SWCPP Ref. No.:	PPSSWC-144
DA No.:	DA21/0130
PROPOSED DEVELOPMENT:	Alterations & Additions to Wallacia Country Club including Internal Building Alterations to Form Function Rooms & Expanded Gaming Areas & Facilities, Addition of Indoor Swimming Pool, Gymnasium & Synthetic Bowling Green, Expansion & Modification of Car Parking Area, Road Works, Tree Removal, Landscaping Works including Practice Putting Green, Stormwater Drainage Works & Site Servicing Works
PROPERTY ADDRESS:	17 Park Road, WALLACIA NSW 2745 13 Park Road, WALLACIA NSW 2745
PROPERTY DESCRIPTION:	Lot 4 DP 18701, Lot 3 DP 18701, Lot 1 DP 1254545,
ZONING:	C3 Environmental Management - LEP 2010 RU5 Village - LEP 2010
CLASS OF BUILDING:	Class 9b, Class 10b, Class 7a
ASSESSING OFFICER	Jacqueline Klincke
APPLICANT:	St John's Park Bowling Club Ltd
DATE RECEIVED:	1 March 2021
REPORT BY:	Jacqueline Klincke, Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

Council is in receipt of a Development Application from St John's Park Bowling Club Ltd (the Applicant) for alterations and additions to the Wallacia Golf Club building known as Wallacia Country Club, construction of an attached pool and gymnasium building, new bowling green and putting green, formalisation and extension of car park, road and intersection woks, tree removal and landscaping and stormwater drainage works at 13, 17 and 19 Park Road, Wallacia.

The subject allotments form part of a larger site (being the Wallacia Golf course) subject to a separate consent (DA17/1092) approved in the NSW Land and Environment Court for a mixed-use development comprising of a cemetery, chapel, crematorium, function centre, administration building, internal roads, car parking, landscaping, services and stormwater works. This application was originally refused by the Sydney Western City Planning Panel (SWCPP) on 12 July 2019, as directed by the Independent Planning Commission (IPC).

On 20 November 2019, the applicant filed a Class 1 appeal against the refusal of DA17/1092 with the Land and Environment Court (NSWLEC 2019/364850). On 24 December 2020, the Applicant filed a Notice of Motion seeking leave to amend DA17/1092 and seek consent for:

- Stage 1 – Refurbishment of Wallacia Country Club, new bowling green, gym, and indoor swimming pool.
- Stage 2 – 27,000 Burial Plots and 9-hole Golf Course
- Stage 3 – Cessation of golf course use, expansion of cemetery with approximately 40,000 Burial Plots and rehabilitation of Jerry's Creek

On 29 January 2021, the Court granted leave to the Applicant to amend the development application to reduce the overall number of burial plots, limited to 40,000, and remove the refurbishment works associated with the existing golf clubhouse from the application. Consequently, this development application has been prepared and lodged by St

John's Park Bowling Club to address this issue. On 11 May 2021, the application and cemetery was approved by the NSW LEC. It is not know if the Applicant for DA17/1092 can act on the consent noting recent changes to Crown authorities in the sector.

It is also noted that on 11 December 2019, the Catholic Cemeteries Board lodged a separate development application (DA19/0875) for the change of use of part of an existing golf course into a cemetery with chapel and administration building, and alterations and additions to an existing golf clubhouse with new pool, gym, bowling green and putting green, and subdivision. This application was determined by the SWCPP by way of Approval, subject to a Deferred Commencement consent on 31 August 2021.

The scope of works approved to the Wallacia Golf Club building under DA19/0875 are the same as proposed in this subject application. A condition of consent has been imposed requiring DA19/0875 to be surrendered if works approved under this subject development application proceed.

Under the *Penrith Local Environmental Plan 2010* (PLEP), the subject site is zoned part RU5 Village and C3 Environmental Management. The portion of the proposed car park south of the existing Clubhouse along the Park Road frontage and proposed terrace for outdoor gaming is located within the RU5 zone. The existing Clubhouse building, proposed bowling and putting greens, new Pool/Gymnasium complex, and car park extension to the north and west of the site is located within the C3 zone.

The use of the land for the purposes of a golf course and ancillary golf clubhouse are prohibited in the C3 zone, however, the existing Golf Course use and ancillary Golf Clubhouse building benefit from an existing use right as defined under the Act. There is evidence to suggest that the Golf Course and ancillary Golf Clubhouse have operated since around 1932, with Council records indicating the use was in operation prior to 1987, and therefore the alterations to the existing ancillary Golf Clubhouse and Golf Course can be supported having regard to the ability to alter an existing use as detailed in the Regulations.

The expansion of the ancillary Golf Clubhouse is regarded as an intensification of the existing use, and the extension is located on land in which the existing use right applies. Furthermore, it is considered that the existing car park is also associated with the existing use right and therefore, the land upon which both the car park and proposed car park extension to the north of the Golf Clubhouse is located also benefits from the existing use rights.

The proposed formalisation of the carpark south of the existing golf clubhouse, located on two (2) separate lots from the golf clubhouse, is situated on RU5 zoned land. *'Car parks'* are permissible in the RU5 zone under the PLEP.

The applicant asserts that the proposed pool and gymnasium building is best defined as a *'community facility'* which is a permissible use in the C3 zone. The applicant has confirmed that the complex will be owned, controlled and operated by St John's Park Bowling Club which is a non-profit community organisation, and the facility will be open to the general public and non-members. This satisfies the definition of a *'community facility'* as prescribed in the PLEP and therefore, the pool and gymnasium component of the development is permissible, subject to consent.

The proposed bowling green has been assessed within the broader context of the existing Golf Course, the proposed lawn bowls use is considered an outdoor passive sport and recreational activity carried out on grass, that patrons of the Golf Course can partake in, and it is not too dissimilar to the activity of golf and the adjoining existing putting green. The bowling green is therefore considered to be an alteration to the present existing use (i.e. golf course and ancillary golf clubhouse) which does not relatively change that dominant use and is subservient to the primary use of the land as a golf course, thus benefiting from the existing use rights of the golf course on the same parcel of land.

To ensure that the ancillary Golf Course remains ancillary and thus benefits from existing use rights, a condition of consent is recommend to require the cessation of the use of the golf clubhouse at any time the broader site ceases to be used as a golf course for a time period greater than 3 months.

Key issues considered as part of the assessment of the proposed development include:

- Permissibility and existing use rights including the new pool and gymnasium building, car park, bowling green and putting green,
- Impacts of the development on biodiversity significance values,
- Potential land contamination matters,
- Considerations under the Infrastructure and Transport SEPP and requirement for TfNSW concurrence,
- Impacts on local character, streetscape and heritage values including the proposed design of the existing ancillary golf clubhouse, new pool and gymnasium building and extension of hardstand for car parking,
- Landscaping and embellishment treatment along the Park Road frontage, site boundaries, and adjoining residential properties,
- Noise impacts to nearby residential receivers associated with the proposed deck and outdoor gaming area, and
- Stormwater and water sensitive urban design principles.

The application was reviewed by Council's specialist officers in relation to the technical aspects of the proposal with no significant objections being raised from the relevant officers in relation to public health, environmental management, biodiversity, building code compliance, stormwater design and waterways.

It is noted Council's Heritage Advisor does not support the proposal as the submitted Heritage Impact Statement recommends archaeological test excavations be undertaken post consent, rather than be undertaken as part of the assessment process of the application and prior to its determination. Notwithstanding this, conditions of consent have been provided in this regard.

The application was also referred to Transport for NSW (TfNSW) for concurrence under Section 138 of the *Roads Act 1993* and Clause 2.121 (Traffic-generating development) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021.* TfNSW provided concurrence, dated 15 April 2021, raising no general objections, subject to conditions of consent. Conditions included minor design amendments to the proposed intersection within Park Road and access driveway which the applicant has subsequently provided amended plans to address in response.

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F2 of the *Penrith Local Environmental Plan 2014,* the application was notified to adjoining properties and was advertised and publicly exhibited between 22 March and 21 April 2021.

A total of 22 individual submissions were received and the issues raised include: negative impacts on character and scenic landscapes, traffic generation and parking impacts, biodiversity and environmental impacts, impact on public health, amenity impacts relating to proposed road works, and permissibility and contradiction to zone objectives. These submissions and issues raised are considered and addressed throughout this report. It is also noted that a number of submissions raised objections to the cemetery previously approved under DA17/1092 and the cemetery approved (via deferred commencement) under DA19/0875. However, the Cemetery is not within the scope of works under this subject development application.

The application was briefed to the Sydney Western City Planning Panel (SWCPP) on 15 November 2021. Matters raised for further consideration included the issue of existing use rights, revisions to the proposed traffic infrastructure within Park Road, streetscape presentation to Park Road noting landscape buffering along the Park Road frontage is critical, and further consideration in addressing issue of sustainability including the incorporation of solar panels, battery storage, renewable source of energy used for pool heating, and the potential of the car park operating as a heat sink due to extensive hardstand with limited canopy trees. The consideration of these matters is provided throughout this report.

A component of the proposal is defined as a *community facility*, being the gym, pool and associated car park, with documents submitted in support of the application identifying the proposal will have a combined Capital Investment Value (CIV) greater than $5 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for '*Private infrastructure and community facilities over $5 million*' is classed to be 'regionally significant development'. Therefore, in accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979,* the Sydney Western City Planning Panel (SWCPP) is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions of consent.

Site & Surrounds

The site is approximately 1.669ha in area and is made up of three allotments commonly known as 13 and 17 Park Road, Wallacia, and is legally described as Lot 1 in DP 1254545 and Lots 3 and 4 in DP 18701.

Image 1: Aerial Photo of Subject Site.
Source: Nearmaps.

The site currently contains part of the Wallacia Golf Course (with the remainder of the 18-hole golf course located on adjacent Lot 2 in DP 1254545), a golf clubhouse building, practice putting area, a carpark and a number of trees and shrubs. Jerrys Creek is located nearby to the east of the building and runs north-south across the eastern third of the golf course and is a tributary of the nearby Nepean River which is located approximately 370 meters to the west. Lots 3 and 4 in DP 18701 also known as 17 Park Road are vacant and are utilised as informal overflow car parking related to the existing golf Clubhouse.

The site shares a part of its western boundary with a locally listed heritage item known as Wallacia Hotel at 1590-1594 Mulgoa Road, Wallacia (Item no. 325, Schedule 5 of PLEP) and shares a part of its southern boundary with a locally listed heritage item known as St Andrew's Anglican Church at 25 Park Road, Wallacia (Item no. 326, Schedule 5 of PLEP). The area of the clubhouse southern carpark and driveway shares its western boundary with a locally listed archaeological site known as Luddenham Homestead site at 1-9 Park Road (Item no. A849).

A locally listed heritage conservation area being the Mulgoa Road Conservation Area (HCA5) is located nearby to the north-west and the subject site is opposite the locally listed Park Road Conservation Area (HCA6). Other locally listed heritage items in the site's vicinity include Wallacia Public School at 1573-1585 Mulgoa Road (Item no. 852) and Wallacia Post Office at 1589 Mulgoa Road (Item no. 851). Nearby Greendale Road contains a number of other locally listed heritage items.

Wallacia is a low density small rural village, with the township positioned north-south, aligned with Mulgoa and Greendale Roads and spanning east-west aligned with Park Road. The site is located on the northern side of Park Road with a combined frontage to Park Road of approximately 61m.

Commercial uses are located along the western boundary of the site and have frontage to Mulgoa Road close to the intersection with Park Road. The site also shares a portion of its western boundary with two rear yards of single residential dwellings which have frontage to Mulgoa Road.

A seniors housing development is located on the southern side of Park Road at the intersection with Greendale Road. A small subdivision of residential allotments is located in the area south of Park Road and east of nearby Crossman Reserve, with streets named in recognition of the golf course, such as Driver Avenue, Green Street, Eagle Street, Lark Place and Golfview Drive.

Larger rural land holdings are located to the north and north-east of the site which contain agricultural uses such as market gardens. Wallacia Public School, a service station, Wallacia Caravan Park and the heritage listed post office are all located a short distance from the site.

The site is approximately 18km south of the Penrith CBD and is approximately 3km west of the village of Luddenham. The site of the Western Sydney International Nancy Bird Walton Airport is approximately 5km to the south-east with access off The Northern Road and Elizabeth Drive. Warragamba Dam is approximately 4.5kms to the south-west.

Relevant Site History:

- DA 379-87 - Extensions to existing clubhouse - approved 3/5/1988.
- DA03/1128 - Improvements to Wallacia Golf Course - approved 16/12/2003.
- DA17/1092 - Cemetery including 67,000 burial plots, cessation of golf course and rehabilitation of Jerry's Creek.
- DA19/0875 - Change of use of part of Golf Course to Cemetery including 27,000 burial plots and administration building, alterations and additions to the existing golf clubhouse with the pool and gym building, new bowling green and putting green, and land subdivision - Approved, via a Deferred Commencement consent on 31 August 2021.

Proposal

This Development Application seeks consent for the following components:

- Alterations and Additions to Existing Clubhouse to include:

- Lower Ground Floor:
  - Upgraded and reconfigured Golf pro-store, kitchen and bar back-of-house areas, function rooms, bathrooms and Junior's room
  - Additional terrace area, and storerooms; and
  - Removal of change rooms and stairwell.
- Ground Floor:
  - Upgrades and reconfigured dining area, bathrooms, gaming area and kitchen;
  - Additional deck, outdoor gaming area, kitchen and dining area;
  - Removal of stage and TAB area.

- Construction of a Pool/Gymnasium Building located north of the existing clubhouse building and attached via a covered walkway and includes:

- Indoor 25m swimming pool with pool hoist;
- Pool deck;
- Administration area;
- Managers office;
- Male, female and accessible bathrooms; and
- Storeroom.
- Gym area with entry foyer, locker rooms and toilet facilities

- Proposed Hours of Operation are as follows:

- Wallacia Country Club:
  - 10:00am to 10:00pm Mondays, Wednesdays and Thursdays,
  - 10:00am to 9:00pm Tuesdays and Sundays, and
  - 10:00am to 11:00pm Fridays and Saturdays.
- Pool and Gym:
  - Monday - Sunday: 6:30am - 10pm, 7 days a week.

- New synthetic bowling green and practice putting green

- Alterations, expansion and formalisation of existing car park to provide for a total of 145 car parking spaces

- Landscaping and screen planting around the refurbished Club, road frontage and side boundaries

- Civil and intersection road works to park road including pedestrian footpath

- Stormwater infrastructure and other site services

The abovementioned components are demonstrated in Image 2 below.

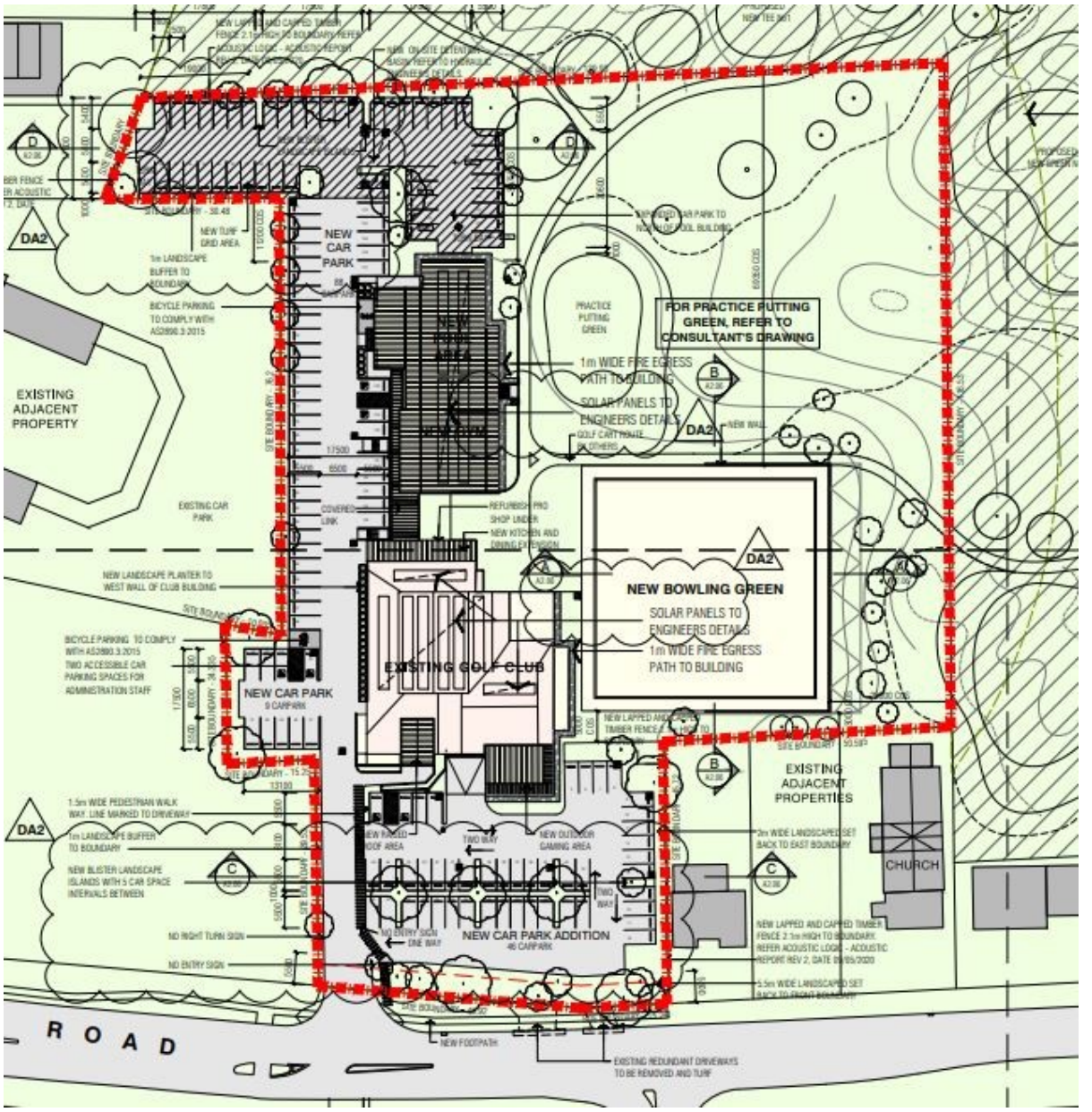

Image 2: Proposed Site Plan.
Source: Axil architecture.

It is noted the reconfiguration of the existing Golf Course is subject to a separate development application (i.e. DA17/1092) and does not form part of this application.

No advertising or business identification signage is proposed under this application. Any future proposed sign will be subject to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or a development application submitted to the consent authority for approval.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Assessment

- **Section 1.7 - Application of Part 7 of Biodiversity Conservation Act 2016**

  As demonstrated in Images 3 and 4 below, portion along the northern boundary of the site is identified on the Biodiversity Values Map and the proposed development is located within this area, and includes tree/shrub removal throughout the development site.

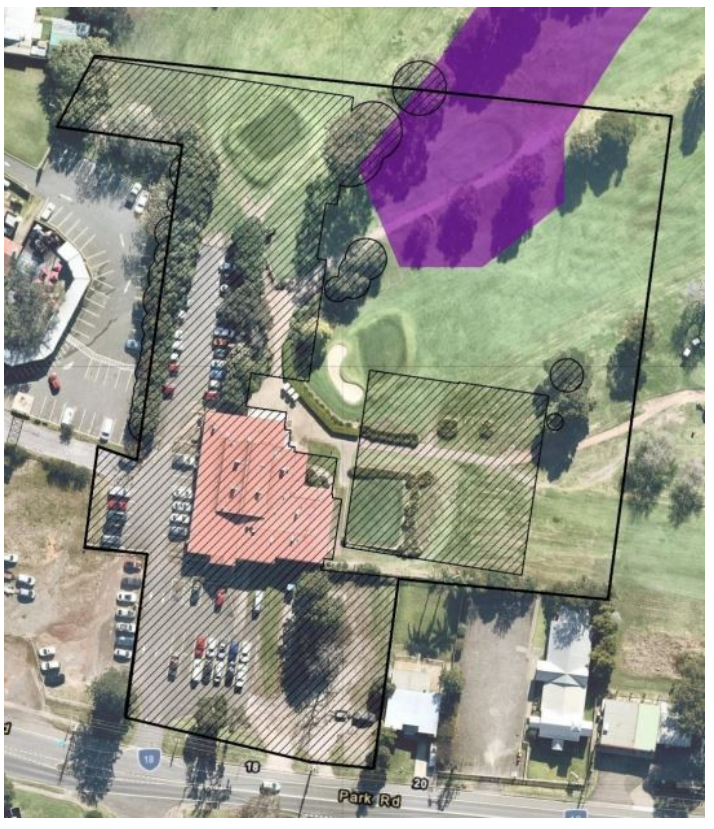

Image 3: Biodiversity Values Map.
Source: BDAR, prepared by Eco Logical, dated 8/6/2021

Image 4: Location of Native and Exotic/Ornamental Species.
Source: BDAR, prepared by Eco Logical, dated 8/6/2021.

In this regard, an assessment against the *Biodiversity Conservation Act 2016* is required.

Under this Act, ***Biodiversity values*** means:

(a) vegetation integrity—being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state,
(b) habitat suitability—being the degree to which the habitat needs of threatened species are present at a particular site,

(c) biodiversity values, or biodiversity-related values, prescribed by the regulations.

Clause 6.12 Biodiversity development assessment report

Clause 6.12 Biodiversity development assessment report (BDAR), of the *Biodiversity Conservation Act 2016* sets out that a BDAR is a report by an accredited person in relation to proposed development or activity that would be authorised by a planning approval, or proposed clearing that would be authorised by a vegetation clearing approval, that -

(a) assesses in accordance with the biodiversity assessment method the biodiversity values of the land subject to the proposed development, activity or clearing, and
(b) assesses in accordance with that method the impact of proposed development, activity or clearing on the biodiversity values of that land, and
(c) sets out the measures that the proponent of the proposed development, activity or clearing proposes to take to avoid or minimise the impact of the proposed development, activity or clearing, and
(d) specifies in accordance with that method the number and class of biodiversity credits that are required to be retired to offset the residual impacts on biodiversity values of the actions to which the biodiversity offsets scheme applies.

A BDAR accompanied the development application and was prepared by Eco Logical Australia, dated 8 June 2021, and assessed by an Accredited Assessor (BAAS19045)

Part 7

Part 7 of the *Biodiversity Conservation Act 2016* relates to *Biodiversity assessment and approvals under Planning Act.* Clause 7.7(2) requires that if the proposed development is likely to significantly affect threatened species, the application for development consent is to be accompanied by a biodiversity development assessment report (BDAR). As detailed above, the application was accompanied with a BDAR.

Clause 7.12 Concurrence of Environment Agency Head if a Minister is not consent authority under Part 4 or determining authority under Part 5

Clause 7.12 requires that the '*consent authority is not to grant development consent if the development is likely to significantly affect threatened species, unless the consent authority has obtained the concurrence of the Environmental Agency Head. However, concurrence is not required if -*

(a) the application for development consent is accompanied by a biodiversity development assessment report in accordance with Division 2, and
(b) in a case in which the biodiversity offsets scheme applies to the impacts of the development—the conditions of the consent require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values of at least the number and class specified in the report.

As noted above, a BDAR has been submitted and no offsets are required for the removal of vegetation within the development site, as discussed below.

Clause 7.13 Development other than State significant development or infrastructure

Clause 7.13(2) states that the consent authority, when determining in accordance with the EP&A Act any such application, is to take into consideration under that Act the likely impact of the proposed development on biodiversity values as assessed in the BDAR. The clause includes that the *'consent authority may (but is not required to) further consider under that Act the likely impact of the proposed development on biodiversity values' .*

Clause 7.13(3) requires that should the consent authority grant consent ...*'and the biodiversity offset scheme applies to the proposed development, the conditions of the consent must require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values of the number and class specified in the report (subject to subsection (4)). The residual impact is the impact after the measures that are required to be carried out by the terms of conditions of the consent to avoid or minimise the impact on biodiversity values of the proposed development (being measures on which the report was based)'.*

Subsection (4) states that *'the consent authority may reduce or increase the number of biodiversity credits that would otherwise be required to be retired if the consent authority determines that the reduction or increase is justified having regard to the environmental, social and economic impacts of the proposed development'.* Subsection (4) requires that the consent authority must give reasons for a decision to reduce or increase the number of biodiversity credits.

Subsection (5) requires that a condition to retire biodiversity credits is required to be complied with before any development is carried out that would impact on biodiversity values. Credits can be retired in a staged approach for concept and staged developments.

Subsection (6) confirms that the matters for consideration in relation to impacts on biodiversity values or the ability to require more or less credits to be retired is not limited by this section.

Clause 7.16 Proposed development or activity that has serious and irreversible impacts on biodiversity values

Serious and irreversible impacts (SAII) on biodiversity values means ...*'serious and irreversible impacts on biodiversity values as determined under section 6.5 that would remain after the measures proposed to be taken to avoid or minimise the impact on biodiversity values of the proposed development or activity'.* The consent authority *must refuse* to grant consent in the case of an application under Part 4 if it is of the opinion that the proposed development is likely to have SAII on biodiversity values.

In this regard, the submitted BDAR was referred to Council's Senior Biodiversity Officer for review and assessment. It was found that the proposed development will result in the removal of approximately 0.19 hectares of exotic/ornamental vegetation (which does not require assessment) and 0.04 hectares of planted native vegetation whereby some of the native vegetation is positioned within the area identified on the Biodiversity Values Map. The removal of the native planted vegetation was assessed using a streamlined assessment for Planted Native Vegetation which was deemed to be a suitable method of assessment. Following implementation of this assessment, it was concluded that direct impacts to the site resulting from the proposed vegetation removal are negligible and does not result in serious or irreversible impacts to native flora or fauna. In this regard, no offsets or credits are required for the removal of the vegetation.

Notwithstanding this, Council's Senior Biodiversity Officer has recommended several standard conditions of consent to act as controls for direct, indirect and prescribed impacts as part of the construction of the proposed development.

In light of the above, an assessment of the proposal against Part 7 of the *Biodiversity Conservation Act 2016* has been undertaken and the proposal is satisfactory, subject to conditions of consent.

- **Section 2.12 – Sydney Western City Planning Panel (SWCPP)**

In accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979,* the Sydney Western City Planning Panel (SWCPP) is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

The proposal is defined as a ***community facility***, being the gym, pool and associate car park, and documents were submitted with the application identifying the proposal will have a combined Capital Investment Value (CIV) greater than $5 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for '*Private infrastructure and community facilities over $5 million*' is classed to be 'regionally significant development'.

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

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent - certain bushfire prone land) of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following points are made.

The subject site is not mapped as bushfire prone land, however, is within close proximity (i.e. approximately 110m) of land identified as bushfire prone, as demonstrated in Image 5.

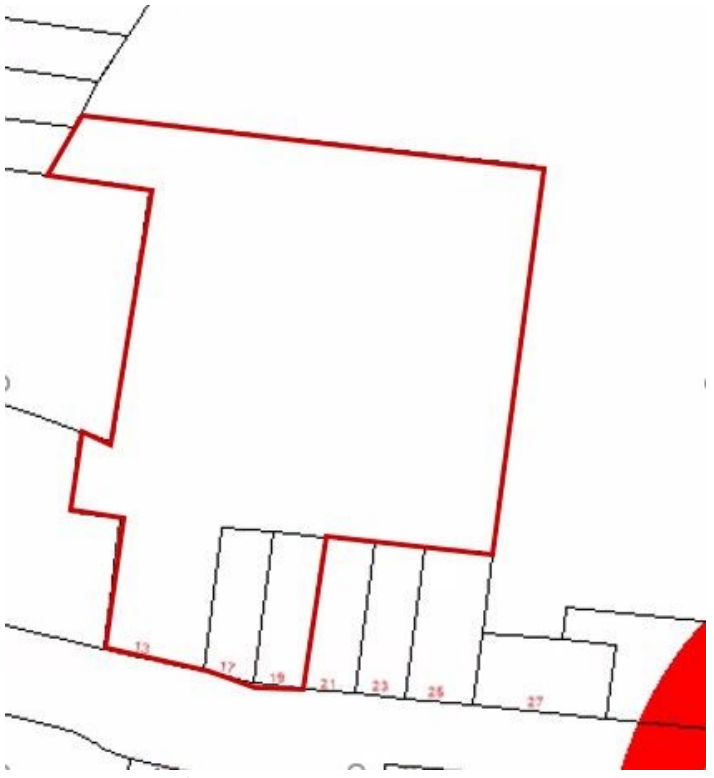

Image 5: Bushfire Prone Land Map.
Source: Exponare, dated 12/04/2022.

Notwithstanding this, the application was submitted with a Bushfire Protection Assessment, prepared by Travers Bushfire and Ecology, dated December 2019. The proposed development is categorised by the NSW Rural Fire Service (NSW RFS) as infill development within close proximity to bushfire prone land and was assessed in accordance with the Planning for Bush Fire Protection (PBP) document under Section 4.14 of the *Environmental Planning and Assessment Act 1979*.

The assessment found that bushfire can potentially affect the proposed buildings due to the Coastal Floodplain Wetland communities located approximately 115m east of the clubhouse on adjoining land, thereby resulting in possible ember and radiant heat attacks.

In this regard, the Bushfire Protection Assessment concludes that the Clubhouse extension and new pool/gym building will achieve compliance with the Planning for Bushfire Protection document with the following alternative solution:

- The provision of hydrants in accordance with the requirements of the relevant Australian Standard (i.e. AS2419). Hydrants will be located to ensure a 70m unobstructed path can be provided between the hydrant and all aspects of the building.

It is noted that a bushfire attack level (BAL) and building construction standards have not been recommended to the Clubhouse or pool/gym building due to the surrounding cleared and managed land on site, in conjunction with no bushfire prone vegetation within 100m of the building. Nevertheless, an APZ of 100m has been applied to guide the landscaping design.

Adherence and compliance with the recommendations outlined within the Bushfire Protection Assessment Report will be ensured via recommended conditions of consent. In this regard, the proposal is acceptable having regard to Section 4.14 of the *Environmental Planning and Assessment Act 1979.*

- ## Section 4.15 - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following have been identified for further consideration.

- ## Section 7.12 - Developer Contributions

The site and proposed development are subject to Council's Section 7.12 Development Contributions Plan which was adopted by Council on 27 July 2020 and became effective from 24 August 2020 (with no savings provision). This Plan applies to any non-residential development with a proposed cost of more than $100,000 that is not otherwise subject to a Section 7.11 Development Contributions Plan adopted by Council.

The following development contribution calculation applies to the proposal:

1% x $6,974,088.00 (cost of construction works) = $69,741.00

In this regard, the contribution amount of $69,741.00 is to be levied. This will be required via a condition of consent.

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

On 1 March 2022, the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) consolidated and repealed the provisions of several SEPPs and SREPs including:

- *State Environmental Planning Policy (Vegetation in non-rural areas) 2017*
- *Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River No. 2 1997*

It is noted that whilst the clauses of the SEPPs and SREPs have been renumbered, no policy changes have been made.

<u>Chapter 2 - Vegetation in non-rural areas</u>

Chapter 2 of the Biodiversity and Conservation SEPP relates to Vegetation in non-rural areas, and applies to the RU5 Village, E3 Environmental Management and SP2 Infrastructure (Classified Road) zones within Penrith local government area. The aims of this chapter include:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and
(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Under this Chapter, if proposed clearing of native vegetation is not associated with development (i.e. not for a purpose requiring development consent) and the proposed area of clearing exceeds the area clearing threshold, or vegetation is identified on the Biodiversity Values Map, then approval is required from the Native Vegetation Panel. In this regard, as the proposed tree removal and minor clearing is associated with a development proposal which requires development consent and the subject site is identified on the Biodiversity Values Map, additional approval from the Native Vegetation Panel is not required.

It is noted that the application was accompanied by a Biodiversity Development Assessment Report and the proposal was subsequently referred to Council's Tree Management Officer and Biodiversity Officer for review and assessment against the *Biodiversity Conservation Act 201*6 which is further discussed within this report.

<u>Chapter 9 - Hawkesbury-Nepean River</u>

Chapter 9 of the Biodiversity and Conservation SEPP related to the Hawkesbury-Nepean River and applied to the Penrith local government area with the aim to *protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.*

The proposed development is assessed as complying with the general planning considerations set out in Clause 9.3 of the SEPP and the relevant planning policies and related recommended strategies set out in Clause 9.4. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment as a result of the development is not deposited in the Hawkesbury-Nepean River via the stormwater system. The proposed development will also comply with Council's Stormwater Drainage for Building Development Policy and Water Sensitive Urban Design Policy, and conditions of consent are recommended to achieve and ensure compliance.

The development proposal has therefore been found to be in accordance with the relevant considerations of the Biodiversity and Conservation SEPP, subject to recommended conditions of consent.

State Environmental Planning Policy (Planning Systems) 2021

On March 1 2022, the *State Environmental Planning Policy (Planning Systems) 2021* consolidated and repealed the provisions of several SEPPs including the *State Environmental Planning Policy (State and Regional Development) 2011.*

It is noted that whilst the clauses of the SEPP have been renumbered, no policy changes have been made.

In accordance with Section 2.12 of the *Environmental Planning and Assessment Act 1979,* the Sydney Western City Planning Panel (SWCPP) is the determining authority for this application as the proposal is identified as a regionally significant development under the *State Environmental Planning Policy (Planning Systems) 2021*.

The proposal is defined as a ***community facility*** and documents were submitted with the application identifying the proposal will have a combined Capital Investment Value (CIV) greater than $5 million. Accordingly, pursuant to Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposal meets the category requirements for '*Private infrastructure and community facilities over $5 million*' is classed to be 'regionally significant development'.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

On 1 March 2022, the *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* consolidated and repealed several SEPPs and SREPs including the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*.

It is noted that whilst the clauses of the SEPPs have been renumbered, no policy changes have been made.

Whilst the subject site is not zoned under Chapter 4 - Western Sydney Aerotropolis, the site is affected by a Wildlife Buffer and Obstacle Limitation zones under Clauses 4.19 and 4.22 respectively. Notwithstanding this, the proposed development is not classed as ***relevant development*** under Clause 4.19 and therefore no further assessment is required. In addition, the proposal does not penetrate the identified prescribed air space identified on the Obstacle Limitation Surface Map and accordingly, no further assessment is required pusuant to Clause 4.22.

In light of the above, the proposal is considered to satisfy the provisions of the *State Environmental Planning Policy (Precincts - Western Parkland City) 2021.*

State Environmental Planning Policy (Resilience and Hazards) 2021

On 1 March 2022, the *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) consolidated and repealed the provisions of several SEPPs including the *State Environmental Planning Policy No 55 - Remediation of Land*.

In this regard, Chapter 4 of the Resilience and Hazards SEPP applies to the subject site. In accordance with Clause 4.6 Contamination and remediation to be considered in determining development application *'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.

The application was accompanied with an Updated Detailed Site Investigation, prepared by Martens and Associates, dated 12 November 2020 and Remediation Action Plan, prepared by Martens and Associates, dated 27 November 2020. The updated DSI included the analysis of samples taken throughout the entire golf course site and the results showed that there are areas of the site contaminated with bonded asbestos containing material in fill mounds between the 3rd and 7th tee (AEC 16), and stockpiled full west of the maintenance shed (AEC 17). These testing sites are not within the location of the proposed development nor form part of the subject site of this application.

However, Council's Environmental Management Officer raised concerns in relation to an assessment being required to cover the associated road works along Park Road for the proposed Clubhouse entrance to the site and the originally submitted Remediation Action Plan for this application did not include the associated road works. Therefore, an amended Remediation Action Plan was requested to rectify this data gap, include the road works associated with the proposed entrance to the Clubhouse and provide a suitable and practical remediation strategy.

Subsequently, the applicant submitted an amended Remediation Action Plan, dated 2 March 2021 which now includes the proposed works along Park Road. The amended Remediation Action Plan was reviewed by Council's Environmental Management Officer who concluded the RAP provides a suitable and practical remediation strategy for the subject property and associated road works, and has determined that following appropriate remediation and validation where necessary, the property and verge can be made suitable. In this regard, the subject site and verge are now suitable for the proposed development and associated works, subject to conditions of consent and adherence to the amended Remediation Action Plan.

State Environmental Planning Policy (Transport and Infrastructure) 2021

On March 1 2022, the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) consolidated and repealed the provisions of several SEPPs including the *State Environmental Planning Policy (Infrastructure) 2007*.

It is noted that whilst the clauses of the SEPP have been renumbered, no policy changes have been made.

The subject site has a southern frontage to Park Road. Park Road is a Classified Road and the proposal seeks approval for intersection works and the development is also classed as traffic-generating development. As such, the proposed development was referred to TfNSW for their concurrence under Clause 2.121 (Traffic-generating development) of the Transport and Infrastructure SEPP (previously Clause 104 of the ISEPP) and Section 138 of the *Roads Act 1993.*

The proposed alterations to the existing access driveway to the Clubhouse and intersection works on Park Road include:

- Deletion of works proposed at the Park Road and Driver Avenue intersection,
- The installation of a westbound right hand turning lane on Park Road providing access to the clubhouse carpark,
- Alterations to the overall width and alignment of Park Road in this location,
- Alterations to the intersection of Driver Avenue and Park Road (opposite the clubhouse entry) including the introduction of works to restrict northbound traffic movements on Driver Avenue to be left turn only onto Park Road, and left turn into Driver Avenue from Park Road,
- Installation of a 1.2m wide pedestrian pavement along the clubhouse carpark street frontage to Park Road, and
- Tree and vegetation removal to facilitate road works and required TfNSW clearances on the southern side of Park Road.

It is noted that the proposed road and intersection works will alter existing vehicle access and egress availability for vehicle movements to and from the seniors housing development at 2 Park Road, and for residents at 16 and 21 Park Road, and will also result in a right out only (eastbound) egress for visitors to the Wallacia Christian Church at 23-25 Park Road.

The proposal was referred to TfNSW in April 2021. In its response dated 15 April 2021, TfNSW noted that the submitted plans and intersection works were not consistent with the latest discussions between Council and TfNSW, as per the agreed design approved under DA19/0875. In this regard, TfNSW did not raise any general objections and would provide support under Section 138 of the *Roads Act 1993* subject to Council's approval and conditions of consent, including the requirement of an updated External Works Plan be submitted for Council review demonstrating a modified access design and driveway treatment to the include the following:

- The west-bound right-hand turn from Park Road into the site be removed.
- A medium strip to physically restrict right hand turns into the site be installed. The raised median shall be designed in accordance with Austroads and provide enough physical deflection to restrict the right turn movement into the access driveway of the site, and be 1.2m wide.
- The right turn movements out of the development site shall be designed to be physically restricted to only allow for this movement (i.e. not the right turn in)
- The design is to include swept paths with the following requirements:
    1. Swept paths should be a smooth, single radius and not have 'kinks' as currently demonstrated (in line with Austroads Standards).
    2. The swept path should show simultaneous entry/exit movements of the longest vehicles.
    3. All vehicles are to enter and leave the site in a forward direction.
    4. A 12.5m vehicle should be included to be assessed as a checking vehicle for the swept path analysis.
    5. All vehicles are to be wholly contained on site before being required to stop.

The applicant was advised of the requested modifications and subsequently submitted an amended plan (see Image 6 below) demonstrating compliance with the above modifications.

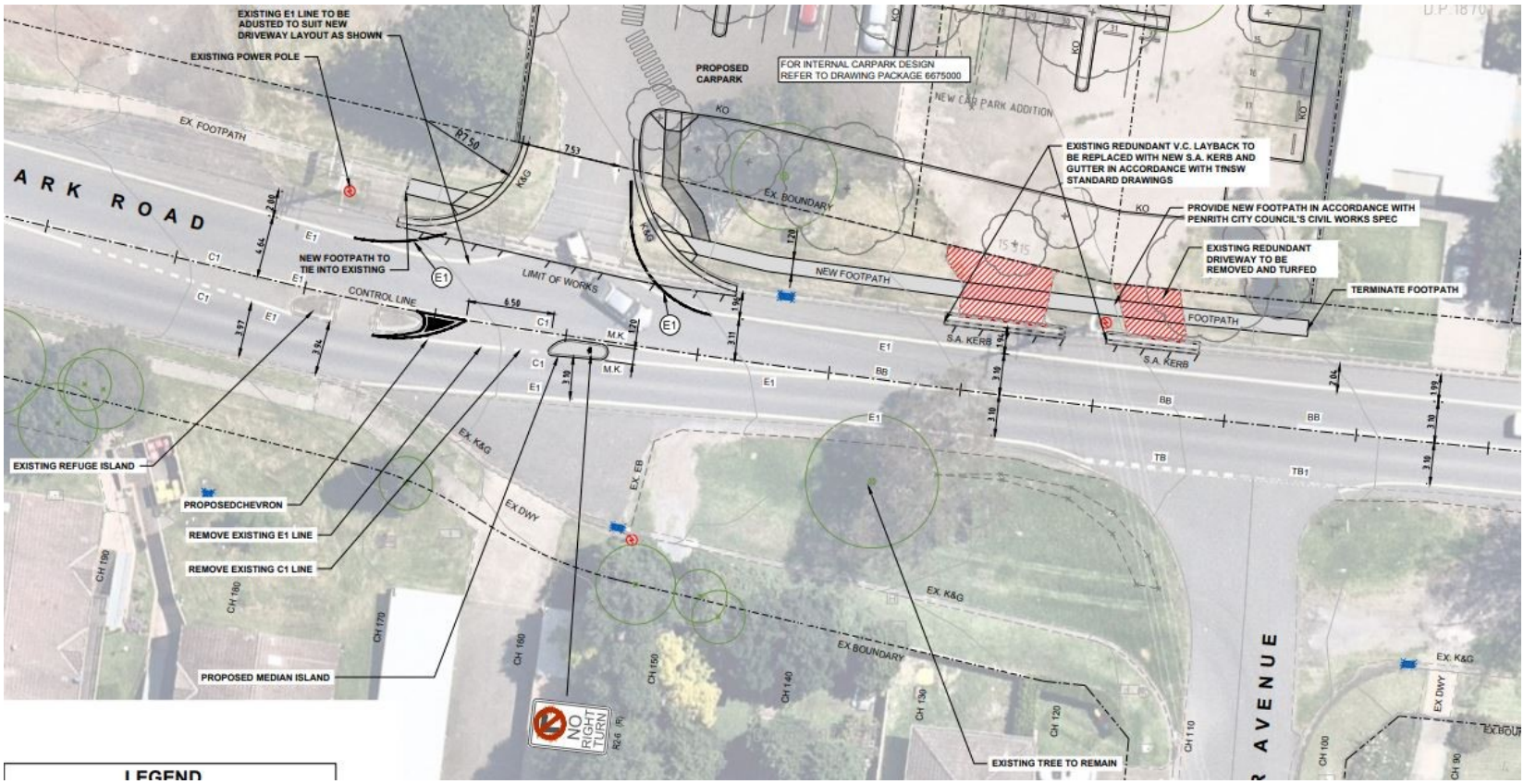

Image 6. Amended External Civil Works Plan.
Source: Warren Smith Consulting Engineers.

As stated above, the modified design no longer proposes intersection works to Driver Avenue. In this regard, the proposal is now considered satisfactory and complies with the relevant provisions of the Transport and Infrastructure SEPP and TfNSW have issued concurrence in support of the application.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 7.1 Earthworks	Complies
Clause 7.3 Development on natural resources sensitive land	Complies
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.18 Mulgoa valley	Complies - See discussion
Clause 7.19 Villages of Mulgoa and Wallacia	Complies - See discussion

Clause 2.3 Permissibility

Under the *Penrith Local Environmental Plan 2010* (PLEP), the subject site is zoned part RU5 Village and C3 Environmental Management, as demonstrated in Image 7 below.

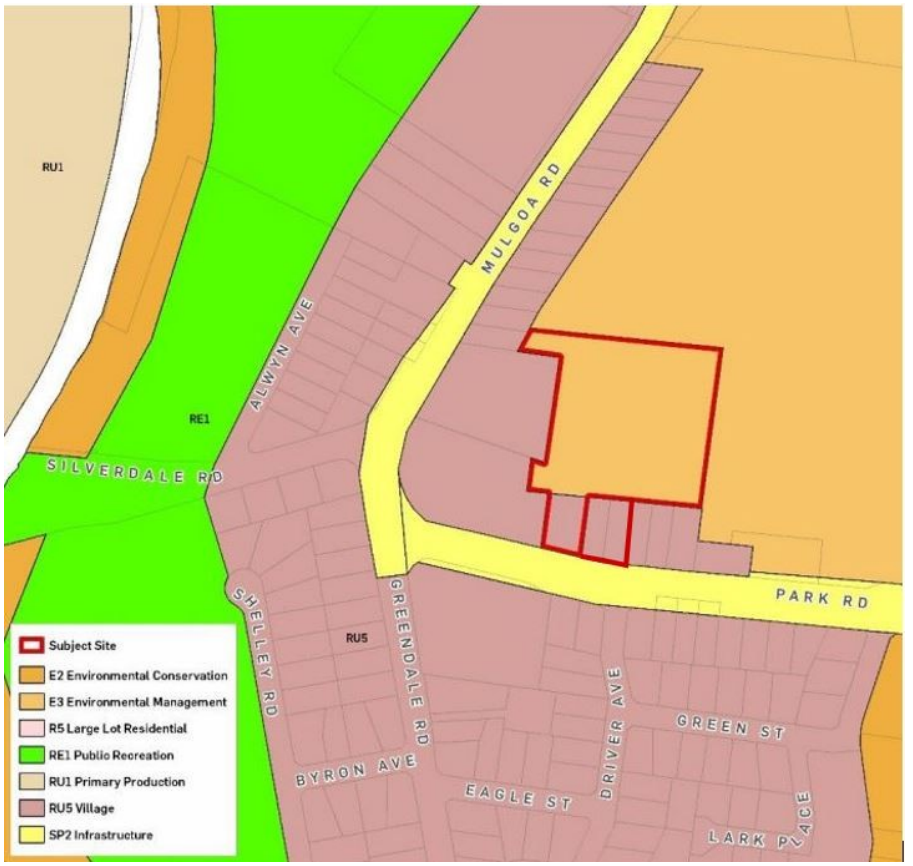

Image 7: Site Zoning Map.
Source: Statement of Environmental Effects, preapred by Urbis, dated 24/2/2021.

The portion of the proposed car park south of the existing Clubhouse along the Park Road frontage and proposed terrace for outdoor gaming is located within the RU5 zone. The existing Clubhouse building, proposed bowling and putting greens, new Pool/Gymnasium complex, and car park extension to the north and west of the site is located within the C3 zone.

The permissibility of the various components of the proposal is detailed below:

<u>Golf Clubhouse Alterations & Additions, Putting Green and Western & Northern Car Park</u>

The use of the land for the purposes of a Golf Course and Clubhouse are prohibited in the C3 zone, however, the existing Golf Course use benefits from an existing use right as defined under the Act, Council records indicate that the golf clubhouse is ancillary to the golf course use. There is evidence to suggest that the Golf Course and ancillary Clubhouse have operated since 1932. The alterations to the existing ancillary Clubhouse can be supported having regard to the ability to alter an existing use as detailed in the Regulations.

The expansion of the ancillary Clubhouse is regarded as an intensification of the existing use, and the extension is located on land in which the existing use right applies. Furthermore, it is deemed the existing car park and proposed putting green is also associated and ancillary to the existing use rights and therefore, the land upon which the car park extension to the north and west of the Clubhouse is located, and the new putting green also benefits from that existing use right.

<u>Southern Car Park</u>

The proposed formalisation of the carpark south of the existing Clubhouse, located on two (2) separate lots from the Clubhouse, and is situated on on RU5 zoned land. *'Car parks'* are permissible in the RU5 zone under the PLEP.

<u>Pool/Gymnasium Building</u>

The applicant asserts that the proposed Pool/Gymnasium Building is best defined as a *'community facility'* which is a permissible use in the C3 zone to which the built form is sited on. The definition of a *'community facility'* prescribed within the PLEP is as follows:

community facility *means a building or place—*

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The applicant has confirmed that the complex will be owned, controlled and operated by St John's Park Bowling Club which is a non-profit community organisation, and the facility will be open to the general public and non-members. This satisfies the definition of a *'community facility'* as prescribed in the PLEP and therefore, the Pool/Gymnasium component of the development is permissible, subject to consent.

Synthetic Bowling Green

The proposed synthetic bowling green is categorised as a *'recreation facility (outdoor)* which is a prohibited use in the E3 zone. The definition of a *'recreation facilities (outdoor)'* prescribed within the PLEP is as follows:

recreation facility (outdoor) *means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

Notwithstanding this, the bowling green has been assessed having regard to the broader context of the existing Golf Course and ancillary Clubhouse. The proposed lawn bowls use is considered an outdoor passive sport and recreational activity carried out on grass that patrons of the Golf course can partake in, and it is not too dissimilar to the activity of golf and the adjoining putting green. The bowling green is therefore considered to be an alteration to the present existing use (i.e. Golf Course and ancillary Clubhouse) which does not relatively change that dominant use and is subservient to the primary use of the land as a Golf Course, thus benefiting from the existing use rights of the Golf Course on the same parcel of land.

Clause 2.3 Zone objectives
The site is subject to two (2) land zonings under the PLEP being RU5 Village and C3 Environmental Management. An assessment of the proposal against the relevant zone objectives prescribed in the PLEP is provided below:

RU5 Village

1 Objectives of zone

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.*
- *To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.*

As previously stated under Clause 2.3 Permissibility of this report, the area of the site to which is zoned RU5 is Lots 3 and 4 DP 18701 (17 Park Road) which are located south of the existing Clubhouse. These lots are currently vacant with trees and vegetation, and is utilised intermittently as informal overflow car parking. There is no formal hardstand area existing on the two parcels of land.

The proposed development seeks to alter the car park associated with the Clubhouse and formalise the car park over these two properties, with works including earthworks, new car parking spaces, line marking, fencing, tree removal, and landscaping embellishment. The application also includes an expansion to the existing Clubhouse by way of an outdoor gaming and smoking room which encroaches into the RU5 zone. As previously discussed within this report, the addition to the existing Clubhouse benefits from the site's existing use right, and car parks are permissible within the RU5 zone.

The proposal provides for a 5.5m front landscaped setback to Park Road, increased landscaping along the road frontage and embellishment along the eastern and western boundary to mitigate any impact the development will have on the curtilage of the adjoining heritage item and conservation area and adjoining residential dwelling. The formalisation of the carpark with landscaping treatment and buffers is considered to be a superior outcome to what is currently existing on-site and supports the character of the Wallacia Village. The development therefore satisfies the objectives of the RU5 zone.

C3 Environmental Management

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*
- *To preserve and improve natural resources through appropriate land management practices.*

As previously stated under Clause 2.3 Permissibility of this report, the area of the site to which is zoned C3 Environmental Management includes the existing Clubhouse, the proposed alterations and additions to the north of the building, the new Pool/Gymnasium building, bowling and putting greens, and the western and northern expansion of the existing car park.

This parcel of land has already been developed upon and includes extensive hardstand throughout. Furthermore, a Biodiversity Development Assessment Report accompanied with application, confirming that the direct impacts of the proposed removal of 0.04 hectares of native vegetation are negligible and will not result in serious or irreversible impacts to native flora and fauna. In addition, the western boundary of the site is provided with a suitable landscape buffer to ensure any visual impacts to adjoining properties are appropriately mitigated. In this regard, the proposed development satisfies the relevant objectives of the C3 zone.

Clause 5.10 Heritage conservation
Clause 5.10 of the PLEP includes the following objectives:

(a) to conserve the environmental heritage of Penrith,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Whilst the site is not located in a Heritage Conservation Area and is not a local Heritage Item, the property adjoins the following heritage listed items and as demonstrated in Image 8 below:

- Wallacia Hotel (Item 325);
- Archaeological heritage on Luddenham Homestead site (Item A849);
- St Andrew's Anglican Church (Item 326).
- Mulgoa Road Conservation Area (HCA5)
- Park Road Conservation Area (HCA6)

Image 8: Heritage Significance Map.
Source: Heritage Impact Statement, prepared by Urbis, dated 26/02/2021.

In this regard, the proposal shares a part of its western boundary with the Wallacia Hotel and conservation area, a part of its southern boundary with the St Andrew's Anglican Church, the area of the southern car park and driveway shares its western boundary with the conservation area.

Therefore, the application was accompanied with a Heritage impact Statement, prepared by Urbis, dated 26 February 2021, assessing the potential the proposed development will have on the proximate heritage items and heritage conservation area and associated curtilage. The HIS concluded that the proposed development is supportable and will not result in impacting the heritage significance and value of the locality and adjacent heritage items and conservation areas.

The HIS was reviewed and assessed by Council's Heritage Advisor who raised no objections to the proposed development.

However, the application was also supported by an Aboriginal Due Diligence Assessment, Aboriginal Archaeological Report and Historical Archaeological Report and recommends archaeological test excavations undertaken post consent. This was reviewed by Council's Heritage Advisor who does not support this component of the application and requested the testing be undertaken prior to the determination of the development application. However, notwithstanding this, it is considered that archaeological test excavations undertaken post consent is not considered to be unreasonable and therefore, conditions of consent have been provided in this regard.

In this regard, the proposal is considered to satisfy the relevant provisions of Clause 5.10(2) of the PLEP.

Clause 5.21 Flood planning
Subsection (1) of Clause 5.21 of the PLEP outlines the following objectives relating to flood planning:

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

The application was accompanied by a Flood Impact Assessment, prepared by GRC Hydro, dated 26 November 2019, which identified the flood impacts of flood

events occurring for Jerrys Creek, which is located east of the site and traverses in a north-south direction. This area is well clear of the proposed development site. The key findings of the flood report are as follows:

- The extent of the lot on which the Clubhouse and proposed Pool/Gym Building is only just impacted by the Nepean River 1& AEP flood extent. No works are proposed in the north-eastern corner of the lot where the flood liability exists.
- The redevelopment of the Clubhouse and new building is located outside the 1% AEP flood extent and as such, impacts are a non-issue.
- Proposed floor levels are well above the 1% AEP flood level of 45.8m AHD.

The report, plans and other documentation was also referred to Council's Senior Development Engineer who confirmed the site is clear of any flooding from Jerrys Creek and backwaters from the Nepean River and therefore raised no objections, subject to recommended standard civil and stormwater drainage conditions of consent. In this regard, the proposal complies with the relevant sections of Clause 5.21.

Clause 7.4 Sustainable development

Under Clause 7.4 of the PLEP 2010: *In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach by considering each of the following:*

(a) conserving energy and reducing carbon dioxide emissions,
(b) embodied energy in materials and building processes,
(c) building design and orientation,
(d) passive solar design and day lighting,
(e) natural ventilation,
(f) energy efficiency and conservation,
(g) water conservation and water reuse,
(h) waste minimisation and recycling,
(i) reduction of vehicle dependence,
(j) potential for adaptive reuse.

The application was supported by a Sustainability Report and Section J Report outlining a number of sustainability measures and design considerations which is considered to satisfy matters related to conservation of energy, reduction in carbon dioxide emissions, natural ventilation, minimising mains potable water use and minimising the effects of the urban heat island. Subject to conditions of consent, the proposal is considered to comply with this Clause of the PLEP 2010.

Clause 7.18 Mulgoa valley

This clause applies to the subject site as it is identified on Council's LEP Clause Application map. Objectives of the clause include:

(a) to establish specific planning controls for land in the Mulgoa Valley (the Valley),
(b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,
(c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,
(d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.

Subclause (3) states that *'Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following -*

(a) that any proposed building will not be located on a ridgetop and will not intrude into the skyline when viewed from a road or other public place,
(b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,
(c) that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,
(d) that the proposed development will not detract from the "Vistas of heritage items" specified on the Scenic and Landscape Values Map*,*
(e) that extensive areas of vegetation will not be cleared for the proposed development,
(f) that adequate provision has been made for the landscaping of the land to which the development relates and about whether any trees or other vegetation on the land should be preserved,
(g) that the agricultural viability of holdings and potential of the land will not be adversely affected
(h) that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected
(i) that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,
(j) that the safety and efficiency of Mulgoa Road will not be adversely affected,
(k) that any upgrading required to maintain safety and efficiency will not detract from the present rural character of Mulgoa Road.'

The subject site is identified on the Clause Application Map and therefore, the proposal must comply with the above.

With regard to the above matters and the objectives under sub-clause 7.18(1), the development proposal is considered to be acceptable when assessed against Subclause 3 and the Chapter E9 Mulgoa Valley of the *Penrith Development Control Plan 2014* (Penrith DCP). The siting of the new Pool/Gymnasium building and extension to the Clubhouse are appropriately sited and setback from main roads and the public domain with extensive landscape embellishment and screen planting along the road frontage and boundaries to soften any visual impacts associated with the development and protect the heritage curtilage of the Wallacia Hotel and adjoining heritage conservation area. Furthermore, the design of the built form does not exceed two storeys in height and the proposed materials, colours and finishes are consistent with the Valley's rural and natural landscape and heritage values.

In addition, TfNSW have granted concurrence for the intersection works on Park Road to facilitate appropriate access to and from the site and the submitted BDAR concludes that the direct impacts associated with the proposed removal of native vegetation would would be negligible and not result in serious or irreversible impacts to native flora or fauna.

In light of the above, the proposed development is considered to satisfy the provisions of Cluase 7.18 of the PLEP.

Clause 7.19 Villages of Mulgoa and Wallacia
The site is identified on Council's LEP Clause Application map and as such Clause 7.19 Villages of Mulgoa and Wallacia, applies.

Objectives of the Clause include:
(a) to establish specific planning controls for land in the villages of Mulgoa and Wallacia, and
(b) to protect residential amenity by prescribing minimum dimensions for dual occupancy and the creation of new lots through subdivision.

However, this Clause relates to dual occupancy development and minimum lot sizes. As such, the proposal is not subject to these controls.

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
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	Complies - see Appendix - Development Control Plan Compliance
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	N/A
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	Complies - see Appendix - Development Control Plan Compliance
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
E9 Mulgoa Valley controls	Complies - see Appendix - Development Control Plan Compliance

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

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

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

Fire Safety
In accordance with Clause 14 of the *Environmental Planning and Assessment Regulations (Development Certification and Fire Safety) Regulation 2021,* an assessment of the fire protection and structural capacity of the proposal is required. The application was therefore referred to Council's Building Surveyor who did not raise any objections, subject to recommended conditions of consent.

Building Code of Australia
Due to the proposed alterations and additions of the existing Clubhouse constitutes more than 50% of the volume of the existing building, Clause 64 of the *Environmental Planning and Assessment Regulations 2021* (previously Clause 94 of EPA Regs 2000) applies. In this regard, conditions of consent have been recommended requiring building updates be implemented to the existing building prior to the issue of any Occupation Certificate.

Part 7 Existing uses
Clause 163 of the *Environmental Planning and Assessment Regulations 2021* states that an existing use may, subject to the Division -

'(a) be enlarged, expanded or intensified, or
(b) be altered or extended, or
(c) be rebuilt, or
(d) be changed to another use, but only if that other use is a use that may be carried out with or without development consent under the Act, or
(e) if it is a commercial use—be changed to another commercial use (including a commercial use that would otherwise be prohibited under the Act), or
(f) if it is a light industrial use—be changed to another light industrial use or a commercial use (including a light industrial use or commercial use that would otherwise be prohibited under the Act)'.

Sub-clause (2) states *'However, an existing use must not be changed under subclause (1)(e) or (f) unless that change -*

(a) involves only alterations or additions that are minor in nature, and
(b) does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and
(c) does not involve the rebuilding of the premises associated with the existing use, and
(d) does not involve a significant intensification of that existing use'.

Development proposed on land being to which this clause applies is detailed in the relevant section of the assessment report.

Advertising and Notification
Adverting and neighbour notification was carried out in accordance with the requirements of the regulations and *Penrith Development Control Plan 2014.*

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

The likely impacts of the proposed development as identified throughout the assessment process of the application include:

Existing Rural Amenity, Scenic Character and Landscape Values
The built form of the development presents as two storeys and has sought to create a visually coherent built form that is sensitive to the wider community by locating the new Pool/Gymnasium building behind the existing Clubhouse. The new building will therefore be blocked from sight and from Park Road, thereby unlikely to have an adverse impacts on the streetscape. Furthermore, a comprehensive landscape strategy with embellishment within the front setback and along the western and eastern boundaries are provided, in conjunction with a mix of shrubs and trees of varying densities, canopy trees and buffer planting on the edges of the car park to suitably address the impacts of the development on the local character, scenic values and streetscape. Therefore, the proposed development will have an acceptable impact on the amenity of the surrounding buildings and adjoining residential development.

Access, Parking, Manoeuvrability and Traffic Generation
The application proposes to provide for a total of 145 car parking spaces, including six (6) accessible car parking spaces to serve the proposed uses. This is considered to be acceptable and ensures the development will not result in adverse on-street parking impacts, noting the submitted Transport Impact Assessment has assessed the development will result in a peak parking demand of 121 spaces between 6pm and 10pm on Fridays. The proposed number of car parking spaces is considered to cater for the demand of the development and is in excess of the required spaces and therefore there are no on-street parking impacts envisioned.

Furthermore, the additional traffic on the local road network attributed from this proposal is assessed to be acceptable, noting the application includes civil works on Park Road and upgrades to the vehicle access driveway to appropriately cater for the traffic generated from the development and the proposed works have been

approved by TfNSW.

It is also noted that delivery trucks will be required to manoeuvre and reverse into the loading dock of the development. However, given the infrequent use, this is considered to be acceptable.

Stormwater and Overland Flow Impacts
Council's Development Engineer has reviewed the submitted Civil and Stormwater plans in conjunction with the Civil Engineering Report and has assessed the proposal to be acceptable in its proposed stormwater drainage design (i.e. OSD tank and water quality filters loated within the car park). Stormwater runoff will be appropriately collected, treated and discharged into the existing golf course drainage system which discharges into Jerrys Creek.

Furthermore, the site is identified to be clear of any flooding from Jerrys Creek and backwaters from Nepean River. In this regard, the proposal is not anticipated to impact or be impacted by overland flow flooding.

Air Pollution and Odour
It is not anticipated that there will be any air quality impacts once the development becomes operational. Any concerns associated with air pollution and odour generated throughout the demolition and construction phase of the development will be addressed via conditions of consent.

Contamination
Whilst the application was submitted with a Detailed Site Investigation confirming areas of the site that are identified as contaminated are not within the location of the proposed development, concerns were raised in relation to the land associated with the proposed road works along Park Road and driveway access. Subsequently, the applicant submitted an amended Remediation Action Plan,which now includes the proposed works along Park Road. The amended Remediation Action Plan was reviewed by Council's Environmental Management Officer who concluded the RAP provides a suitable and practical remediation strategy for the subject property and associated road works, and has determined that following appropriate remediation and validation where necessary, the property and verge can be made suitable. In this regard, the subject site and verge are now suitable for the proposed development and associated works, subject to conditions of consent and adherence to the amended Remediation Action Plan.

Noise Impacts
The proposed hours of operation for the development are as follows:

Pool and Gym:
- Monday - Sunday: 6:30am - 10pm

Wallacia Country Club:
- 10:00am to 10:00pm Mondays, Wednesdays and Thursdays,
- 10:00am to 9:00pm Tuesdays and Sundays, and
- 10:00am to 11:00pm Fridays and Saturdays.

The application was supported by a Noise Emission Assessment and was reviewed by Council's Environmental Management Officer. The was concluded that the assessment satisfactorily addresses potential noise impacts which may arise from the operations of the clubhouse and associated car park, pool and gym, and bowling green, as well as traffic generated by the development. Therefore, provided that the recommendations and mitigation measures (including limited hours of operation for any outdoor component and the construction of a 2.1m high solid fence along the eastern boundary of the proposed southern car park and along the western half of the northern car park) outlined within the Noise Emission Assessment are adhered to, it is anticipated that no offensive noise will be generated as a result. Adherence to the Noise Emission Assessment will be ensured via a condition of consent.

Furthermore, whilst the application does not provide detail in regards to the noise levels generated from mechanical plant and equipment associated with the development, this will be addressed through recommended conditions of consent that further information be provided to Council for review and approval prior to the commencement of construction works.

Visual and Heritage Impacts
The application was submitted with a Heritage Impact Statement and Aboriginal Archaeological Report and the proposed development has been assessed to not result in any unacceptable visual or heritage impacts on the adjoining heritage item and conservation area. It is noted the application was referred to Council's Heritage Advisor who does not support the proposal on the basis that the HIS recommends archaeological test excavations be undertaken post consent and has therefore requested the testing be undertaken during the assessment process of this application. Notwithstanding this, it is considered to be unreasonable and

therefore, no further consideration is required and conditions of consent have been recommended in this regard. It is also noted that the proposal is provided with suitable landscape embellishment and buffering along the western boundary which reduces the visual impact of the additional hardstand associated with the car park, the alterations and additions to the Clubhouse and new Pool/Gym building, thereby protecting the curtilage of the adjoining heritage items

Social and Economic Impacts
It is anticipated that the proposed upgrade works to the existing clubhouse and new facilities will benefit the social and economic environment of the locality including:

- The proposed uses will provide additional local employment opportunities, encourage economic activity and support activation of the Wallacia Village Centre,
- The proposal will improve the quality and diversity of recreational offerings, providing a better recreational experience than what is currently available, and
- The refurbished Clubhouse and new community and recreational facilities provides the opportunity to create new areas within the Wallacia local centre, ensuring the development provides members, visitors and the local community new facilities for passive and active recreation and provide the opportunity to host events and functions.

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

The site is considered to be suitable for the proposed development for the following reasons:

- The Wallacia Country Club and proposed additional facilities and uses are continuations of the existing uses on the site and are compatible with the surrounding land uses,
- The proposed built form, architectural elements, and landscaping will ensure the proposal will sit harmoniously with the surrounding heritage items and conservation areas in conjunction with the village of Wallacia and adjoining residential dwellings,
- The proposed road works will ensure the site can be adequately and safely access by vehicles and pedestrians,
- The site is not affected by mainstream flooding nor does the proposed development affect existing overland flow paths within the site,
- The site is situated within an established area and access to services and stormwater infrastructure is readily available. These include electricity, gas, water, telephone services and drainage for stormwater and sewerage, and
- The site can accommodate the proposed uses and traffic generated and and associated impacts are mitigated via recommended conditions of consent.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F2 of the *Penrith Local Environmental Plan 2014,* the application was notified to adjoining properties and was advertised and publicly exhibited between 22 March and 21 April 2021.

A total of 22 individual submissions were received. It is noted that a number of submissions raised objections to the cemetery approved under development consent DA17/1092 and the cemetery approved under DA19/0875. However, any cemetery is not within the scope of works under this subject development application and therefore could not be taken into consideration. Three (3) submissions received were in favour of the proposed renovation and expansion of the club.

A summary of submissions and responses are provided below. The matters raised have been considered in the assessment of the development proposal.

Issue Raised	Response
Relationship between the proposed development, Cemetery and recent development approvals on the same site.	The site is subject to two (2) separate development approvals pertaining to the use of the site as a cemetery (i.e. DA17/1092 and DA19/0875). DA17/1092 was approved by the NSW Land and Environmental Court on 11 May 2021, excluding the refurbishment works associated with the existing Clubhouse. Consequently, this application has been lodged to include this component. It is also noted that DA19/0875 was approved by the Sydney Western City Planning Panel on 31 August 2021 which included the same refurbishment works to the Clubhouse. It is therefore envisioned that the scope of works approved to the Wallacia Golf Club building under DA19/0875 are the same as proposed in this subject application. A condition of consent has been imposed requiring DA19/0875 to be surrendered if works approved under this subject development application proceed.

Future of the Clubhouse if the Cemetery proceeds.	The Clubhouse is ancillary to the Golf Course and cannot exist on its own. Therefore, should the entire Golf Course be demolished, a condition of consent is recommended requiring the Clubhouse to cease operation if the 9-holf golf course described in the DA plans and as outlined in Consent no. DA17/1092 closes for more than 3 months (other than for the purposes of maintenance or public health orders).
Clarification of owner and applicant.	The owner of 13 and 17 Park Road is St Johns Park Bowling Club Ltd. The applicant of the subject application is also St Johns Park Bowling Club Ltd.
Permissibility of Swimming Pool and Bowling green	<u>Pool/Gymnasium Building:</u> The applicant asserts that the proposed Pool/Gymnasium Building is best defined as a*'community facility'*which is a permissible use in the C3 zone to which the built form is sited on. The definition of a*'community facility'* prescribed within the PLEP is as follows: ***community facility*** *means a building or place—* *(a)owned or controlled by a public authority or non-profit community organisation, and* *(b)used for the physical, social, cultural or intellectual development or welfare of the community,* *but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.* The applicant has confirmed that the complex will be owned, controlled and operated by St John's Park Bowling Club which is a non-profit community organisation, and the facility will be open to the general public and non-members. This satisfies the definition of a*'community facility'* as prescribed in the PLEP and therefore, the Pool/Gymnasium component of the development is permissible, subject to consent. <u>Bowling Green:</u> The proposed bowling green has been assessed within the broader context of the existing Golf Course, the proposed lawn bowls use is considered an outdoor passive sport and recreational activity carried out on grass, that patrons of the Golf Course can partake in, and it is not too dissimilar to the activity of golf and the adjoining existing putting green. The bowling green is therefore considered to be an alteration to the present existing use (i.e. golf course and ancillary golf clubhouse) which does not relatively change that dominant use and is subservient to the primary use of the land as a golf course, thus benefiting from the existing use rights of the golf course on the same parcel of land.
Amenity impacts resulting from proposed intersection works at Park Road and Driver Avenue	Amended External Traffic and Civil Plans have been submitted and approved by Transport for NSW which have deleted the proposed intersection works at Park Road and Driver Avenue and the existing traffic arrangements will remain.
Visual impacts	The built form of the development presents as two storeys and has sought to create a visually coherent built form that is sensitive to the wider community by locating the new Pool/Gymnasium building behind the existing Clubhouse. The new building will therefore be blocked from sight and from Park Road, thereby unlikely to have an adverse impacts on the streetscape. Furthermore, a comprehensive landscape strategy with embellishment within the front setback and along the western and eastern boundaries are provided, in conjunction with a mix of shrubs and trees of varying densities, canopy trees and buffer planting on the edges of the car park to suitably address the impacts of the development on the local character, scenic values and streetscape. Therefore, the proposed development will have an acceptable impact on the amenity of the surrounding buildings and adjoining residential development.
Environmental impacts of proposed tree removal along Park Road	Amended External Traffic and Civil Plans have been submitted and approved by Transport for NSW which have removed works pertaining to works along the southern side of Park Road. In this regard, the existing trees will remain.

Environmental impacts of proposed tree/shrub removal on site	The application was supported by a Biodiversity Development Assessment Report which found the proposed development will result in the removal of approximately 0.19 hectares of exotic/ornamental vegetation and 0.04 hectares of planted native vegetation whereby some of the native vegetation. The removal of the native planted vegetation was assessed using a streamlined assessment for Planted Native Vegetation which was deemed to be a suitable method of assessment. Following implementation of this assessment, it was concluded that direct impacts to the site resulting from the proposed vegetation removal are negligible and does not result in serious or irreversible impacts to native flora or fauna. In this regard, no offsets or credits are required for the removal of the vegetation. Notwithstanding this, Council's Senior Biodiversity Officer has recommended several standard conditions of consent to act as controls for direct, indirect and prescribed impacts as part of the construction of the proposed development.In addition, loss of native vegetation will be offset by the proposed large native canopy trees throughout the car park and along site boundaries.
Traffic Generation and Parking Impacts	Traffic modelling undertaken with the submitted Transport Impact Assessment, prepared by The Transport Planning Partnership, in support of the application suggests that the key intersections surrounding the site and the site access point on Park Road will continue to operate satisfactorily during weekday and weekend peak conditions despite the additional traffic generated from the development, being: • 21 additional trips during the weekday AM peak period, • 73 additional trips during the weekday PM peak period, and • 71 additional trips in the weekend peak period. This report was reviewed and assessed by Council's Traffic Engineer who supported the traffic modelling and concluded that in conjunction with the proposed works within Park Road and upgrades to the vehicle access driveway, the local road network can cater for the traffic generated from the development. The application was also reviewed by Transport for NSW who raised no objections to the envisioned traffic generation. The Transport Impact Assessment also provided a comprehensive assessment of the required number of car parking spaces during peak time for the development as a whole, totalling to 134 spaces. The application proposes a total of 145 car parking spaces which is in excess of the maximum number of spaces required and is therefore considered appropriate. Council's Traffic Engineer also deemed the assessment undertaken acceptable.
Impact on Heat Island Effect	The proposed southern portion car park has been amended to provide for a minimum of 1 large canopy tree every 6 spaces to reduce heat generated from the hardstand. It is noted the northern extension of the car park is not provided with compliant tree canopy coverage and therefore, a condition of consent is provided in this regard.
Impact of Gaming on public health	Gaming and not regulated by Council and is under the control of the Liquor and Gaming Authority. Notwithstanding this, conditions of consent are recommended ensuring the design, location and operations of the gaming room comply with relevant liquor and gaming legislation and regulations to mitigate the associated impacts of gaming on public health.
Contradictory to Environmental Management zone	The zone objectives of the C3 Environmental Management zone include: • *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.* • *To provide for a limited range of development that does not have an adverse effect on those values.* • *To minimise conflict between land uses within the zone and land uses within adjoining zones.* • *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.* • *To preserve and improve natural resources through appropriate land management practices.* The area of the site to which is zoned C3 Environmental Management includes the existing Clubhouse, the proposed alterations and additions to the north of the building, the new Pool/Gymnasium building, bowling and putting greens, and the western and northern expansion of the existing car park. This parcel of land has already been developed upon and includes extensive hardstand throughout. Furthermore, a Biodiversity Development Assessment Report accompanied with application, confirming that the direct impacts of the proposed removal of 0.04 hectares of native vegetation are negligible and will not result in serious or irreversible impacts to native flora and fauna. Any loss of vegetation will be offset by the proposed large canopy trees within the carpark and throughout the site. In addition, the western boundary of the site is provided with a suitable landscape buffer to ensure any visual impacts to adjoining properties are appropriately mitigated. In this regard, the proposed development satisfies the relevant objectives of the C3 zone.
Lighting Plan	A condition of consent is recommended requiring external lighting be provided to all outdoor/public spaces and within the car park to comply with Council's community safety and crime prevention strategies

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Heritage	Not supported
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections

Section 4.15(1)(e)The public interest

The likely impacts of the proposal have been assessed as acceptable or have been addressed by way of recommended conditions of consent. Matters raised in submissions received have been taken into consideration as part of the assessment of the proposal, and where appropriate, have been addressed by way of amended plans and/or recommended conditions.

The proposed development is not considered to be in conflict with the key aims, objectives and controls of the applicable planning instruments and controls. In the context of the site and having regard to the likely environmental impacts of the development, the proposal is assessed as being acceptable. In this regard, the proposal is considered to be in the public interest.

Conclusion

The development application has been assessed against the Biodiversity Conservation Act 2016, the Environmental Planning and Assessment Act 1979, and the applicable environmental planning instruments, including:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

It is considered that the proposal is not inconsistent with the aims, objectives and specific provisions of these plans and policies.

A thorough review has been undertaken of all the submissions received being against the proposal and the matters raised within have been taken into consideration in the assessment of the proposal.

The proposal, in its revised form, is considered satisfactory in relation to air quality, noise impacts, the management of waste, wastewater and water and hazards associated with storage. Further, conditions of consent have been recommended ensuring the development complies with the proposed operating hours to ensure any noise generated will not cause any adverse impacts to adjoining residential properties. The landscaping embellishment along the Park Road frontage and property boundaries has been maximised (where possible) to appropriately mitigate any visual impacts associated with the hardstand area and built form and also respect and retain the existing character of the Wallacia Village Centre.

In relation to traffic, access, parking and the works proposed on Park Road, being a Classified Road, the concurrence of Transport for NSW has been obtained and the scale of the development and its subsequent traffic generation can be supported given the access treatments proposed. In relation to stormwater, overland flow and waterways, Council's Development Engineer and Waterways Officers supported the proposal noting it will not affect the existing overland flow paths within the site and stormwater can be adequately detained and treated.

Council's Biodiversity Officer supports the applicant's assessment method and concludes that the proposed development and associated minor tree removal will not result in serious or irreversible impacts to native flora and fauna. Furthermore, data gaps identified in the Detailed Site Investigation Report have appropriately been addressed an amended Remediation Action Plan which was assessed by Council's Environmental Management Officer who raised no objections.

It is for the above reasoning that the development application can be supported and is in the public interest.

Recommendation

1. That DA21/0130 for Alterations and Additions to Wallacia Country Club to include Function Rooms and expanded Gaming Area, Construction of Indoor Swimming Pool and Gymnasium, Bowing Green and Putting Green, Expansion and Modifications to Car Park, Tree Removal and Landscaping Works, Stormwater Drainage Works and Road Works at 13, 17 & 19 Park Road, Wallacia, be approved, subject to the attached conditions.

2. That those making submissions and State agencies providing concurrence, are notified of the determination.

CONDITIONS

General

1 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:

Drawing Title	Drawing Number	Revision	Prepared By	Dated
Architectural Plans				
Cover Sheet	A00	DA	Axil architects	24/02/2021
Proposed Site Plan	A0.01	DA2	Axil architects	14/02/2022
Existing Site Plan	A0.02	DA	Axil achitects	24/02/2022
Existing Lower Level Plan	A0.03	DA	Axil architects	24/02/2021
Existing Ground Floor Plan	A0.04	DA	Axil architects	24/02/2021
Proposed Site Plan - North	A0.05	DA2	Axil architects	14/02/2022
Proposed Site Plan - South	A0.06	DA3	Axil architects	14/02/2022
Demolition Lower Level Plan	A1.01	DA	Axil architects	24/02/2021
Demolition Ground Floor Plan	A1.02	DA	Axil architects	24/02/2021
Proposed Lower Level Plan - 1:200	A1.03	DA	Axil architects	24/02/2021
Proposed Ground Floor Plan - 1:200	A1.04	DA	Axil architects	24/02/2021
Roof Plan	A1.05	DA	Axil architects	24/02/2021
Proposed Lower Level Plan	A1.06	DA	Axil architects	24/02/2021
Proposed Ground Floor Plan	A1.07	DA	Axil architects	24/02/2021
Proposed Pool + Gym	A1.08	DA1	Axil architects	14/02/2022
Elevations - Club House	A2.01	DA	Axil architects	24/02/2021
Sections - Club House	A2.02	DA	Axil architects	24/02/2021
Elevations & Sections - New Pool + Gym	A2.03	DA	Axil architects	24/02/2021
Elevations - 1:200	A2.04	DA	Axil architects	24/02/2021
Elevations - 1:100	A2.05	DA	Axil architects	24/02/2021
Sections AA, BB, CC & DD	A2.06	DA	Axil architects	24/02/2021
Area Analysis Pans	AA.01	DA	Axil architects	24/02/2021
Civil, Stormwater and WSUD Plans				
Cover Sheet	C1.01	5	Warren Smith Consulting Engineers	-
Specification Notes	C1.02	4	Warren Smith Consulting Engineers	09/03/2022
General Arrangement Plan Sheet 1 of 2	C1.03	5	Warren Smith Consulting Engineers	09/03/2022
General Arrangement Plan Sheet 2 of 2	C1.04	5	Warren Smith Consulting Engineers	09/03/2022
Sediment and Erosion Control Plan	C2.01	4	Warren Smith Consulting Engineers	09/03/2022
Sediment and Erosion Control Details	C2.02	4	Warren Smith Consulting Engineers	09/03/2022

Stormwater Layout Plan Sheet 1 of 2	C6.01	7	Warren Smith Consulting Engineers	09/03/2022
Stormwater Layout Plan Sheet 2 of 2	C6.02	6	Warren Smith Consulting Engineers	09/03/2022
Stormwater Catchment Plan	C6.03	6	Warren Smith Consulting Engineers	09/03/2022
Pit Schedule	C6.04	6	Warren Smith Consulting Engineers	09/03/2022
On Site Detention (OSD) Tank Plan	C6.05	5	Warren Smith Consulting Engineers	09/03/2022
On Site Detention (OSD) Tank Sections	C6.06	5	Warren Smith Consulting Engineers	09/03/2022
Stormwater Drainage Details	C6.07	4	Warren Smith Consulting Engineers	09/03/2022
Landscaping Plans				
Site Plan	LPS.01/B	B	Vital Design Landscape Architects	19/02/2022
Landscape Plan 1	LP.01/B	B	Vital Design Landscape Architects	19/02/2022
Landscape Plan 2	LP.02/B	B	Vital Design Landscape Architects	19/02/2022
External Traffic and Civil Plans				
External Works Plan Sheet 1	C7.01	7	Warren Smith Consulting Engineers	10/03/2022
External Works Plan Sheet 2	C7.02	4	Warren Smith Consulting Engineers	10/03/2022
Swept Paths Sheet 1	C9.01	5	Warren Smith Consulting Engineers	10/03/2022
Swept Paths - Sheet 2	C9.02	2	Warren Smith Consulting Engineers	19/03/2021
Swept Paths - Sheet 3	C9.03	2	Warren Smith Consulting Engineers	19/03/2021
Swept Paths - Sheet 4	C9.04	2	Warren Smith Consulting Engineers	20/03/2021
Reports and Supplementary Documents/Plans				
Arboricultural Impact Assessment	JNC02969	-	CIVICA	11/04/2022
Biodiversity Development Assessment Report	-	1	Eco Logical Australia	08/06/2021
Remediation Action Plan	P1706171	2	martens	02/03/2021
Heritage Impact Statement	-	2	Urbis	26/02/2021
Aboriginal Archaeological Report	-	2	Austral Archaeology	06/11/2020
Aboriginal Due Diligence	-	2	Austral Archaeology	6/12/2019
Historical Archaeological Assessment	-	2	Austral Archaeology	8/11/2020
Flood Impact Assessment	-	1	GYC Hydro	26/11/2019
Civil Engineering Services	-	3	Warren Smith & Partners	02/12/2021
Transport Impact Assessment	-	3	The Transport Planning Partnership	25/02/2021
Bushfire Protection Assessment	18CMCT02BF	-	Travers Bushfire & Ecology	06/12/2019
Noise Emission Assessment	-	3	Acoustic Logic	28/03/2022
BCA Compliance Capability Report	-	1	VIC LILLI & Partners	27/11/2019
Access Review	-	Final	Morris Goding Access Consulting	09/12/2019
Demolition & Construction Waste Management Plan	-	-	Waste Audit & Consultancy Services	November 2019
Operational Waste Management Plan	-	-	Waste Audit & Consultancy Services	November 2019
Sustainability Strategies - ESD Report	-	3	Steensen Varming	4/12/2019
Management & Security Plan	-	-	Wallacia Country Club	30/04/2020

2 **Transport** for NSW (TfNSW) – Those acting on the consent are to ensure that the development remains compliant with the concurrence requirements of TfNSW as set out in TfNSW letter dated 15 April 2021 (Ref SYD21/00375/01) as copied below and as attached to this consent.

1. Detailed design plans and hydraulic calculations of any changes to the stormwater system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

2. The access to the country club is to be modified to include the design features outlined in Attachment A – Access to Country Club and are to be provided to TfNSW and Council for further review.

3. The proposed works outlined in the abovementioned point (b) along Park Road shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Code of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

4. The redundant driveways on the Park Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the gutter crossing and the replacement of the kerb and gutter on Park Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

5. In accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5m in width for a minimum of 6m from the property boundary.

6. A Construction Pedestrian Management Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

7. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Park Road during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.

8. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

9. Sight distances from the proposed vehicular crossings on Park Road are to be in accordance with the Austroad Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

10. It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS 2890.3.

11. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

12. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be

permitted on Park Road.

13. TfNSW has previously dedicated a strip of land as road along the Park Road frontage of the subject property, as shown by grey colour on the attached Aerials – “X” and “Y”.

Transport for NSW (Roads) has also previously acquired a strip of land for road along the Mulgoa Road frontage of the subject property, as shown by blue colour on the attached Aerials – “Z”.

The subject property (Lot 2 DP1108408) is further affected by a Road Widening Order under Section 25 of the Roads Act, 1993 as published in Government Gazette No. 112, 20th October 1967: Folio 3854, as shown by pink colour on the attached Aerials – “X” and “Y” and DP 227202.

Any new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land reserved for road widening, Park Road and Mulgoa Road boundaries (unlimited in height and depth).

3 The approved hours of operation are as follows:

A. Golf Clubhouse

- 10:00am to 10:00pm Mondays, Wednesdays and Thursdays,
- 10:00am to 9:00pm Tuesdays and Sundays, and
- 10:00am to 11:00pm Fridays and Saturdays.

Use of the golf clubhouse outdoor terrace at ground and lower ground floor is to cease at 10:00pm, 7 days a week and terrace doors are to be kept closed after this time.

B. Bowling Green - Any use of the bowling green is prohibited after 6:00pm, 7 days a week.

C. Community Facility (Pool and Gymnasium Building) - 6:30am to 9:00pm, 7 days a week.

Delivery and service vehicles generated by the development are limited to within the hours of operation listed above for each respective development.

4 In accordance with the requirements of the *Environmental Planning and Assessment Regulation 2021*, if required, a sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building and its various components.

5 The proprietor of the food business shall ensure that the requirements of the *NSW Food Act 2003, NSW Food Regulation 2010* and the Australian and New Zealand Food Standards Code are met at all times.

6 **Prior to the issue of any Construction Certificate and prior to works commencing at the site (including tree removal),** Consent no. DA19/0875 is to be surrendered in accordance with Clause 68 of the *Environmental Planning and Assessment Regulation 2021*.

7 The use of the clubhouse is to cease operation at any such time the related golf course ceases operation or closes for a period of more than 3 months (other than for the purposes of maintenance or public health orders).

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

9 **Prior to the issue of the Occupation Certificate,** the applicant is to obtain a satisfactory inspection from an authorised officer of Council's Environmental Health Department for the food business and pool facility.

Any food business is to be registered with Penrith City Council by completing the "Registration of Premises" form which is to be returned to Council prior to the operation of the food business.

10 A separate development application for the erection of an identification sign or advertising structure, other than signage listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of the *Penrith Development Control 2014*.

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

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

13 **Prior to the issue of a Construction Certificate,** the architectural and landscape plans (where impacted) are to be amended to have regard to and adopt relevant sustainability initiatives as have been identified in the Sustainability Strategies – ESD Report, prepared by Steensen Varming, dated 4/12/2019, rev 03.

As a minimum the development is to be amended to include the installation of solar panels on the clubhouse and administration building roof tops and the installation of a commercial solar pool heating device such as strip solar or rigid panels in relation to the proposed community facility (indoor pool and gym complex), and the installation of rainwater tanks to the clubhouse, pool/gym complex and to the administration building.

14 **Prior to the issue of a Construction Certificate,** amended landscape, architectural and civil plans are to be provided to the Manager of Development Services at Penrith City Council for approval. Amended plans are to address the following:

1. A minimum of one canopy tree for each six car spaces throughout the northern section of the car park is to be provided and is to be detailed on plans. Trees are to be provided with sufficient space for root growth. Note: The use of Water Sensitive Urban Design principles as part of the landscape and architectural design are encouraged.

15 The development shall comply with the relevant liquor and gaming legislation and regulations at all times.

16 In accordance with Clause 94 of the *Environmental Planning and Assessment Regulation 2000,* the following is to be completed **prior to the issue of an Occupation Certificate** for the development:

- The existing building (as altered) is to be provided with additional emergency lighting in accordance with the requirements of Clause E4.2 of the BCA and AS2293.1-2018.
- The existing building (as altered) is to be provided with additional exit signage in accordance with the requirements of Clauses E4.5 and E4.6 of the BCA and AS2293.1-2018.
- The existing building (as altered) is to be provided with fire hose reel coverage in accordance with the requirements of Clause E1.4 of the BCA and AS2441-2005.
- The existing building (as altered) is to be provided with fire hydrant coverage in accordance with the requirements of Clause E1.3 of the BCA and AS2419.1-2005.
- Any air conditioning system that serves the existing building (as altered) and has a capacity of more than 1000 L/s or is a ducuted system to be configured to shut down in accordance with the requirements of NSW Table E2.2.b of the BCA where it does not form part of a smoke control system.
- The automatic fire detection and alarm system serving the existing building (as altered) is to be upgraded to comply with the requirements of Clause 4 of Specification E2.2a of the BCA and AS1670.1-2018.
- The barriers to the existing outdoor terrace area on the ground floor are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
- The barriers to the existing western internal stairs and landing adjacent to the office on the ground floor are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
- The barriers to the existing northern external stairs and landing leading from the lounge area are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
- Handrails are to be provided to the front entry stairs in accordance with the requirements of Clause D2.17 of the BCA and AS1428.1-2009.
- The front entry stairs are to comply with the requirements of Clause D2.13, in terms of slip resistance, of the BCA, and have nosing strips on each stair tread with a minimum luminance contrast of 30% to the background in accordance with AS1428.1-2009.
- The artificial lighting in the existing building (as altered) is to be upgraded to comply with the requirements of Part J6 of the BCA.

17 The approved car parking spaces are not be used for storage of materials or waste receptacles and the like. No approval is granted for the subleasing of car parking spaces. No charge for parking is to be applied.

18 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Car Parking

- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all secure/restricted entries to the buildings and various premises.
- Australian Standard 220 – door and window locks must be installed.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Demolition

19 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.

SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the SafeWork NSW Code of Practice Demolition Work August 2019, is required.

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**.

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

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

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

Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- *Work Health and Safety Act 2011*,
- *Work Health and Safety Regulation 2017*
- *SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019*,
- *SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019.*
- *Australian Standard AS2601-2001 The demolition of structures*

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

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

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

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

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

23 Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Heritage/Archaeological relics

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

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

25 **Prior to the issue of a Construction Certificate,** the Certifying Authority is to ensure that the recommendations (including the requirement for test excavations) of the Aboriginal Due Diligence Assessment, dated 6 December 2019, prepared by Austral Archaeology and the recommendations of the Aboriginal Archaeological Report, dated 6 November 2020, prepared by Austral Archaeology, are adhered to and that the recommended actions are carried out, and written confirmation to this effect is provided to the certifier by the author of the Reports.

Environmental Matters

26 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's “Managing Urban Stormwater: Soils and Construction” 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

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.

27 Site remediation works shall be carried out generally in accordance with the approved contamination report and Remediation Action Plan prepared by Martens & Associates Pty Ltd (dated 2 March 2021, ref P1706171JR09V02), as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
- A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

28 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.".

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

29 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.

30 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.

31 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Emission Assessment prepared by Acoustic Logic (dated 28 March 2022, ref 2019130.1/1129A/R3/TT). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

32 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

33 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

34 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

35 **Prior to the issue of the Construction Certificate**, a Construction Noise Impact Assessment and Management Plan, prepared by a suitably qualified acoustic consulting, is to be prepared and submitted to Penrith City Council for approval. This assessment is to consider (at minimum) the noise impacts associated with the construction phase, as well as details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the Council approved Management Plan are to be implemented and adhered to during the construction phase of the development.

Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

36 Amplified music and public address systems associated with the development is not to be audible at the boundaries of the property. No amplified music is to be used externally, including in the carpark.

The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

37 **Twelve (12) months after the issue of the Occupation Certificate,** an Acoustic Compliance Report is to be submitted to and approved by Penrith City Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address all noise generating activities on the site and the level of compliance with the noise criteria set within the Noise Emission Assessment prepared by Acoustic Logic (dated 28 March 2022, ref 20191301.1/1129A/R3/TT). It is to consider the requirements of the NSW Environment Protection Authority's Noise Policy for Industry, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

38 **Prior to the issue of the Construction Certificate,** further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Penrith City Council for consideration and approval. Suitable data and information assessed by a suitably qualified acoustic consultant is to be supplied to demonstrate compliance with the established noise criteria and the approved Noise Emission Assessment prepared by Acoustic Logic (dated 28 March 2022, ref 2019130.1/1129A/R3/TT).

Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

39 In the event of substantiated ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

40 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under the *State Environmental Planning Policy Resilience and Hazards 2021.* Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

41 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.

42 Should contamination be found during development works (outside the scope of the Council approved Remedial Action Plan), and should remediation be required, Penrith City Council is required to be notified and consulted before the remediation works commence.

43 An appropriately qualified person/s shall:

1. Supervise the remediation works.
2. Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
3. Address off site impacts and proposed management strategies where relevant
4. After completion of works, certify by way of a Validation Report (including associated Clearance Certificates or other written documentation) that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Validation Report is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA in accordance with the conditions of this consent.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement.**

Note: For the purpose of this condition an appropriately qualified person is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”.

44 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate,** the Protocol is to be submitted to Council and approved. If Council is not the certifying authority for this development, the Protocol is required to be provided to Penrith City Council for approval.

The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and construction phase of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The above Protocol is to be complied with at all times during the excavation and construction phase of the development.

45 **Prior to the commencement of demolition works,** a Hazardous Materials Survey is to be conducted on the existing structures to be demolished by an appropriately qualified consultant(s). The Hazardous Materials Survey is to be prepared in accordance with:

- AS 2601-2001 The demolition of structures, and
- The approved Noise Emission Assessment prepared by Acoustic Logic (dated 28 March 2022).

The associated investigations are to be carried out to assess the location, extent and condition of hazardous building materials including, but not limited to, the following:

- Asbestos
- Synthetic mineral fibres (SMF)
- Polychlorinated Biphenyls (PCBs)
- Lead-containing paint
- Ozone depleting substances
- Lead dust in ceiling cavities

The Survey is to provide recommendations for the removal of the hazardous materials, including the preparation of safe works method statements and risk assessments to appropriately address health and safety issues. SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the SafeWork NSW Code of Practice Demolition Work August 2019, is required.

All demolition works are to be conducted in accordance with the recommendations made in the approved Hazardous Materials Survey.

46 **Prior to the issue of an Occupation Certificate,** the Principal Certifying Authority shall ensure the recommendations in the approved Noise Emission Assessment prepared by Acoustic Logic (dated 28 March 2022, ref 20191301.1/1129A/R3/TT) and mitigation measures are be implemented and adhered to:

<u>Country Club</u>

- The Country Club is not operate any later than the approved hours of operation,
- The Outdoor Terrace/Deck on the ground floor must cease use at 10:00pm,
- The Outdoor dpace on the lower ground floor is to be used only as a breakout space for the lower ground floor function room, and must not be used after 8:00pm.

<u>Pool and Gymnasium:</u>

- All doors are to have automatic closers,
- All glazing is to be a minimum 6.38mm (Rw31),
- No ventilation louvres are to face west unless acoustically treated to equivalent of the Rw31 facade,
- Music is to be kept to background levels (70d(B)A).

<u>Outdoor Gaming Area:</u>

- The opening size in the roof for ventilation is not to exceed 75m2
- Lining (70% of the total ceiling surface areas) must have a noise reduction coefficient of at least 0.75 and be suitable for outdoor use. Any facing to the acoustic lining must be perforated (minimum 20% open area),
- The inside face of the solid bounding walls to the Outdoor Gaming Area are also to have noise absorptive lining with 50mm Ecosoft (70% of the total wall surface

areas). Any facing to the acoustic lining must be perforated (minimum 20% open area),

- Bounding walls to the gaming area must be solid (no holes), constructed of masonry/fc sheet or material with equal or higher surface density,
- Gaming machines are not to dispense coins,
- Noise levels from machines must not exceed 65 d(B)A at 1m distance from the machine.

Car Parking Areas:

- Solid fence (2.1m high) is to be installed along the eastern boundary of the eastern car park,
- Solid fence (2.1m high) is to be installed along the perimeter of the northern car park. The barrier to run along the western edge of the car park, and along the western half of the northern edge of the car park is to be the same.
- The solid fence is to be lapped and capped timber or colorbond. It is to extend for the full length of the eastern boundary of the car park. Fence can taper in height down as it approaches the southern boundary where appropriate.
- Spaces in the new car parks are not to be used by staff to ensure parking spaces closest to adjacent property boundaries are not used after 10:00pm.
- Security/management is to ensure that patrons do not congregate in car park areas, and leave the site promptly when exiting the country club.

Ground Floor Deck:

- Patron numbers are limited to no greater than 60,
- A solid balustrade (glass, perspex or similar) is recommended around the perimeter of the new deck and smokers terrace area to act as a noise screen to the residence of 21 Park Road. the balustrade/screen is to be no less than 1.8m high.

Function Room:

- Moderate music noise levels (up to 85d(B)A is permitted within this area,
- Windows/doors to these spaces are to be constructed using 10.38mm laminated glass with acoustic seals,
- Roof to the function room to be solid plasterboard (no holes), to prevent excessive noise egress via the roof/ceiling. The floor is to be carpeted, or alternatively a noise absorptive lining is to be installed to 60% of the underside of the ceiling area,
- During use of the function room after 6:00pm, the east facing doors to the terrace are to be kept closed. North facing doors are to be used for egress only.

Waste Collection:

- Waste should be retained within the buildings between the hours of 10:00pm and 7:00am (and 8:00am on weekends) to minimise noise emissions at night,
- Waste collection should occur between 7:00am and 9:00pm weekdays and 8:00am and 8:00pm on weekends.

General:

- Existing areas (lower ground terrace) are not to change their operation (with respect to limits on number of patrons at any one time, use of amplified music or times of use),
- The bowling green is to cease use at 6:00pm, and unruly behaviour is to be prohibited by staff,
- Bottle and waste disposal is not to be undertaken in external areas after 10:00pm,
- Management is to install signs reminding patrons to respect neighbouring residents when exiting the site.

47 **Prior to the removal of any native vegetation**, demolition of stockpiles (including wood piles) or infrastructure associated with the development, a pre-clearance inspection must be conducted to remove and relocate resident fauna and prevent harm to protected native wildlife. This activity is to be undertaken by an experienced/licensed/insured fauna ecologist or licensed wildlife handler/s.

Any displaced fauna are to be relocated to a nearby patch of native vegetation and excluded from re-entering the development site. All care must be taken to transfer any relevant habitat features required for the individuals' persistence at the relocation site. No fauna are to be removed from this location (unless temporarily as a result of injury).

Should any fauna be injured during clearing activities, it is the project managers' responsibility to ensure the fauna ecologist/wildlife handler obtains local veterinary care for the affected wildlife. In addition, a local wildlife rescue group are to be engaged for any additional care requirements, with all costs to be met by the applicant. Any affected wildlife must be released on site.

The fauna ecologist/wildlife handler is to be present during tree clearing activities to manage any affected wildlife. Works must stop while fauna are safely retrieved for relocation.

Clearing shall be conducted in a sequential manner and in a way that allows escaping wildlife the opportunity to disperse safely. Trees are to be gently agitated then lowered to the ground slowly.

Fauna must be excluded from the work site. Fencing may be required.

The fauna ecologist/wildlife handler is to provide a report to Council within one month of clearing activities being completed, reporting on any affected native wildlife.

48 If at any time, during pre-clearance inspections or subsequent works (including clearing activities), unexpected threatened flora or fauna species are encountered, a stop-work protocol must be enacted to allow the ecologist to appropriately manage the organism to ensure its continued persistence on site (whenever possible).

An experienced/qualified/licensed/insured fauna ecologist must be contacted immediately to assist with the rescue and onward management requirements. Council is to be notified.

49 Vehicles, machinery and building refuse associated with the development construction should remain only within construction footprint areas, avoiding weed or pathogen related impacts to vegetation outside of the development site.

BCA Issues

50 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 performance 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).

51 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). **Prior to the issue of a Construction Certificate and Occupation Certificate**, the Certifying Authority and Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Health Matters and OSSM installations

52 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

53 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

Prior to the issuing of an Occupational Certificate and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

54 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business **prior to commencement of the business.**

55 Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 *Design, Construction and Fitout of Food Premises* to the satisfaction of the Certifying Authority **prior to a Construction Certificate being issued.**

56 Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

57 Public swimming pool and spa pools (as defined in the Public Health Act 2010) are to be registered with Penrith City Council by completing the registration form for public swimming pool and spa pools. This form is to be returned to Council **prior to the issuing of the occupation certificate and operation of the premises.**

The occupier of any premises at which a public swimming pool or spa pool is situated must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au prior to the pool or spa being used. The occupier of the premises must notify Council within 7 days of any change of details.

58 The construction and operation of the public swimming pool/s and spa pool/s and associated premises shall comply with the *Public Health Act 2010, Public Health Regulation 2012* and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

59 The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the water in the pool is disinfected in such a way as to minimise the transmission of disease to the other users of the pool as required by the *Public Health Act 2010 and Public Health Regulation 2012.*

60 The occupier of premises at which a public swimming pool or spa pool is situated must ensure that the pool surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease.

61 The construction and operation of the premises shall comply with the NSW *Smoke-free Environment Act 2000* and *Smoke-free Environment Regulation 2000.*

62 All chemicals associated with the operation of the swimming pool shall be stored in adequately labelled containers with tight fitting lids and bunded or stored in a way to prevent the chemicals entering the stormwater systems, should spill occur.

63 Swimming pool waste and overflow water must be collected and directed to the sewer in accordance with the requirements of Sydney Water, and details are to be submitted with the application for the Construction Certificate to the satisfaction of Council or accredited certifier and approved by the operating authority.

64 The proprietor of the gymnasium and pool complex is to install and maintain a public access Automatic External Defibrillator (AED) device. The AED is to be located in a prominent position within the building and is to be provided with signage. Staff and supervisors of the pool and gymnasium are to be trained in its use from time to time.

This condition is imposed to provide safety and to assist in the preservation of life owing to the relative isolation of the site to tertiary medical facilities and owing to the nature of the uses being a public gymnasium and pool which provides swimming lessons and hydrotherapy services.

65 Adequate ventilation is to be provided to the indoor swimming pool area.

66 Copies of response management plans must be made readily available for staff. Response plans should include the following:

(a) Faecal incident solid stool in pool,
(b) Faecal incident loose stool,
(c) Hard surface (vomit, blood or faecal) incident,
(d) Vomit incident in pool,
(e) Cryptosporidium notification

Utility Services

67 A Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

68 **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.

69 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

70 The approved waste management plans must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

71 Construction 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

72 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.

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

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

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

74 **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

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.

<u>Note:</u>

- 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.**

75 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by Transport for NSW (TfNSW) for any works within the road works within Park Road.

A copy of TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

76 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks in Park Road by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate and Roads Act application.

Prior to the issue of the Construction Certificate, and Section 138 Roads Act approval, the Certifier shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifier for information purposes.

77 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Warren Smith & Partners, Job number 6675000, Drawing numbers C1.01 – C6.07) Revision 5, dated 9/03/2022

The plans must be amended to ensure that a minimum of one additional maintenance access point is provided above the cartridge filters to ensure to assist with ventilation and assist in providing a safe access for maintenance.

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.

78 **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 the *Penrith Development Control Plan 2014*, AS2890.1, AS2890.2 and AS2890.6.

79 **Prior to the commencement of any works on-site (including demolition works) and prior to the issue of any Construction Certificate**, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee.

Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

80 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for any works within the verge area of Park Road.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

81 **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.

82 **Prior to commencement of any works associated with the development,** a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites, and certified by an appropriately accredited TfNSW Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council **prior to the issue of an Construction Certificate.**

83 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.

84 **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.

85 **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.

86 **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.

87 **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.

88 **Prior to the issue of any Occupation Certificate**, the Principal Certifier shall ensure that the:

a) Stormwater management systems (including on-site detention and 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.

89 **Prior to the issue of any Occupation Certificate,** a restriction on the use of land and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and 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.

90 **Prior to the issue of any Occupation Certificate,** plans in relation to the installation of regulatory/advisory signage and line marking are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Note:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

91 **Prior to the issue of any Occupation Certificate,** a Maintenance Bond is to be lodged with Penrith City Council for any works within the verge areas of Park Road.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

92 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.

93 **Prior to the issue of any Construction Certificate or the commencement of any works approved by this consent**, the Certifying Authority shall ensure that a Traffic and Parking Review Report, plans and documentation shall be provided to the satisfaction of Council that includes assessment of the impact traffic and parking generated by the golf clubhouse redevelopment and activities as a golf clubhouse and/or a function centre. This shall include:

- Park Road and Golf Clubhouse access driveway intersection and driveway treatment.
- Adjustments to the car park to be in accordance with AS2890.1, DDA compliances and best practice including provision of a separate accessible pedestrian path at least 1.5m wide and preferably 1.8m wide from the footpath (shown on plans to be 1.2m wide but will need to be at least 1.5m wide) at the verge frontage through the car park to the building entry / exit. This will require re-arrangement of the car park set out and car parking spaces.
- Addressing any existing or proposed car park arrangements that have a long dead-end aisle requiring the last car space to be no stopping and cross hatch markings to allow three point turns out requiring a loss in car parking spaces.
- Addressing the access and maneuvering requirements for any existing or proposed waste vehicle and any other service or delivery heavy vehicle. Any reversing in the public car park areas should be eliminated or less desirably, managed by restricting reversing areas to a lesser pedestrian activity area, including limiting access vehicles to 8.8m long or less. Provision of a Waste Vehicle, Service Vehicle and Delivery Vehicle Operational Management Plan that includes waste and service vehicles arriving/ leaving out of hours and temporarily fencing off this section of the car park in these out of hours times.

94 **Prior to the issue of any Construction Certificate or the commencement of works** approved by this consent, the Certifying Authority shall ensure that:

- Off street access and parking complies with AS 2890 including As 2890.1, AS 2890.2 and AS 2890.6.
- Sight distances for driveways at the street frontage have been provided in accordance with AS 2890.1. and AS 2890.2.
- The required sight lines around the driveway entrances shall not to be compromised by landscaping, fencing or signage.
- All vehicles can enter and exit the site in a forward direction.

95 **Prior to the commencement of operations**, directional signage and line marking shall be installed indicating directional movements and the location of customer/visitor parking to the satisfaction of the Principal Certifier.

96 **Prior to the commencement of operations,** all car spaces and loading areas are to be sealed, line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.

Landscaping

97 All landscape works are to be constructed in accordance with the stamped approved plans and the *Penrith Development Control Plan 2014.*

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.

98 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.

99 No trees are to be removed, ring barked, cut, topped or lopped or wilfully destroyed (other than indicated on the stamped approved plans) without the prior consent of Penrith City Council and in accordance with Part C2 Vegetation section of the *Penrith Development Control Plan 2014.*

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

Development Contributions

101 This condition is imposed in accordance with Penrith City Council's City Wide Section 7.12 Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **$69,741.00 is to be paid to Council prior to the issue of a Construction Certificate** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 Contributions Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Development Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

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

(a) employ a Principal Certifier 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 Certifier shall submit to Council an "Appointment of Principal Certifier" in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979.*

<u>Information to accompany the Notice of Commencement</u>
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 6.6 of the *Environmental Planning and Assessment Act 1979.*

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C3 Water Management

C3.5 Flood Planning

The application was accompanied by a Flood Impact Assessment, prepared by GRC Hydro, dated 26 November 2019, which identified the flood impacts of flood events occurring for Jerrys Creek, which is located east of the site and traverses in a north-south direction. This area is well clear of the proposed development site and the key findings of the flood report are as follows:

- The extent of the lot on which the Clubhouse and proposed Pool/Gym Building is only just impacted by the Nepean River 1& AEP flood extent. No works are proposed in the north-eastern corner of the lot where the flood liability exists.
- The redevelopment of the Clubhouse and new building is located outside the 1% AEP flood extent and as such, impacts are a non-issue.
- Proposed floor levels are well above the 1% AEP flood level of 45.8m AHD.

The report, plans and other documentation was also referred to Council's Senior Development Engineer who confirmed the site is clear of any flooding from Jerrys Creek and backwaters from the Nepean River and therefore raised no objections, subject to recommended standard civil and stormwater drainage conditions of consent.

C3.6 Stormwater Management Drainage

Stormwater runoff will be collected, treated, detained and discharged into the existing golf course drainage system that discharges into Jerrys Creek. The water quality filters (WSUD) are located within the on-site detention (OSD) tank with access available from within the car park, although additional access lids will be required to service the cartridges. This will be conditioned accordingly.

The submitted civil, stormwater and WSUD plans, Engineering Services Report, and MUSIC Report was referred to and assessed by Council's Senior Development Engineer and Waterways Officer who both raised no objections to the proposed method of stormwater drainage, subject to conditions of consent.

C6 Landscape Design

The objectives of Chapter C6 of the Penrith DCP include:

- to have an integrated approach to landscaping,
- to ensure that landscaping design takes into account the site's context, landscape and visual character,
- to encourage the retention of existing trees and vegetation to enhance landscape character,
- to ensure that landscape complements built form and minimises impacts of scale, mass and bulk in a site's context, and
- to encourage landscape that can be effectively managed to a high standard for the life of a development.

The DCP requires that landscape design soften buildings and that car parking is to be utilised as a visual element between the street and the development. The section also requires that, in open car parking areas, one large shade tree is to be provided for every 6 car spaces as a minimum, to improve visual amenity and the heat island effect. The proposal is not considered to comply with this section as insufficient boundary setbacks and landscaping are proposed and as a result, the significance of heritage items and conservation areas is impacted.

In this regard, comprehensive landscape strategy with embellishment within the 5.5m front setback and along the western and eastern boundaries are provided, in conjunction with a mix of shrubs and trees of varying densities, canopy trees and buffer planting on the edges of the car park to suitably address the impacts of the development on the local character, scenic values and streetscape. Therefore, the proposed development will have an acceptable impact on the amenity of the surrounding buildings and adjoining residential development.

Furthermore, the design of the southern portion of the car park and correspondence Landscape Plan have been amended to comply with a minimum of one (1) canopy tree for each six (6) car spaces with the proposed blisters and vegetation strips adequately sized to ensure healthy root growth. It

is noted the northern extension of the car park is not provided with compliant tree canopy coverage and therefore, a condition of consent is provided in this regard.

C7 Culture and Heritage

Whilst the subject site is not listed as a heritage item in accordance with Schedule 5 of the PLEP, the site shares a part of its western boundary with a locally listed heritage item known as Wallacia Hotel at 1590-1594 Mulgoa Road, Wallacia (Item no. 325, Schedule 5 of PLEP) and shares a part of its southern boundary with a locally listed heritage item known as St Andrew's Anglican Church at 25 Park Road, Wallacia (Item no. 326, Schedule 5 of PLEP). The area of the clubhouse southern carpark and driveway shares its western boundary with a locally listed archaeological site known as Luddenham Homestead site at 1-9 Park Road (Item no. A849).

Furthermore, a locally listed heritage conservation area being the Mulgoa Road Conservation Area (HCA5) is located nearby to the north-west and the subject site is opposite the locally listed Park Road Conservation Area (HCA6). Other locally listed heritage items in the site's vicinity include Wallacia Public School at 1573-1585 Mulgoa Road (Item no. 852) and Wallacia Post Office at 1589 Mulgoa Road (Item no. 851). Nearby Greendale Road contains a number of other locally listed heritage items.

In this regard, the application was supported by a Heritage Impact Statement, prepared by Urbis, dated 26 February 2021, assessing the potential the proposed development will have on the proximate heritage items and heritage conservation area and associated curtilage, and provided the following findings:

- The proposed works will not physically affect the proximate heritage items or conservation areas themselves. No physical impact on these heritage items and conservation areas will result from the proposal.
- The proposed car parking area to the west of the clubhouse is located on the boundary of the subject site adjoining the Wallacia Hotel heritage item. This car parking area will be screened with introduced vegetation to minimise views of this area. As this area is located to the rear of Wallacia Hotel, and is substantially distanced from the Hotel building, the proposed car parking area will have no detrimental impact on any existing significant views towards the Hotel, which are primarily from Mulgoa Road to the west. The proposed works will not be visible from views of the principal elevation of the Wallacia Hotel from Mulgoa Road, and will not disrupt the landscaped setting to the front of this building.
- The land to the rear of the former St Andrew’s Anglican Church heritage item will be maintained as a golf course and the proposed works to the Wallacia Country Club building and surrounds will not alter the existing physical or visual relationship between the site and this listed church building.
- The proposed works will not markedly affect the setting or landscape elements of the proximate heritage items. The existing landscaping and vegetated setting of the heritage items and the subject property will be enhanced through the retention and protection of existing trees and the introduction of additional trees and landscaped areas.
- The Park Road Heritage Conservation Area is significant for its collection of three inter-war cottages. The trees that are proposed to be removed are native mature trees and while technically located outside of the conservation area boundaries, do contribute to the setting of the dwellings. The proposal originally included the removal of these trees in association with the proposed civil and upgrade works in Park Road, however, the amended design now includes the retention of these trees, which is a favourable outcome from a heritage planning perspective.
- The proposal is in vicinity to heritage items along Mulgoa Road and Park Road. There are no adverse heritage impacts on the significance of these items. There are no negative built heritage outcomes as a result of this proposal. Potential heritage impacts to the setting of the Park Road Conservation Area can be mitigated through strategic replanting and is acceptable as a heritage outcome considering the trees are not heritage listed and not technically within the boundaries of the Conservation Area.

In light of the above, the HIS concluded that the proposed development is supportable and will not result in impacting the heritage significance and value of the locality and adjacent heritage items and conservation areas.

The HIS was reviewed and assessed by Council's Heritage Advisor who raised no objections to the proposed development.

However, the application was also supported by an Aboriginal Due Diligence Assessment, Aboriginal Archaeological Report and Historical Archaeological Report and recommends archaeological test excavations be undertaken post consent. This was reviewed by Council's Heritage Advisor who does not support this component of the application and requested the testing be undertaken prior to the determination of the development application. However, notwithstanding this, it is considered that archaeological test excavations undertaken post consent is not considered to be unreasonable and therefore, conditions of consent have been provided in this regard.

Therefore, the proposed development is considered to comply with the controls and objectives of Chapter C7 of the Penrith DCP.

C10 Transport, Access and Parking

C10.3 Key Transport Corridors
The site is located on and has vehicle access to Park Road, which is a key transport corridor. The application proposes to retain the existing access arrangement via Park Road, in conjunction with civil and intersection upgrade works approved by TfNSW as discussed previously this report.

Traffic modelling undertaken with the submitted Transport Impact Assessment, prepared by The Transport Planning Partnership, in support of the application suggests that the key intersections surrounding the site and the site access point on Park Road will continue to operate satisfactorily during weekday and weekend peak conditions despite the additional traffic generated from the development, being:

- 21 additional trips during the weekday AM peak period,
- 73 additional trips during the weekday PM peak period, and
- 71 additional trips in the weekend peak period.

In this regard, the proposed development is not considered to have a detrimental impact on the existing road network.

C10.5.1 Parking
The proposed development includes:

- 145 at grade car parking spaces, including 6 accessible spaces, with access via Park Road, and
- A loading bay.

Noting that the Penrith DCP prescribed car parking rates do not account for the interrelated nature of various uses proposed, nor are rates provided for recreational facilities, a merit based assessment for car parking is required. In this regard, the accompanying Transport Impact Assessment used the following sources to determine the on-site parking requirements:

- Existing peak parking accumulation of the existing club site
- Penrith Development Control Plan (DCP) 2014
- Review of other existing aquatic centres undertaken as part of the Warringah Aquatic Centre planning (Strategic Leisure Group, 2013)
- Roads and Maritime Services (now TfNSW) Guide to Traffic Generating Developments (2002)
- Roads and Maritime Services (now TfNSW) Trip Generation and Parking Demand Surveys of Gymnasiums, Data and Analysis Report (2014).

The assessment recommended the following car parking requirements for each component of the proposed development:

- Clubhouse Additions: the existing site currently generates a peak parking accumulation rate of 6.57 spaces per 100m^2. Using this metric and the proposed club additions of 392m^2, this would equate to an additional car parking requirement of **26 spaces.**
- Bowling Green: The Penrith DCP 2014 does not contain any specific car parking requirements for bowling green facilities. However, the TfNSW Guide to Traffic Generating Developments (2002) suggests that parking at bowling greens should be provided at a rate of 30 spaces for the first green and 15 spaces for each additional green. It is however noted that the majority of patrons to the bowling green are expected to be associated with club (i.e. patron already visiting the club site). On this basis, it is expected that club parking would be sufficient for the proposed bowling green.
- Function Room: The Penrith DCP 2014 suggests a parking rate of 1 space per 6m^2 of seating area, plus 1 space per employee for function rooms. Using this metric, the proposed function room (224m^2) would generate a car parking requirement of **37 spaces**, noting that club staff would be rostered to cater for the function use as required.
- Swimming Pool: A review of other existing aquatic centres undertaken as part of the Warringah Aquatic Centre planning (Strategic Leisure Group, 2013), indicating that a car parking rate of 3.3 spaces per 100m^2 is sufficient for Aquatic Centre developments. Using this metric, the proposed swimming pool (415m2) could generate a parking demand of **14 spaces.**
- Gymnasium: TfNSW carried out updated traffic surveys with a view to updating the 2002 Guide to Traffic Generating Developments. This included surveys at gymnasium sites in 2014 as part of the Trip Generation and Parking Demand Surveys of Gymnasiums, Data and Analysis Report. The site is considered more comparable to the Oatley and MISSC site (refer to Figure 4.1) in terms of its public transport accessibly

score rating and therefore, a car parking rate of 2.0 to 3.5 spaces per 100m^2 may be more appropriate for the site. This therefore equates to a car parking requirement of two to four car parking spaces (say **3 spaces**).

In light of the above, the proposed renovation and expansion of the Clubhouse and new Pool/Gymnasium building would require an additional 80 car parking spaces. Based on the existing car parking provision of 54 space, this equates to a total car parking requirement of 134 spaces to accommodate the proposed development. The proposed 145 car parking spaces is therefore in excess of the number of spaces required and is therefore considered appropriate. The application was also referred to Council's Traffic Engineer who deemed the assessment undertaken within the Transport Impact Assessment to be acceptable.

It is also noted that delivery trucks will be required to manoeuvre and reverse into the loading dock of the development. However, given the infrequent use, this is considered to be acceptable.

C10.5.2 Access and Driveways
The upgraded site access via Park Road provides for a two-way entry and exit, ensuring cars enter and leave the site in a forward direction. The design of the driveway also complies with the relevant Australian Standars.

C10.6 Pedestrian Corridors
The proposal includes the construction of a 1.2m wide pedestrian footpath along the entire frontage of the site.

C10.7 Bicycle Facilities
In accordance with the Penrith DCP, bicycle facilities are not provided as there will be less than 20 employees working on site at any one time.

C12 Noise and Vibration

An Noise Emission Assessment, prepared by Acoustic Logic, dated 28 March 2022, was prepared in support of the application and specifically addressed the:

- Noise associated with the licensed premises
- Noise associated with the car park, gym and pool

in conjunction with the proposed hours of operation being:

- Wallacia Country Club:
- 10:00am to 10:00pm Mondays, Wednesdays and Thursdays,
- 10:00am to 9:00pm Tuesdays and Sundays, and
- 10:00am to 11:00pm Fridays and Saturdays.

- Pool and Gym:
- Monday - Sunday: 6:30am - 10pm

The combined noise level of the gaming area, new deck, function room, pool and gym, and car park was found to be compliant with the EPA Noise Policy for Industry document and the Office of Liquor and Gaming acoustic criteria, provided that the Recommendations outlined in Section 7 of the Assessment are adopted. The main recommendations include:

- Site to cease trading at 12am.
- Outdoor Terrace/Deck on Ground floor must cease use at 10pm.
- Outdoor space on Lower Ground Floor is to be used only as a breakout space for the Lower Ground Floor function rooms, and must not be used after 8pm.
- Solid fence (2.1m high) is recommended along the eastern boundary of the new eastern car park (to protect 21 Park Road). The Fence shall be lapped and capped timber or Colorbond. It is to extend for the full length of the eastern boundary of the car park. Fence can taper in height down as it approaches the southern boundary (to ensure adequate vehicle sightlines are maintained).
- Solid fence (2.1m high) is recommended along perimeter of the new northern car park. The fence to run along the western edge of the car park,

and along the western half of the northern edge of the car park (to protect the Mulgoa Road residence). The fence to be lapped and capped timber or Colorbond.

- Spaces in the new car parks are not used by staff to ensure that the parking spaces closest to property boundaries are not used after 10pm
- Security/management to ensure that patrons do not congregate in car park areas, and leave the site promptly in the evening after leaving the club building.
- Waste should be retained within the buildings between the hours of 10pm and 7am (and 8am on weekends) to minimise emissions at night.
- Waste collections should occur between 7am and 9pm weekdays and 8am and 8pm
- Use of the bowling green shall cease at 6pm.
- Management to install signs reminding patrons to respect neighbouring residents and leave the site quietly at night time.

The Noise Emission Assessment was reviewed by Council's Environmental Management Officer who concluded that the assessment satisfactorily addresses potential noise impacts which may arise from the operations of the clubhouse and associated car park, pool and gym, and bowling green, as well as traffic generated by the development. Therefore, provided that the recommendations and mitigation measures are adhered to, it is anticipated that no offensive noise will be generated as a result. Adherence to the Noise Emission Assessment and its recommendations will be ensured via a condition of consent.

In addition, whilst the application does not provide detail in regards to the noise levels generated from mechanical plant and equipment associated with the development, this will be addressed through recommended conditions of consent that further information be provided to Council for review and approval prior to the commencement of construction works.

D5 Other Land Uses

D5.5 Parent Friendly Amenities

This chapter of the Penrith DCP applies to all new development classed as 6 or 9 under the Building Code of Australia. The existing clubhouse and proposed pool/gym building are classified as Class 9b and therefore this chapter is applicable.

In this regard, Table D5.2 outlines that for a community facility (i.e. pool and gymnasium building) with a gross floor area of 415m^2, change tables in male, female and disabled toilets are to be provided. In this regard, an assessment of the originally submitted floor plans revealed the new pool and gym building did not include change tables facilities. In this regard, the applicant submitted amended plans and now include the provision of three (3) baby change tables (i.e. one in each accessible WC) and complies with Section D5.5 of the Penrith DCP.

E9 Mulgoa Valley

Chapter E9 of the Penrith DCP applies to land within Mulgoa Valley and Wallacia, including Wallacia Village as identified on the LEP Clause Application map. The map indicates that the subject site is within this area and therefore, the development must comply with Chapter E9 of the Penrith DCP.

The DCP states that the controls for the Precinct seek to conserve the heritage, rural and natural landscape of the Mulgoa Valley, and encourage its development as a rural area emphasising its visual and environmental heritage values. Objectives of the Part include:

(a) To conserve the rural landscape of the Mulgoa Valley;
(b) To protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;
(c) To conserve heritage items and vistas within the Valley;
(d) To protect natural ecological elements within the Valley;
(e) To protect the agricultural capability of prime agricultural land; and
(f) To ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and agricultural qualities.

9.1.2 Siting

Section E9.1.2 requires buildings to be sited so that they are in harmony with the existing landscape. Objectives include to ensure that buildings are sited to protect and enhance the rural and natural landscape of the Valley, particularly when viewed from roads and other public places.

Controls of the chapter require that buildings are to be setback at least 100m from Mulgoa Road and 30m from public roads and that buildings are to

minimise excavation, filling and high foundations by avoiding slopes greater than 1 in 6 with the longest elevations positioned parallel to the contours of the land.

The proposed alterations and additions to the existing Clubhouse are acceptable having regard to the controls and objectives, noting the most western portion of the Clubhouse and Pool/Gymnasium building is located greater than 100m from Mulgoa Road, and the south elevation is setback approximately 40m from Park Road which complies. It is noted that a 4m (approx.) section of the dining and kitchen area will be added to the northern elevation of the existing clubhouse and will be on columns creating an extension to the existing undercroft to the structure. However, this is not considered to be contrary to this section of the Penrith DCP as it is a minor extension to an existing situation and built form and faces the golfing facilities, rather than the public domain.

Furthermore, the proposed Pool/Gymnasium building is set into the slope of the land such that the pool entry from the western car park is relatively level and there will be steps down to the gym entry further to the south, along the western elevation. Whilst it is noted that the building will have a high building platform, particularly when viewed from the east and north, as the land slopes away, the proposal has ensured that the amount of cut and fill is reduced as much as possible and the design of the building appropriately responds to the topography of the land.

9.1.3 Building Form, Materials and Colours

Section E9.1.3 of the Penrith DCP seeks to ensure buildings adopt appropriate building forms, materials and colours that are consistent with the Valley's rural and natural landscape and heritage values.

In this regard, the proposed buildings do not exceed two storeys in height, and includes a mix of peaked and flat roof features. The building facades provide for adequate articulation with a horizontal emphasis and a mix glazed and architectural elements. The proposed building materials and colours integrated appropriately with the surrounding landscape and provides variation to the building's appearance.

9.1.5 Access, Parking and Services

Section E9.1.5 aims to ensure that access roads, parking areas and services do not detract from the Valley's rural and natural landscape or its heritage values. It's objectives include that visual impacts of access roads, parking areas and services are minimised, whilst its controls include:

- Parking areas shall be separated from access roads and from the buildings they serve by planting and other landscaping,
- Large parking areas shall not be visible from public roads,
- Services shall be appropriately located and screened by walls and landscaping.

It is noted that the existing carpark is located forward of the existing Clubhouse fronting Park Road and is proposed to be expanded in this area which does not comply with this section of the Penrith DCP. However, the proposal is provided with a front setback landscaped buffer of 5.5m along the southern boundary (i.e. Park Road frontage) which includes a mix of small, medium and large of shrubs of varying densities that will minimise any visual impact associated with the hardstand visible from Park Road.

Furthermore, the proposal also includes the extension of the existing car park west and north of the existing car park, located adjacent to the heritage significant items. To mitigate any impacts the car park may cause on the heritage curtilage of these adjoining items, the design of the carpark has therefore provided for a landscape buffer and screen planting along the western boundary. In this regard, the proposed car park design and location is considered to be acceptable in this instance.