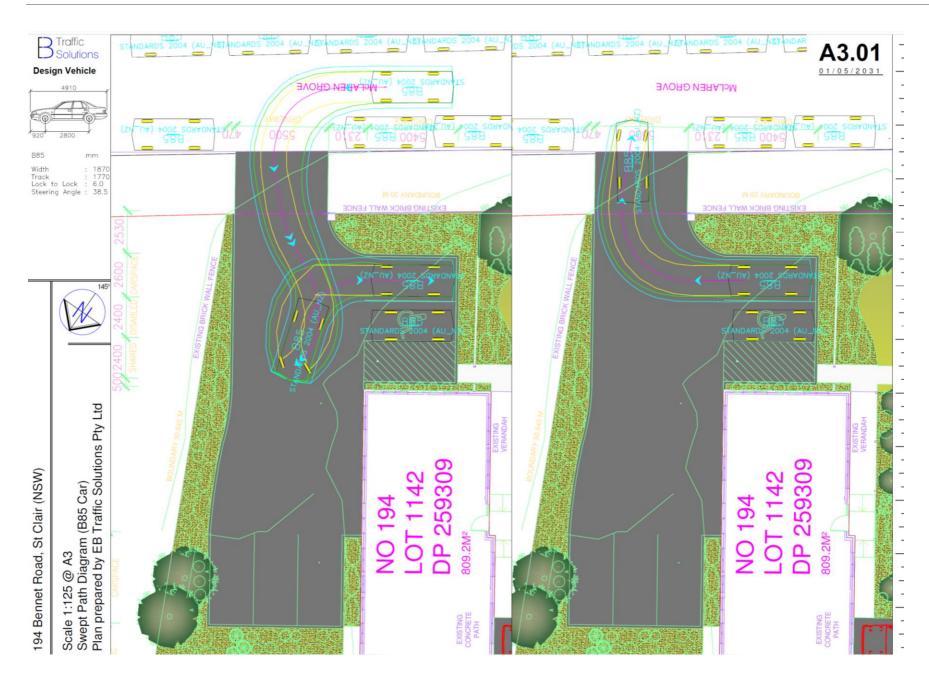




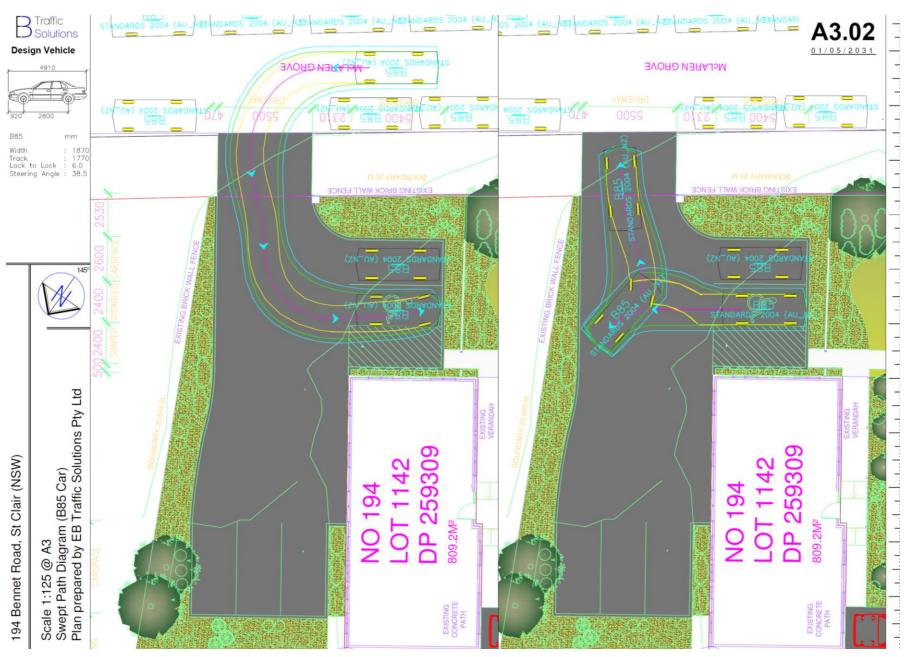


ATTACHMENT B SWEPT PATH ANALYSIS

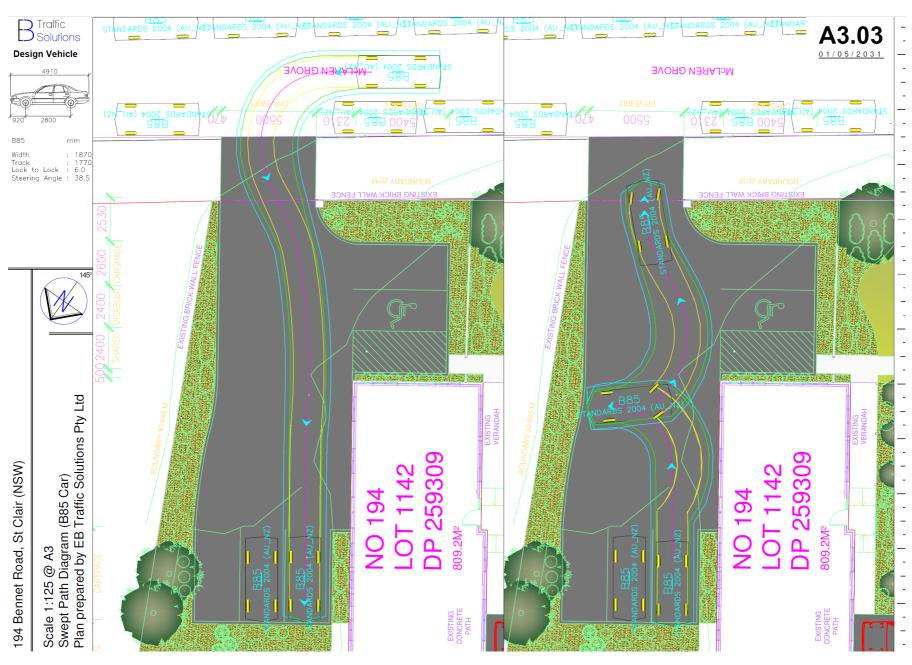




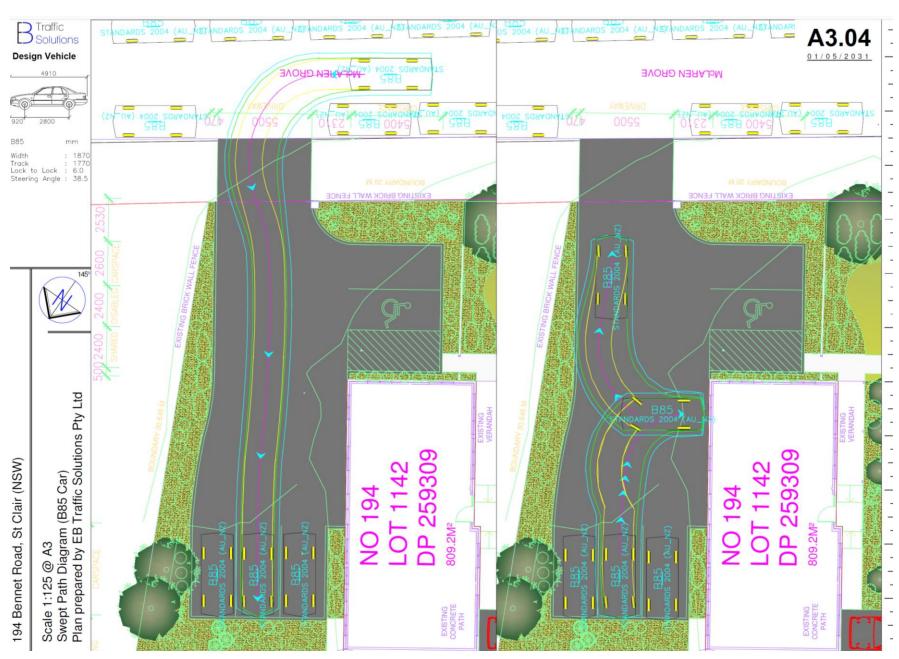




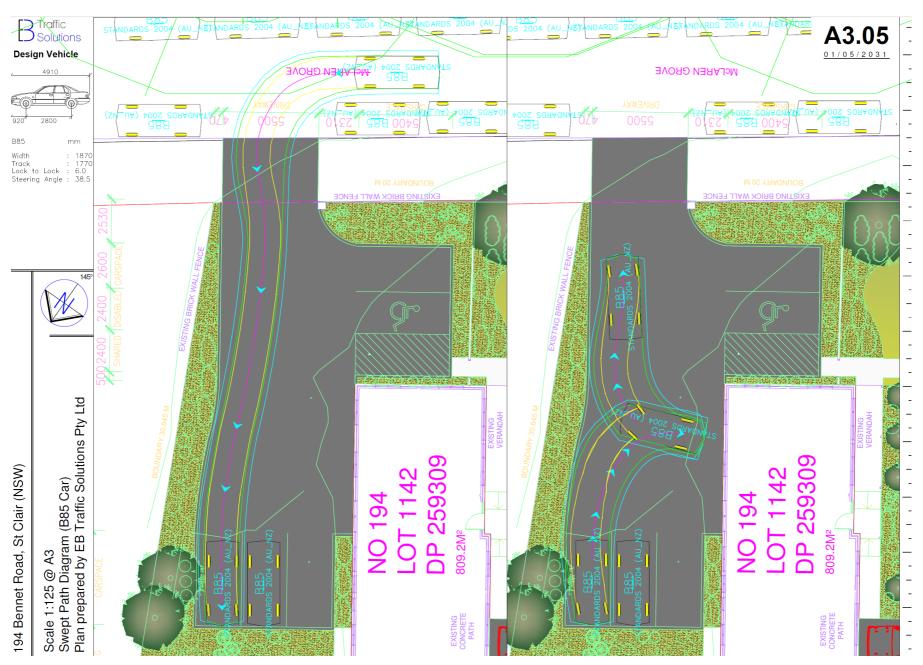












Statement of Environmental Effects

Property Address: 194 Bennett Rd St Clair

Client: Dr M Cole & Dr S Pastras

Prepared by L. Gibson

20 July 2021



This Statement of Environmental Effects has been prepared on behalf of our clients Dr M Cole and Dr S Pastras of Bennett Road Doctor's Medical Practice.

This Statement of Environmental Effects is to be read in conjunction with the following supporting documentation:

- Architectural Plans;
- Survey Plan;
- Stormwater Plans;
- Access Report;
- BCA Compliance Report;
- Traffic Report;
- Tree Impact Assessment Report; and
- Waste Management Plan.

1. Introduction

An application is proposed for the fit-out and use of an existing residential dwelling to health consulting rooms for a Doctor's medical practice. The applicants wish to relocate their existing premises at 168 Bennett Road, St Clair to 194 Bennett Road St Clair to accommodate a more appropriate location for their business.

The proposal will not result in any expansion of the existing business and is simply a relocation of the existing business from one premises to another. May it be noted that the existing premises is located 400m immediately north of the subject site and thus will not result in any additional cumulative impact than that which is currently provided by the business at the existing premises.

2. Description and Zoning

The subject site is a residential allotment legally described as Lot 1142 in DP259309. The site is located within an R2 – Low Density residential area and is currently comprised of a detached single storey dwelling with garage (refer to Figures 1 and 2). The site is a corner allotment located north-west of the T-intersection of Bennett Road with McLaren Grove, St Clair

The site presents a frontage width of 27.5m to Bennett Road, a frontage width of 20.0m to McLaren Grove, a rear boundary width of 30.6m to the east, and a side boundary width of 28.7m to the north. The site contains a splay to the south-western portion of the site. Overall, the site contains a total site area of 809m² (refer to Figure 3).



Figure 1: 194 Bennett Road facing North. Source: L. Gibson January 2021.



Figure 2: Rear yard of 194 Bennett Road facing North-West. Source: L. Gibson January 2021.



Figure 3: Aerial View of Subject site (outlined in yellow) and surrounding development. Source: Nearmaps 2021.

The site benefits from two (2) separate vehicular access points. A single driveway is provided from Bennett Road which leads to an attached garage. Separate vehicular access is provided toward the rear of the property from McLaren Grove. It is noted that the vehicular access point via McLaren Grove is not paved (refer to Figures 4 and 5).



Figure 4: Street view of subject site depicting vehicular access from Bennett Road. Source: Google Street view 2021.



Figure 5: Street view of subject site depicting vehicular access from Mclaren Grove. Source: Google Street view 2021.

Existing development surrounding the site is comprised predominantly of single and two (2) storey detached residential development (refer to Figures 6 and 7).



Figure 6: Existing development upon Bennett Road facing west of subject site. Source: L. Gibson January 2021.



Figure 7: Existing development upon Bennett Road facing south-east of subject site. Source: L. Gibson January 2021.

Located approximately 500m north of the subject site is the St Clair Shopping Centre and Leisure Centre. There are a number of businesses located in the surrounding streetscape along Bennett Road (a more in-depth analysis of these businesses is provided in the suitability section of this document). It is also noted that the medical practice currently operated by the applicant is located at 168 Bennett Road, St Clair approximately 400m north of the subject site.

3. Permissibility

The land is situated within the R2 – Low Density zone. Development for the purposes of *health consulting rooms* is prohibited under the *Penrith Council Local Environmental Plan 2010*. Notwithstanding this, the site is identified as a prescribed zone under the provisions of the *Infrastructure SEPP 2007* for the purposes of health services facilities:

"Division 10 Health services facilities

56 Definitions

In this Division—

health services facility has the same meaning as in the Standard Instrument.

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones—

- (a) RU4 Primary Production Small Lots,
- (b) RU5 Village,
- (c) RU6 Transition,
- (d) R1 General Residential,

(d1) R2 Low Density Residential,

- (e) R3 Medium Density Residential,
- (f) R4 High Density Residential,
- (g) R5 Large Lot Residential,
- (g1) B1 Neighbourhood Centre,
- (h) B2 Local Centre,
- (i) B3 Commercial Core,
- (j) B4 Mixed Use,
- (k) B5 Business Development,
- (I) B6 Enterprise Corridor,
- (m) B7 Business Park,
- (m1) B8 Metropolitan Centre,
- (n) SP1 Special Activities,
- (o) SP2 Infrastructure.

57 Development permitted with consent

(1) Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.

- (2) Development for any of the following purposes may be carried out by or on behalf of a public authority with consent on State land if the development is carried out within the boundaries of an existing health services facility—
- (a) health research (or development) industries, including medical research (or development) industries,
- (b) any of the following premises that service patients or staff of, or visitors to, the health services facility (or staff of, or visitors to, other premises within the boundaries of the facility)—

- (i) centre-based child care facilities,
- (ii) commercial premises,
- (iii) community facilities,
- (iv) information and education facilities,
- (v) recreation areas, recreation facilities (indoor) or recreation facilities (outdoor),
- (vi) residential accommodation,
- (c) a building or place used for the training or education of health and other professionals.

A health services facility is defined under the Penrith LEP 2010 as:

"... a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

(a) day surgeries and medical centres,

- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals."

As per the Penrith Council LEP 2010, a medical centre is defined as a:

"...business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services."

As per clause 57(1) of Division 10 of the *Infrastructure SEPP 2007*, development for the purposes of *a medical centre*, may be carried out with consent on the subject site and is therefore a permissible use for the site is permitted on the subject site.

To be clear, the land will no longer occupy any residential use. The site will be purely utilised for business uses only.

4. The Proposal

The proposal seeks approval for the fit out and use of an existing residential dwelling to a medical centre comprised of two (2) consulting rooms under the provisions of the Infrastructure SEPP 2007.

Internal fit out works

The proposal involves internal fit-out works to accommodate a change of use from a dwelling to a medical centre. These works involve:

- Fit out works to provide:
 - o Two (2) doctor's consulting rooms;
 - o One (1) treatment room;
 - o A reception desk with open waiting room; and
 - o Two (2) bathrooms (a staff toilet and accessible bathroom)

Demolition works involving:

- o Removal of fixed glass panels and replacement of existing front entrance door to accommodate expansion of entrance for equitable access;
- Removal of bedroom wardrobe and hallway cupboard to provide wider internal walkway for equitable access;
- o Demolition of internal nib walls to expand proposed reception/waiting room;
- O Demolition of internal bathroom walls to create an accessible bathroom and a separate staff only toilet (accessible via treatment room);
- o Demolition of rear veranda and brick columns including paving;
- o Demolition of detached rear pergola and shed structures to accommodate new landscaping;
- o Demolition of side gate from Bennett Road frontage to accommodate equitable access; and
- o Partial demolition of side boundary wall to accommodate suitable vehicular access from McLaren Grove.

• New Construction work including:

- Bricking up garage window to north-western elevation (to match existing) to comply with BCA requirements;
- o Construction of driveway layback at McLaren Grove and expansion of existing driveway layback at Bennett Road; and
- o Replacement of flooring throughout to achieve compliance with accessibility requirements.

External works

- Construction of new ramp to front entrance of Bennett Road to achieve equitable access;
- Paving and associated drainage works to rear yard to accommodate new car park; and
- New landscaping works throughout the site incorporating a range of trees and low-lying shrub plantings.

Hours of operation

The proposed hours of operation are as follows:

- 8am-6pm Monday to Friday (more specifically 8am 12pm for the morning session and 2:30pm 6pm for the afternoon session)
- 8am-12pm Saturdays, Sundays and Public Holidays.

Consultations are by appointment only. Typical patient appointment times vary between 10-30 minutes each. The proposal will result in no change to the current hours of operation of the business which is currently located at 168 Bennett Road, St Clair.

Staff

A total of three (3) staff are proposed for the new use. A maximum of two (2) medical practitioners will operate at any given time with one (1) administration/support staff.

Parking

The proposal seeks to provide eight (8) off-street parking spaces on the site. Included herein, an accessible parking space with three (3) spaces allocated to staff and five (5) allocated to patrons. The proposal also provides for an ambulance loading bay adjacent the rear entrance of the facility on the rare occasion it may be required. Parking for staff will be accessed via Bennett Road. Patron parking will be provided in the rear carpark accessed via McLaren Grove.

Signage

Three (3) separate signs are proposed for the site.

- Doctor's surgery illuminated red light box
- 2x Business identification signs both 610mm x 910mm. These signs will sit flush with the façade wall and will be located either side of the front entrance. The signage will provide details of the business name, address, contact number, hours of operation and doctor's names (refer to Figure 8 for reference).

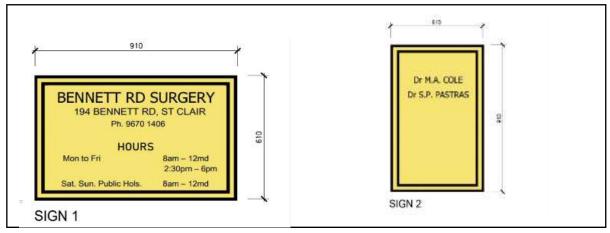


Figure 8: Proposed signage. Source: Proposed Floor Plan, Street Elevation & Signage Plan A2.2 Revision E, prepared by BDAA Accredited Building Designer, 30 March 2021.

Waste Management

General waste will be disposed of using the residential waste and recycling bins. Clinical waste (including sharps and contaminated waste) will be disposed of (as needed) via private waste contractors.

5. Legislation Relevant to the Proposal

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 wildlife buffer zone wind turbine buffer zone

The site is located within 30km of the wind turbine buffer zone and within 13km of the wildlife buffer zone as per the *Western Sydney Aerotropolis SEPP 2020*. Notwithstanding this, the site is zoned R2 – Low Density Residential and is seeking the fit out and use of the existing premises as a medical centre. Accordingly, the proposal is satisfactory in this regard.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The proposal has addressed the requirements of the *Vegetation SEPP* through preparation and submission of an Arboricultural Impact Assessment prepared by an appropriately certified Arborist. The Assessment has identified 2 trees on the site which are of good health and vigour and are therefore marked for retention and protection. The assessment identifies that the proposed works will have minimal impact on the trees subject to appropriate tree protection measures during the construction phase of the development.

The proposal therefore has adequately addressed the requirements of the SEPP through retaining these trees and utilising appropriate tree protection measures where possible.

Penrith Local Environmental Plan

The proposal is consistent with the aims of the *Penrith Local Environmental Plan 2010* as it seeks to accommodate the population of Penrith through providing an essential service to the community.

The use will positively encourage the health and wellbeing of the community without adversely impacting upon the environmental and built form characteristics of the area. The prevailing bulk, height and scale of the building will remain relatively unchanged.

The proposal adheres to the principles of sustainable development through re-use of an existing building (as opposed to complete demolition and construction) with minimal works proposed. The presentation of the building as viewed from Bennett Road will remain relatively unchanged so as not to impact upon the prevailing setting, views and character of the immediate streetscape.

Development Control Plan

Penrith Council DCP Principles

The proposal adheres to the DCP sustainable development principles in that it proposes the re-use of an existing structure to accommodate the business. The proposal has taken into consideration the unique characteristics of the site and has been designed accordingly. The proposed changes have been undertaken with respect to surrounding lands and to minimise adverse impacts if and where possible.

C1. Site Planning & Design Principles

Internal and external modifications are proposed to the existing building to enable the site to be accessible for all members of the community. The proposal will not result in any substantial material change to the building as viewed from the street and thus the scale and character of the building (in terms of its built form) will remain compatible with the prevailing streetscape.

The proposal adheres to the objectives of Section 1.2 of the DCP in that the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and

space management into its design. Natural surveillance is achieved through the retention of the multiple windows and openings provided along the site's elevations. Landscaping within the front setback will remain relatively unchanged so as not to obstruct views to the street. The carpark to the rear of the site will also be easily viewed from the building through retention of windows and openings and incorporation of low-lying landscaping.

The proposal has comprehensively considered the design with respect to achieving equitable access through the site. Design changes including increasing widths of corridors/walkways, providing an accessible toilet and car space and improvements to floor surfaces are examples of some changes proposed to achieve ease of access for all.

C2. Vegetation Management

The proposal was accompanied by an Arboricultural Impact Assessment which included a Tree Protection Plan. The proposal does not involve any tree removal and includes Tree Protection measures for Trees 1 and 2 on the site which are marked for retention.

C3. Water Management

The proposal was accompanied by a Stormwater Plan which includes a Sediment and Erosion Control Management Plan. Due to the new construction works to the rear of the site, a bio-retention swale is proposed along with a new 12,000L water tank. The proposal will also require new connections to guttering to feed into the water tank. The rainwater tank will be installed in accordance with the relevant guidelines and will not increase beyond 3m above NGL.

C5. Waste Management

A Waste Management Plan accompanies the proposed application. Construction waste will be temporarily stored on site and removed via waste contractors. General waste will be disposed of using the residential waste and recycling bins. Clinical waste (including sharps and contaminated waste) will be disposed of (as needed) via private waste contractors.

C6. Landscaping Design

The proposal includes embellishment of the site with a mixture of low-lying shrubs and new tree plantings. The proposal has optimised opportunities for deep soil zone through removal of the rear pergola/spa area and replacement with new soft soil area. Overall, the proposal is considered a substantial improvement to the existing landscaping through the site which has mostly been left unkept and overgrown.

C9. Advertising and Signage DCP

The proposal seeks to install a Doctor's illuminated surgery light box along with two (2) business identification signs each no greater than 3m². The business identification signs (as depicted previously in Figure 8) will display the name of the practice and opening times of the premises. The wall signs will not be illuminated.

The signage is appropriate in terms of its style and size and thus is unlikely to detract from the presentation of the building from the street.

C10. Transport Access and Parking

As per Section 10.5 of Part C10 of the DCP, the proposal requires 3 off-street parking spaces to be provided per health consulting room and one (1) additional space for support staff. Accordingly, the proposal has sought to provide eight (8) off-street parking spaces for the site.

The staff parking will be accessed off Bennett Road. One (1) space will be provided within the existing garage with two (2) tandem car spaces provided in the front setback of the site upon the concrete driveway. Therefore, a total of three (3) staff spaces will be provided from Bennett Road.

The rear carpark will accommodate five (5) off-street parking spaces. These spaces will be made available to patrons. Of these five (5) parking spaces, an accessible parking bay has been provided. This bay is located closest to the footpath to enable equitable access to the site (refer to Figure 9).



Figure 9: Proposed Site Plan including new rear carpark with bicycle parking. Source: Proposed Site Plan & Landscape Concept Plan, A1.2, prepared by BDAA Accredited Building Designer, 30 March 2021.

Bicycle parking is also provided in the rear carpark along the rear elevation wall. Cyclists can enter and exit the site via the McLaren Grove entrance.

Further discussion regarding the proposal's compliance with the relevant standards and vehicle swept paths are provided in the attached *Car Parking Impact Assessment* prepared by EB Traffic Solutions.

As depicted in Figure 9 above, the proposal has also provided a temporary ambulance bay adjacent the rear portion of the building. In the rare occasion that this space may be required, the ambulance will be able to enter and exit the site via the McLaren Grove entrance and make use of the rear 'staff only exit' to enter and exit the building.

D5 Other Uses

5.3 Health Consulting Rooms

The proposal is technically defined as a medical centre rather than Health Consulting Rooms in accordance with the Penrith Council Local Environmental Plan 2010. Notwithstanding, whilst the proposal is located within a residential area and operates similarly to health consulting rooms, an assessment against the controls of the DCP in relation to Health Consulting Rooms is provided in the table below:

C. Controls	Comments	Complies
1) Location		
a) Health consulting rooms in residential areas shall not include procedures such as Xrays, ultrasounds, cat-scans, radiography, pathology tests or the like. These services are to be separated from residential activities and only located either in or immediately adjacent to commercial centres or precincts established specifically for other non-residential activities.	These activities are not proposed as part of the subject application.	Yes
b) Health consulting rooms shall not be located on sites where they are likely to have a significant impact on adjoining and surrounding residences, including but not limited to traffic and noise impacts.	The site is benefitted by its corner-shaped allotment having only two (2) adjoining residential neighbours. The proposal will comprise of only two (2) health consulting rooms with only one (1) additional support staff. The acoustics generated by the carrying out of this activity is therefore considered to be minimal. The proposal ensures that all patrons will enter the site via the Bennett Road entrance. The rear carpark will be utilised by patrons only with staff parking provided in the front setback via Bennett Road. Further, the new landscaping proposed around the peripheries of the site will create an improved visual buffer between neighbours to further soften impacts.	Yes
c) Health consulting rooms should not be located in a cul-de-sac or on a no through road, or in a location where additional vehicles may create traffic conflict or an adverse impact on the amenity of the area.	The site is identified at 194 Bennett Road with its frontage to Bennett Road. The site is not located in a cul-de-sac.	Yes

d) The site is to have a minimum effective lot width of 18m to provide sufficient area for parking and access, as well as achieve an appropriate separation between the development and adjoining properties.	The site provides a frontage width of 25.7m to Bennett Road and a rear boundary width of 30.645m. The property can comfortably provide sufficient off-street parking to accommodate the needs of the site. Further, the site can adequately provide for safe and equitable access both in and around the site which further demonstrates the site's suitability for the proposed use. As previously discussed, all staff parking will be accessed via Bennett Road and the carpark accessible to patrons only. The carpark is suitably separated by an abundance of deep soil planting around the peripheries of the site. The proposal is an improvement to the landscaping currently provided on the site. The proposal has achieved what we believe to be an appropriate level of visual separation between neighbours.	Yes
2) Access and Parking		Yes
a) Parking areas shall be easily accessible from the street and suitably screened by landscaping. Vehicular access into the car parking area is to include a landscaped area, which will act as a noise and visual buffer to adjoining properties. Parking areas, where possible, are to be located to the rear of sites where they do not impact on streetscape character.	There are many examples of tandem parking arrangements in the front setback of the site along Bennett Road. These are evident in both residential and commercial uses existing along Bennett Road. The proposed tandem carparking arrangement in the front portion of the site is therefore consistent with that of the prevailing streetscape. The proposal makes use of the existing vehicular entrance via McLaren Grove to enable sufficient parking for patrons to be provided on the site. The carpark will have no undue impact upon the streetscape as it will be contained to the rear of the site.	
b) Parking for a health consulting room shall be provided at the rate specified in the Transport, Access and Parking section of this Plan.	As previously mentioned and supported in the Car Parking Impact Assessment, the proposal adequately provides for 8 off-street parking spaces on the site. Three (3) spaces are provided for staff and are accessed via Bennett Road. Five (5) parking spaces are provided in the rear setback including one (1) accessible parking bay.	Yes
c) In instances where one practitioner is operating as a home business, the parking arrangements will be assessed on merit.	N/A	N/A

6. Likely Impacts

Acoustic Impacts

The proposed hours of operation are considered sensible in that they will be limited to within 8am – 6pm. The proposal will comprise of two (2) health consulting rooms only with a maximum of three (3) staff operating at any given time (2 doctors and 1 support staff) which demonstrates that this is a relatively small business and suitable to the immediate streetscape. The business of health consulting in itself does not give rise to any undue acoustic impact.

The greatest acoustic impact generated by the ongoing use of the site is that of the sound of vehicles entering and existing the site via McLaren Grove. It is noted that the adjoining property at 192 Bennett Road will unlikely be affected by vehicle noises as their garage immediately abuts the boundary. The rooms which are more sensitive to noise are located on the opposite side of the home and thus unlikely to be adversely impacted by the proposed use with regard to noise.

As previously mentioned, the rear carpark is for patron use only as staff will be entering and existing the site via the Bennett Road entrance. The peripheries of the site will be embellished by landscaping to improve the visual buffer between adjoining properties.

Once parked, patrons will only be able to enter and exit the building via the Bennett Road entrance. The rear exit will only be made available to staff or ambulance staff where required. This will further minimise any noise generated in the rear of the site so to minimise impacts on the adjoining property to the rear.

Visual Impact

The proposal is for the fit out and re-use of an existing structure with minimal impact to the overall presentation of the structure from the street. The building will still present as a dwelling in terms of its type and form with no change made to its prevailing bulk, height or scale.

Minimal external works from Bennett Road are proposed namely to achieve compliance with the relevant disability planning requirements. Whilst the proposal includes construction of a carpark to the rear, these works will not be readily visible from the street. Overall, the proposal is considered to be compatible with the streetscape.

The proposal does not result in any additional openings along the rear western elevation. In fact, the proposal results in the deletion of the northern oriented garage window so to comply with BCA requirements.

Overall, opportunities for overlooking are further reduced as a result of the proposal.

Environmental Impact

As previously discussed, the proposal seeks to construct new carpark to the rear of the site. In order to minimise runoff impacts as well as the amount of hard paving through the site, the proposal has maximised opportunities for new landscaped areas. This includes demolition of the detached pergola/shed structure and re-instatement of new landscaped area including new tree plantings.

The provision of the 12,000L rainwater tank along with the bio-retention swale will further improve the site's opportunities to re-use water where possible and minimise water wastage.

The proposed landscaped areas are a considerable improvement to the prevailing landscaping on the site and is deemed suitable to the type and scale of the development.

It is further recognised that the proposal is unlikely to result in any significant impact to the existing trees on the site and that appropriate tree protection measures are in place to ensure these trees are protected during the construction and ongoing use of the site.

Accessibility

The proposal is accompanied by an Access Report to consider the proposal's deemed compliance with the requirements of the Disability (Access to Premises – Buildings) Standards 2020. The proposal involves a number of modifications to the existing building including a new pedestrian access path via Bennett Road footpath which meanders around the southern side building elevation the rear carpark.

A number of internal modifications are further required to provide improved circulation space throughout the hallway, all rooms including bathrooms as well as a new ramp and front entrance. These proposed modifications will achieve equitable access both in and around the site in accordance with the relevant requirement.

BCA Compliance

The proposal is accompanied by a Design Compliance Assessment which considers the proposal's deemed suitability with the BCA. The assessment demonstrates that the proposal is capable of achieving deemed compliance with the relevant BCA requirements.

7. Site Suitability

The site is located approximately 500m south of the St Clair Shopping Centre (zoned B2) and is located upon a relatively busy local road being Bennett Road. Whilst the proposal will require paving works to accommodate a carpark and enable equitable access through the site, the proposal has also sought the provision of new high-quality landscaping to soften the built form. No construction is proposed to result in any change to the prevailing front, side and rear setbacks of the site. Therefore, appropriate separation from neighbouring properties will continue to be achieved.

The proposal will not result in any significant material change to the property as viewed from the street however requires some internal and external fit out works to accommodate the new use. Overall, the proposal will remain compatible with the streetscape in terms of its height, bulk, scale and form.

A number of businesses operate along Bennett Road within the R2 – Low Density Residential zone. Details of these businesses (including the hours of operation are as follows):

Address	Business name/use	Hours of Op	eration
162 Bennett Road, St Clair	St Clair Mediclinic & Dental Surgery	Monday	8am–5pm
		Tuesday	8am-5pm
		Wednesday	8am-5pm
		Thursday	8am–5pm
		Friday	8am–5pm
		Saturday	8am-1pm
		Sunday	Closed
163 Bennett Road, St Clair	Connect Physio	Mon-Tue Wed-Thu Fri Sat Sun	8am–6:30pm 8:30am–7pm 8am–5:30pm 8am–12pm Closed
177 Bennett Road, St Clair	Cosmetic Beauty and Laser	Monday	9am–7pm
		Tuesday	9am–7pm
		Wednesday	9am–8pm
		Thursday	9am–7pm
		Friday	9am–6pm
		Saturday	8am–3pm
		Sunday	Closed
179 Bennett Road, St Clair	St Clair Physiotherapy & Sports Injury Clinic	Monday	9am–7pm
		Tuesday	9am–7pm
		Wednesday	9am–7pm
		Thursday	10am–7pm
		Friday	9am–7pm
		Saturday	Closed
		Sunday	Closed
191 Bennett Road, St Clair	Kids Learning Academy	Monday	7am–6pm
		Tuesday	7am–6pm
		Wednesday	7am–6pm
		Thursday	7am–6pm
		Friday	7am–6pm
		Saturday	Closed
		Sunday	Closed

It is further acknowledged that there are three (3) medical practices operating in the immediate vicinity. Details of these businesses are provided as follows:

Address	Business name/use	Hours of Operation
Shop 2, St Clair Shopping	St Clair Medical Practice	Monday 8am–7pm
Centre.		Tuesday 8am–7pm
155 Bennett Rd, St Clair		Wednesday 8am–7pm
		Thursday 8am–7pm
		Friday 8am–7pm
		Saturday 8:30am–3pm
		Sunday 9am–3pm
Shop 21, St Clair Shopping	Provincial Medical Centre	Monday 8am–9pm
Centre.		Tuesday 8am–9pm
155 Bennett Rd, St Clair		Wednesday 8am–9pm
		Thursday 8am–9pm
		Friday 8am–9pm
		Saturday 8:30am–7pm
		Sunday 8:30am–1pm
168 Bennett Road, St Clair (the location of the existing	Dr Cole & Pastras's Surgery	Monday:8am - midday2:30pm - 6pm
business)		 Tuesday:8am - midday2:30pm - 6pm
		• Wednesday:8am - midday2:30pm - 6pm
		• Thursday:8am - midday2:30pm - 6pm
		• Friday:8am - midday2:30pm - 6pm
		Saturday:8am - midday
		Sunday:8am – midday
		Public Holidays: 8am-12pm

As previously mentioned, the business (Dr Cole & Pastras's Surgery) currently operates at 168 Bennett Road, St Clair. The proposal is seeking to accommodate the relocation of the business from 168 Bennett Road to 194 Bennett Road, St Clair.

The new site is deemed a more appropriate and economically viable location for the clients. The existing internal and external configuration of the site and dwelling will enable a more appropriate layout which will be better suited to the needs of the clients (staff and patrons included). The proposed hours of operation will remain unchanged to that which is approved under the original consent at 168 Bennett Road, St Clair. It is noted that the proposal does not seek approval for/or involve any expansion of the existing business. The proposal is simply to relocate the business from one site to another.

Existing businesses on Bennett Road operate between the hours of 8am-7pm Monday – Friday and 8am – 3pm Saturday and are closed on Sunday. Whilst the businesses operating within the R2 – Low Density Residential zone do not operate on Sundays or Public Holidays, as noted above, the existing medical practices (albeit located within the shopping centre) operate 7 days a week from as early as 8am to as

late as 3:30pm. The hours of operation proposed under the subject application (as is currently applied for 168 Bennett Road), will align with the hours of operation of the medical centres in the immediate vicinity. The business is a relatively small business and the client does not wish to expand. As previously mentioned, the maximum capacity of doctor's on the site at any given time will be 2.

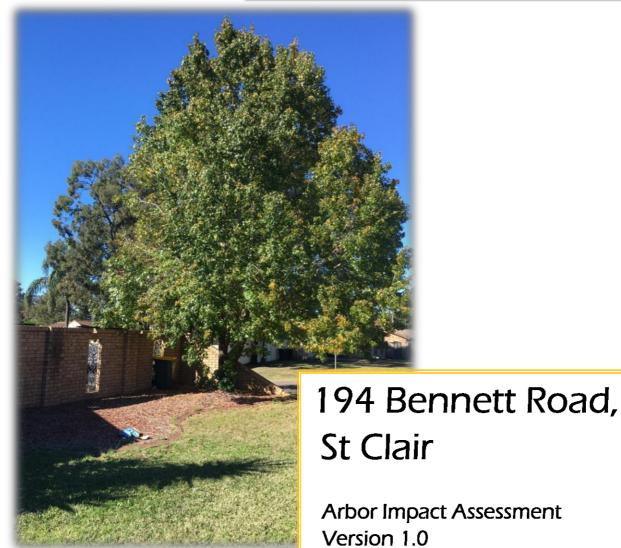
8. Public Interest

The proposal is for the change of use of an existing dwelling for the purposes of a medical centre. The proposal will provide a direct public benefit offering medical services to the local community. The impacts as a result of the proposal have been heavily considered ant it is of our opinion that the proposal is acceptable in this regard.

9. Conclusion

The aspects of the proposal have been heavily considered in order to mitigate impacts where possible and present a positive outcome for the site. The proposal for the fit-out and use of an existing residential dwelling to health consulting rooms for a Doctor's medical practice will provide a direct public benefit and is recommended for Council's consideration.





Prepared By

Luke Smart

AQF V Consulting Arborist



Smart Arbor Professional Consulting ABN: 81214180513

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1. DISCLAIMER

The information provided within this report from Smart Arbor Professional Consulting is independently gathered by the author as an unbiased party and represents only the opinions and summations of the consulting arborist; compiled using the data gathered from the site inspection/s and any relevant information provided by the client or client representative.

It is assumed that any information provided by the client or client representative is accurate, unless later found conflicting with the consulting arborist's findings. In the event of this type of conflict all parts of this report are to be withheld until the matter is resolved.

All recommendations provided in this report relate to the time and date of the initial, and any following, site assessment/s. In the absence of historical records or information provided by the client or client representative, assumptions and findings of the consulting arborist are deemed the relevant data used in this report.

Measurements and locations noted in this report are an approximation and may be based on information found in surveys and further documentation not completed by the author. Exact locations and measurements of landscape require the assessment of a qualified surveyor. Soil profiles and/or samples, tissue samples, invasive testing or aerial/below ground analysis are not completed as part of this service but may be recommended within the report to assist with further investigation.

This report is subject to copyright and no part of it may be used, reproduced, advertised, or used for any media services or separate party consultation without the written consent of the author. No responsibility is accepted for the unauthorized use of this report. If the author and/or consulting arborist is required to provide testimony in a court in relation to this report, this would be deemed as a variation on the scope and will incur additional fees.

No part of this report is to be provided or conveyed to any third party or authority until full payment of invoice is received, or an agreement of a later payment is granted by the author.

No guarantees are implied for any findings or recommendations made within this report. Deficiencies, defects, climatic impacts, environmental changes, vandalism, mechanical impacts, or any other variable that may change the current state of the tree/s assessed are not covered in this report and will not be relevant to the opinions and findings provided.

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2. EXECUTIVE SUMMARY

The report has been commissioned by to provide a qualified assessment for tree specimens on a proposed development site located at 194 Bennett Road, St Clair; a residential property located in the Penrith City Council LGA and subject to Local Government Tree Management policies.

The general vegetation on the site is noted to be a combination made up of 1 exotic tree specimen, exotic shrubs and an exotic turf underlay. The vegetation assessed was 1 tree located on the property and 1 tree in a neighbouring property.

The proposed development that bears any impact to trees on site includes a new driveway and carpark construction at the rear of the property; the widening of an existing driveway and the installation of a new concrete path at the front of the property; and soft landscaping of the property. This will involve construction activities including demolition of existing structures, regrading site levels by excavation and cut/fill processes.

1 tree specimen (Tree No. 1) is located within proximity to the proposed development, creating a low impact encroachment within the TPZ (<10%).

1 tree specimen (Tree No. 2,) is located within proximity to the proposed development, creating a moderate impact encroachment within the TPZ (>10%; <20%).

Recommendations in reference to the vegetation assessed and information on the proposed development provided within this report is as follows:

- ➤ Tree 1 is suitable for retention due to its contribution to shade and aesthetic of the property. Selective pruning should be completed to crownlift the tree away from the adjacent brick wall and remove lower epicormic shoots from the base of the tree as per Fig. 1.2 (PHOTO REFERENCE, page 23) prior to installation of tree protection or site establishment. All recommended tree pruning works should be completed by an experienced Arborist with a minimum AQF III qualification in Arboriculture who holds Public Liability and Workers Compensation insurance. All pruning works must be carried out in accordance with Australian Standard for Pruning of amenity trees (AS4373 2007)^[a].
 An exclusion zone is to be implemented around Tree 1 that extends around the edge of the measured Tree Protection Zone (as indicated on the TREE LOCATION PLAN, page 16), yet provides a 1m clearance from the edge of the proposed carpark to allow for construction activities.
- ➤ Tree 2 is suitable for and should be retained due to being located on the neighbouring property. An exclusion zone is to be implemented on the client's side of the boundary of Tree 2 that extends to the edge of the proposed widened driveway (allowing for installation of formwork), then extends along the fenceline, maintaining the same width, to the edge of the measured Tree Protection Zone (as indicated on the TREE LOCATION PLAN, page 16).

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- ➤ The Exclusion Zones must be implemented as per 10.2-TREE PROTECTION FENCING, page 17 of this report.
- An organic mulch should be installed within the exclusion zones at a depth of 100mm to reduce compaction to the soil and provide supplemental organic matter to the tree.
- ➤ A Project Arborist with a minimum AQF V qualification should be engaged for the duration of the project to manage the implemented TPZs and certify Tree Protection Measures.

Schedule of Tree Management Processes

Stage	Task	Responsible Parties	Process Timing
1	Engagement of Project Arborist to oversee tree health and management	Principal Contractor	Prior to site establishment
2	Undertake pruning of Tree 1	Principal Contractor	Prior to site establishment
3	Install Tree Protection Measure for all trees	Principal Contractor	Prior to site establishment.
4	Certification of Pruning and Tree Protection Measures	Project Arborist	Prior to site establishment.
5	Supervise all excavation works proposed within the TPZ	Principal Contractor Project Arborist	As required prior to the works proceeding adjacent to tree
6	Final Inspection and certification of trees	Project Arborist	Following the removal of tree protection measures from Stage 3

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3. PURPOSE

3.1 - PROPOSAL

The report has been commissioned by to provide a qualified assessment for tree specimens on a proposed development site located at 194 Bennett Road, St Clair; a residential property located in the Penrith City Council LGA and subject to Local Government Tree Management policies.

The objective of this report is to complete a Visual Tree Assessment (Mattheck and Breloer 1994 standard)^[d] and take data to assess and provide advice on the impacts posed on vegetation protected by Local Government policies and provide recommendations to assist and guide management of tree species with the view of retaining and protecting suitable specimens.

Determinations and conclusions are drawn in this report by identifying key factors such as:

- Significant tree specimens
- Trees protected under the Penrith Development Control Plan (Penrith Development Control Plan 2014; C2 Vegetation Management)^(c)
- Trees protected under the Threatened Species Conservation Act (NSW 1995) and/or the Environment Protection and Biodiversity Conservation Act (Commonwealth 1999)
- Trees suitable for retention
- Trees unsuitable for retention
- The impacts by proposed structures to currently existing tree specimens.

The data collected can be read in summarized table form in **TREE DATA COLLECTION FORM** (page 13).

3.2 - LOCAL GOVERNMENT TREE PROTECTION

The site is located within the Penrith City Council LGA and is thus governed by their Development Control Plan. The Penrith Development Control Plan^[c] prescribes vegetation protected under the policy as:

- i) Any native tree (both living and dead) or other vegetation that is on land zoned E2 Environmental Conservation in the Penrith LEP 2010 Land Zoning Map, or on natural resources sensitive land identified in the Penrith LEP 2010 Natural Resources Sensitivity Land Map.
- ii) In all areas, any native vegetation community including remnant native vegetation.

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- iii) In all areas, any tree or other vegetation whether native or introduced having a height of 3.5 metres or more or a trunk diameter exceeding 100mm at 1400mm above ground level
- iv) Any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.
- v) Any tree or other vegetation that is culturally, socially or biologically significant or a unique specimen and has been formally recognised by an appropriate government authority (e.g. a significant tree or vegetation register).

Exemptions apply to protected vegetation that are described on the Council's website, including trees listed on Council's exempt tree species list, which can be pruned or removed without a vegetation permit. One tree specimen assessed in this report (Tree 1) is listed on the Exempt Tree Species List, however this is under the condition that the tree is "growing within 3 metres of underground services, such as sewer lines, water pipes and stormwater lines, where there is documented evidence (e.g. reports by suitably qualified persons) of ongoing damage to services that cannot feasibly be repaired without tree removal." No documented evidence of damage to services has been supplied prior to the completion of this report.

4. METHOD

4.1 – METHODOLOGY

A visual assessment of the trees (VTA⁸ - Mattheck and Breloer 1994 standard)^(d) was performed on 18th May, 2021. VTA⁸ is an industry recognised and standard assessment of an individual tree from ground level to identify tree health and structural symptoms. VTA⁸ is limited to view at ground level, and does not observe symptoms below ground level, or up in the canopy not viewable from ground.

In order to view tree conditions below ground level, excavation around the root base would be required. For viewing areas of the canopy not viewable from ground, an aerial inspection would be required. Neither of these methods were completed at the time of assessment.

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4.2 - INSPECTION DATA

- Genus and species
- Age

(Juvenile, Semi-Mature, Mature, Over-Mature, Senescent)

- Vigor
 - (Good, AVerage, Poor, Dead)
- Growth Habit

(Upright, Spreading, Leaning, Over-Extended, Dominant, Co-Dominant, Multi-Stemmed)

- Crown¹ Form
 - (Symmetrical, ASymmetrical, DEnse, SParse, DOrmant)
- Height (Estimation),
- Canopy Spread (Estimation)
- DBH (Diameter at Breast Height) and DRB (Diameter at Root Base) with Diameter Tape
- IACA STARS[©] Significance value (High, Medium, Low)
- Defects
- General Comments

Data collected is then subject to the SULE (© Jeremey Barrell 2001)^[e] methodology of assessment, which influences any conclusions drawn and recommendations made.

4.3 - TREE DATA DEFINITIONS

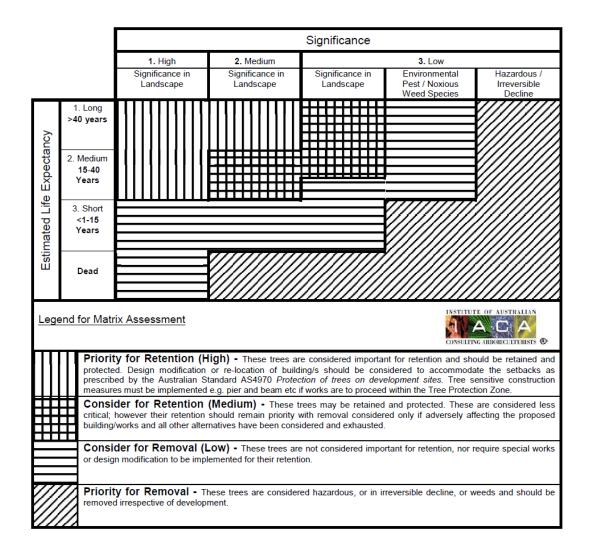
- Age: The definitions for tree age refer to the stage of life and maturity the tree is currently in that is relevant to tree species. Juvenile (J) is where the tree is in a small or sapling form and has not yet reached a stage where it is producing fruit. This category can often refer to a tree specimen that is under Local Government minimum requirements for classification of a tree, but is not necessarily defined by this parameter. A juvenile specimen can grow at an accelerated rate in comparison to the other categories depending on competing species. Semi-Mature (SM) is an age of the tree where it may have reached fruiting ability, however the size and habit does not reflect what would be classified as a fully mature example of its species. This category is governed by tree species and their growth habits. Mature (M) is the category where the tree has reached fruiting ability and the size and habit reflect what is expected from a fully mature specimen. A mature tree will continue to have steady annual growth. Over-Mature (OM) is a mature tree that has considerably slowed its growth rate and has neared its useful life expectancy. Senescent (S) is a stage where the tree is still alive, but no longer capable of putting on new growth. This is the final live stage of a tree.
- ➤ **Vigor:** The definitions for vigor correlate with how well the tree is performing in its environment and inclusive of canopy growth, branch growth and habit, and expression of

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general shape from the species in question. Good (**G**) is signs of new growth both in leaf/canopy and branches. 'Flushing' is a general good indicator. Average (**AV**) is little to no signs of 'Flushing', however growth is stabilizing and there is no significant loss of canopy growth, nor is there excessive presence of deadwood. Poor (**P**) is when the tree shows signs of decline, usually with excessive amounts of deadwood or epicormic growth, along with less canopy leaf presence and little to no progress in branch and trunk growth. Dead (**D**) means no signs of growth, and the tree is irreversible of its condition.

- Forwth Habit: The definitions for growth habit apply to condition and habit of the tree and the form features that impact its shape and other factors. Upright (U) means the tree is generally growing straight up and reaching skyward with little deviation of direction from the point of the root base. Leaning (L) means the tree has deviated from the point of the root base and is favoring a direction that is leaning away. Over-extended (OE) means the tree has an excessive lean that could over-balance the tree, and extreme weather conditions may pose a threat of uprooting the tree. Co-Dominant (CD) means the main leader of the tree has split into two or more main leaders that have started growing their own primary and secondary laterals. Multi-Stemmed (MS) means the tree has begun growth of multiple leaders from the root base that have started their own scaffold of primary and secondary branches.
- ➤ Crown Form: The definitions for crown form describe the shape and habit of the canopy, or crown, and touch upon the vigor or leaf growth habit of the crown also. Symmetrical (S) describes the canopy as being generally even and balanced in all directions, without favoring a direction. Asymmetrical (AS) could refer to a lean or unbalanced canopy, generally seen in species inhibited by other species or unevenly pruned. Dense (DE) describes the canopy as generally full for its species, with decent or 'Flushing'⁴ growth. Sparse (SP) describes the canopy as having less decent growth, or open gaps in the canopy. Dormant (DO) describes the canopy as being non-existent, i.e. no leaves, however this is not necessarily a sign of death or poor vigor as the tree may be deciduous and just during its dormancy stage.
- Significance Value: The definitions for significance value are determined using the IACA Significance of a Tree, Assessment Rating System (STARS)[©]/fl. This rating system assists with tree management in the planning processes for a proposed development that impacts trees protected under Local Government Tree Management Policies. The system defines three categories of significance as High, Medium and Low within the landscape. Once assessment criteria defines the significance of the tree in the landscape, a retention value can then be determined utilising the Priority Matrix as displayed on the next page:



Other variations on values defined and attributed to the significance value of a tree is at the discretion of the author utilizing experience and professional opinion. All such results are discussed in a report's recommendations.

5. OBSERVATIONS

5.1 - SITE DESCRIPTION

The trees are located on and adjacent to a residential block that composes of a single-storey residence, existing driveway, paved paths and footways, brick fencing and landscaped gardens. The block is generally flat with only a gentle north-easterly aspect.

The proposed development that bears any impact to trees on site includes a new driveway and carpark construction at the rear of the property; the widening of an existing driveway and the installation of a new concrete path at the front of the property; and soft landscaping of the property. This will involve construction activities including demolition of existing structures, regrading site levels by excavation and cut/fill processes.

The general vegetation on the site is noted to be a combination made up of one exotic tree specimen, exotic shrubs and an exotic turf underlay. The vegetation assessed was 1 tree located on the property and 1 tree in a neighbouring property.

The approximate location of each tree specimen can be identified on the **TREE LOCATION PLAN** (page 16)

5.2 - VEGETATION COMMUNITY

The local vegetation community is The Shale Plains Woodland^(f). National Parks & Wildlife Services; Native Vegetation of the Cumberland Plains Maps 1-16; 2002 states this ecological community has "a treescape dominated by Eucalyptus moluccana and E. tereticornis with E. crebra, E. eugenioides and Corymbia maculata present as well. Other tree species that populate the area are Exocarpus cupressiformis, Acacia parramattensis subsp. parramattensis and Acacia decurrens. The mid canopy and shrub population is dominated by Bursaria spinosa. Common ground species include Dichondra repens, Aristida vagans, Microlaena stipoides var. stipoides, Themeda australis, Brunoniella australis, Desmodium varians, Opercularia diphylla, Wahlenbergia gracilis and Dichelachne micrantha."

Shale Plains Woodland is the most widely distributed community on the Cumberland Plain however it is listed as endangered under the Threatened Species Conservation Act 1995

No tree species from this community was identified on site.

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5.3 - REFERENCE MATERIAL

- Proposed Site Plan & Landscape Plan by Lara's Design Building Design & Drafting rev.A 28/04/21
- NSW Government; The SEED Initiative; 2021
- NSW Government Department of Planning, Industry & Environment website; article "Cumberland Plain Woodland in the Sydney Basin Bioregion critically endangered ecological community listing" 18/12/09
- Penrith City Council Development Control Plan (Penrith Development Control Plan 2014)
 by Penrith City Council
- IACA Significance of a Tree, Assessment Rating System (STARS) by the **Institute of Australian** Consulting Arboriculturalists; 2010

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INSPECTION: 18/05/21



	33	INSULTING				Growth	Crown	Height	Canopy	DRH	DRH	DRH	DRH				STARS@	ก		
NO#	Genus	Species	Common Name	Age	Vigor	Habit	Form	(m)	(m)	1	2	3		DBH DRE	SRZ	TPZ			General Comments	Encroachment
1	Liquidambar	styraciflua	Liquidambar	М	Av	U, CD	As	10	8	290	200			353 470	2410	4236	L-M	Minor canopy suppression to N from T1	Codominant @0.4m. Adjacent feature wall to NE lifting, likely due to root activity.	3.2m from proposed carpark installation providing a 1.5% cut encroachment to the TPZ
2	Melaleuca	viminalis	Weeping Bottlebrush	М	G	CD	AS	4	4	190	190	180	160	361 290	1968	4332	L	2 x leaders from base, 4 x leaders from 1m. Creeper vine ir lower canopy	Tree located in neighbouring property, against separating wall, 2.9m from NW corner of building	2m from proposed widened driveway works providing an 18.6% cut encroachment to the TPZ

7. DISCUSSION

None of the tree species assessed are part of any highly significant local vegetation community and canopy line. The proposed development appears to be taking an approach in order to retain and maintain the single tree on site as an asset to the development itself.

The extent of impacts to trees on development sites can be broadly rated using the following scale of impact to the tree's health and structure (Guy Parossien):

0% of encroachment into the Tree Protection Zone – 0 to 10% of encroachment into the Tree Protection Zone – 10 to 15% of encroachment into the Tree Protection Zone – 15 to 20% of encroachment into the Tree Protection Zone – 20 to 25% of encroachment into the Tree Protection Zone – 25 to 35% of encroachment into the Tree Protection Zone – >35% of encroachment into the Tree Protection Zone –

No Impact
Low Impact
Low to Moderate Impact
Moderate Impact
Moderate to High Impact
High Impact
Significant Impact

7.1 – Trees with a Low Impact (>10%)

➤ Tree 1 is located on the property frontage and is 3.2m from a proposed carpark, providing a 1.5% encroachment within the Tree Protection Zone. This tree is a Liquidambar (*Liquidamabar styraciflua*) and is considered to be of low-medium significance. The encroachment posed is sustainable, therefore the tree should be retained and protected.

The landscape design for the development incorporates the tree into an area proposed for soft landscaping. An exclusion zone implemented that extends to the edge of the TPZ (allowing for a 1m clearance from the proposed carpark for construction activities) and is kept in place until the proposed landscaping soft works would reduce impact to the root system.

7.2 - Moderately Impacted Trees (>10%; <20%)

Tree 2 is located 2m from the proposed widened driveway, providing an 18.6% cut encroachment within the Tree Protection Zone. The tree, a Weeping Bottlebrush (*Melaleuca viminalis*), is located on the neighbouring property beside the property boundary and was not included on any supplied plans. Regardless of significance, this tree must be retained and protected unless both owner and governing body give consent for its removal.

The measured Tree Protection Zone of this tree is calculated to a greater area than Tree 1, despite being a smaller tree specimen. This is attributed to multiple stems providing a greater average Diameter at Breast Height (DBH) than the single stemmed specimen that is Tree 1. With this consideration in mind the provision of an exclusion zone installed from the fenceline, extending to the proposed edge of the widened driveway, and extending 4.5m on either side of the tree along the fenceline at the same width should compensate towards a sustainable impact to the tree.

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7.3 - Other Trees Assessed and General Notes

Multiple small tree specimens were identified on site including Yuccas, a Mexican Fan Palm, and multiple Viburnum shrubs. All of these trees were measured as under 3m and/or having a stem DBH less than 100mm and were not assessed as part of this report.

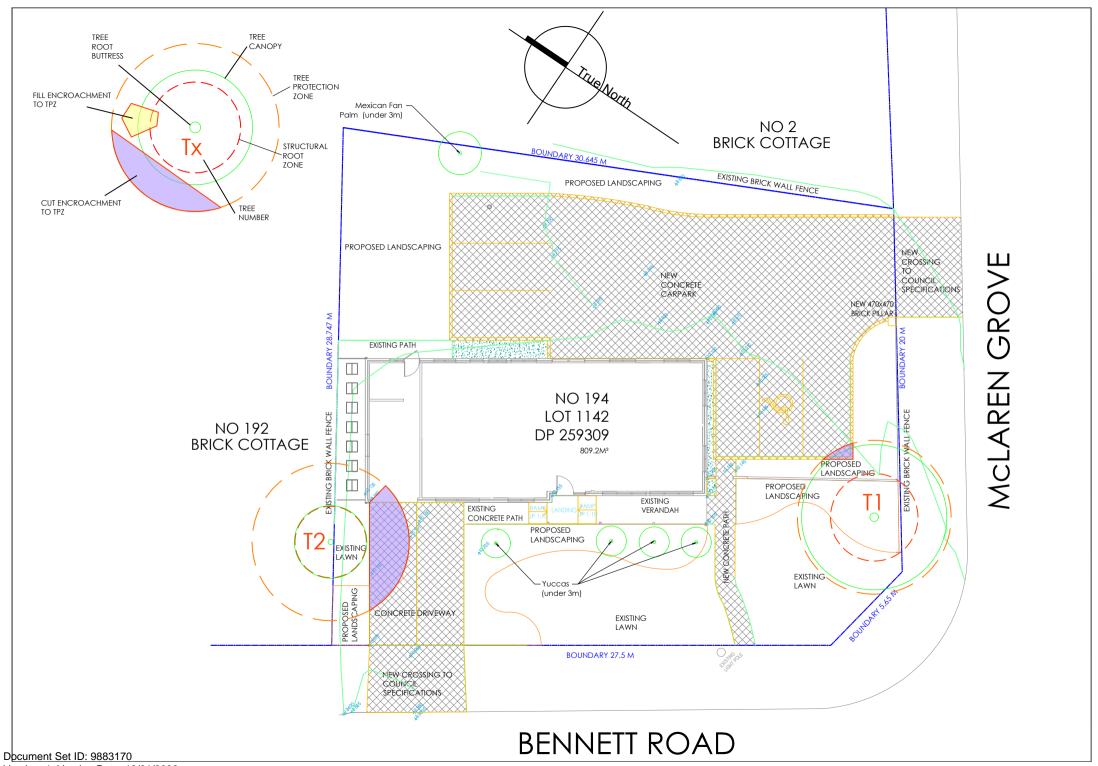
8. RECOMMENDATIONS

- Free 1 is suitable for retention due to its contribution to shade and aesthetic of the property. Selective pruning should be completed to crownlift the tree away from the adjacent brick wall and remove lower epicormic shoots from the base of the tree as per Fig. 1.2 (PHOTO REFERENCE, page 23) prior to installation of tree protection or site establishment. All recommended tree pruning works should be completed by an experienced Arborist with a minimum AQF III qualification in Arboriculture who holds Public Liability and Workers Compensation insurance. All pruning works must be carried out in accordance with Australian Standard for Pruning of amenity trees (AS4373 2007)^[a].

 An exclusion zone is to be implemented around Tree 1 that extends around the edge of the measured Tree Protection Zone (as indicated on the TREE LOCATION PLAN, page 16), yet provides a 1m clearance from the edge of the proposed carpark to allow for construction activities.
- Tree 2 is suitable for and should be retained due to be located on the neighbouring property. An exclusion zone is to be implemented on the client's side of the boundary of Tree 2 that extends to the edge of the proposed widened driveway (allowing for installation of formwork), then extends along the fenceline, maintaining the same width, to the edge of the measured Tree Protection Zone (as indicated on the TREE LOCATION PLAN, page 16).
- ➤ The Exclusion Zones must be implemented as per 10.2-TREE PROTECTION FENCING, page 17 of this report.
- An organic mulch should be installed within the exclusion zones at a depth of 100mm to reduce compaction to the soil and provide supplemental organic matter to the tree.
- ➤ A Project Arborist with a minimum AQF V qualification should be engaged for the duration of the project to manage the implemented TPZs and certify Tree Protection Measures.

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Version: 1, Version Date: 18/01/2022

10. TREE PROTECTION PLANNING

10.1 – Engagement of A Project Arborist

The engagement of a Project Arborist is required to oversee and certify tree protection measures implemented prior to any site establishment works and maintained for the duration of the construction process. The Project Arborist is to perform additional site inspections as required at each stage of the development that may impact tree health including supervision of construction works with a tree's measure TPZ, pruning of trees away from construction activities, etc. The Project Arborist should also be notified in the event the protected trees are damaged or are showing signs of decline which may require further management recommendations.

10.2 - Tree Protection Fencing

When required as part of an approved Development Application, tree protection fencing shall be installed prior to site establishment to establish the TPZ for trees to be retained. Tree protection fencing shall be maintained for the duration of the development schedule. The Tree Protection Fencing should enclose as much of the TPZ as can reasonably be fenced off, allowing for pedestrian access and a minimum 1m offset around construction footprint and scaffolding. The fencing should be made up of steel with a chain mesh or fence palings with plywood panels that is lockable and a minimum 1.8m in height. All Tree Protection Fencing should be sign posted with a 'no access' instruction and contact details for the Project Manager and Project Arborist. This should all be certified by the Project Arborist.

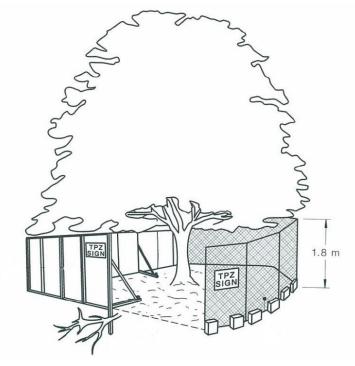


Image from AS 4970 'Protection of Trees on Development Sites'; Standards Australia; 2009

10.3 - Other Tree Protection Measures

Other measures that can assist with the protection of the canopy, trunk, branches, or roots from the risk of damage can include:

- A 100mm layer of approved mulch to be installed to the TPZ.
- A temporary drip irrigation system to be installed to the TPZ.
- Ground protection matting for staff, equipment and machinery access over tree roots.
- Trunk and branch battens and/or wrapping.

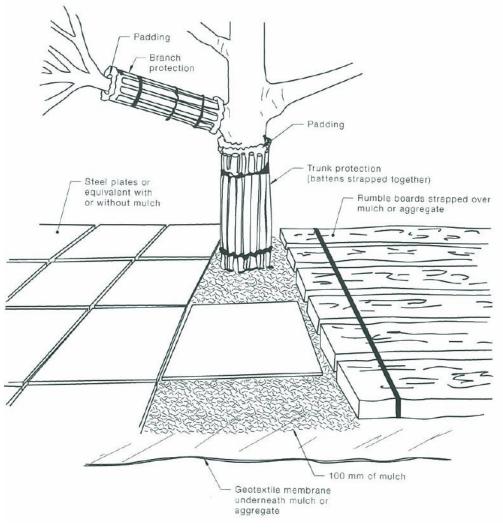


Image from AS 4970 'Protection of Trees on Development Sites'; **Standards Australia**; 2009

10.4 - Excavation within the TPZ

Excavation within the TPZ should be avoided, however this is not always realistically the case during a development. All efforts to preserve tree root systems should be taken including:

- Supervision from the Project Arborist during excavation.
- Excavation to be completed by hand when reasonable to avoid damage to roots.
- Root mapping may be required prior to excavation and should be completed with the
 use of either ground penetrating radar, air spade, water laser or by hand excavation;
 and should be certified by the Project Arborist.
- Where roots >50mm diameter are encountered, alternative construction methods should be considered to ensure roots are not damaged. Allowance should also be made for future root growth.
- Under-boring for services proposed below the root ball of the tree should be considered and certified by the Project Arborist.

10.5 - Fill

All fill material to be placed within the TPZ should be approved prior by the Project Arborist and be interfaced with a large diameter gravel or pebble to provide aeration and percolation to the root zone.

10.6 - Paving

Proposed paved areas within the TPZ should be placed on or above grade to minimise excavation and avoid root severance and/or damage. Pavements should be permeable or porous.

10.7 - Pruning

All recommended pruning works (including root pruning) should be in accordance with Australian Standard for Pruning of amenity trees (AS4373 - 2007)^(a). If required, roots should be severed with clean sharp implement flush with the face of the excavation and maintained in a moist condition. Root pruning shall be performed under the supervision of the Project Arborist.

10.8 - Tree Removal

Tree removal work shall be carried out by an experienced Arborist in accordance with the NSW Work Cover Code of Practice for the Amenity Tree Industry (1998) and holds Public Liability and Workers Compensation insurance. Care shall be taken to avoid damage to trees during the felling operation. Stumps shall be grinded using a mechanical stump grinder to a minimum depth of 300mm without damage to other retained root systems.

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10.9 - Tree Damage

In the event of damage to a tree or the TPZ of a tree to be retained, the Project Arborist should be advised in order to provide advice on remedial action. This should be implemented as soon as practicable and certified by the Project Arborist.

10.10 - Post Construction Tree Management

Tree protection fencing with additional trunk and root protection shall be removed following completion of the development schedule. Any mulch layer installed for root protection should be reduced to a 75mm layer and retained on site. In the event of any tree deteriorating in health after the development schedule is complete, the Project Arborist should be engaged to provide advice on any remedial action.

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11. APPENDIX

- 1. Crown: The canopy of the tree from the starting point of the tree's first primary lateral.
- 2. **Deadwood:** Leaves and branches that have died back and are of an irreversible condition.
- 3. **Epicormic:** The growth that occurs at the point of the epicormic bud that become active shoots when reacting to damage or stress in the tree.
- 4. **Flushing:** Fast green leaf growth occurring in reaction to ideal or high nutrient conditions for the tree.
- 5. Tree Protection Zone (TPZ): The area calculated (DBH \times 12) as a protective buffer to isolate a tree from construction and excavation disturbance so the tree may remain viable.
- 6. **Structural Root Zone (SRZ):** The area calculated (**(DRB x 50)**^{0.42}**x 0.64**) that estimates root growth requiring to be retained for stability of the tree.
- 7. **Encroachment:** An activity or disturbance that takes place within proximity to the tree and inside the Tree Protection Zone.
- 8. **Visual Tree Assessment (VTA):** a non-invasive biomechanically based system of Tree Assessment developed by Claus Mattheck and Helge Breloer, examining the health and structural condition of individual trees.
- 9. **Canker:** A symptom of an infectious fungal pathogen that has entered between the bark cambium and heartwood that can display as a discolouration, a depression in the bark, or a wound that continues to attempt to heal but is continuously expanding.

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12. REFERENCES

- a) Standards Australia; AS 4373 Pruning of amenity trees; 2007
- b) Standards Australia; AS 4970 Protection of trees on development sites; 2009
- c) Penrith City Council; Penrith Development Control Plan; C2 Vegetation Management, 2014
- **d)** Claus Mattheck; Helge Breloer; **The body language of trees : a handbook for failure analysis**; 1994
- e) Jeremy Barrell; SULE: Its use and status into the New Millennium; modified paper, 2001
- f) Institute of Australian Consulting Arboriculturalists; IACA Significance of a Tree, Assessment Rating System (STARS)[©]; 2010
- g) NSW Government; The SEED Initiative; 2021
- h) NSW Government Department of Planning, Industry & Environment website; article "Cumberland Plain Woodland in the Sydney Basin Bioregion critically endangered ecological community listing" 18/12/09
- i) Richard W. Harris; James R. Clark; Nelda P. Matheny; **Arboriculture: Integrated Management of Landscape Trees, Shrubs**, and **Vines**; 4th Edition 2004

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13. PHOTO REFERENCE





Fig 1.1 - Tree 1



Fig 1.2 - Tree 2 – recommended pruning

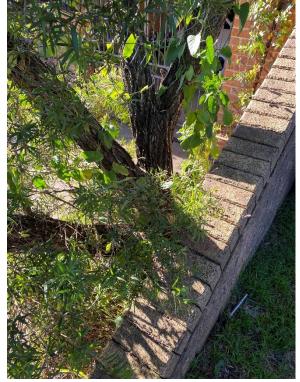


Fig 2.2 - Tree 2 – proximity to boundary

Fig 2.1 - Tree 2