

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/0362
Proposed development:	Dwelling House, Studio Loft & Strata Title Subdivision x 2 Lots (Proposed Lot 2341 Walshow Street)
Property address:	1197 Coreen Avenue, PENRITH NSW 2750
Property description:	Lot 1197 DP 1171491
Date received:	4 April 2014
Assessing officer	Clare Aslanis
Zoning:	ZONE R1 GEN RES - PT 7 NTH PEN PCCLEP 2008 ZONE RE1 PUB REC - PT 7 NTH PEN PCCLEP2008
Class of building:	Class 1a , Class 10a
Recommendations:	

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and the North West Draft Subregional Strategy.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the western side of the site with the residential suburb of Penrith located further to the east. Future development will consist of medium density dwellings to the north, east and west while to the south is the proposed North Penrith village centre.

The proposed residential development is a corner lot located on Walshaw Street and Cleveland Lane. The site backs onto Cleveland Lane and provides rear access via Cleveland Lane. The overall site area is 381.2m² and it is currently vacant.

Proposal

The proposed development seeks approval for the construction of a two storey dwelling with a loft apartment and two lot strata subdivision. The development is proposed on Lot 2341 Walshow Street and includes landscaping, parking and stormwater drainage.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

BASIX Certificate No.531028M was submitted with the Development Application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal confort.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	N/A
Clause 13 - Zone objectives	N/A
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	Complies
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A

Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 -Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	Complies
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	N/A
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	Complies
Clause 50 - zone objectives and land use table	Complies
Clause 51 - Height of buildings	Complies
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	Complies
Clause 56 - Savings provision relating to pending applications	N/A

Clause 47 - Certain planning instruments cease to apply to the land	N/A
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Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

The following draft Environmental Planning Instruments (EPI's) apply to the site:

Penrith Local Environmental Plan 2010 (Stage 2)

The site will be zoned R1 General Residential under the draft plan. Residential Accommodation is permitted with Council consent within the zone and therefore the proposal is consistent with the draft plan.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies - see Appendix - Development Control Plan Compliance
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	Complies
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies - see Appendix - Development Control Plan Compliance
Chapter 4.7 - Guidelines for subdivision	Complies

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

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

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

Additionally, the development will not generate any significant social or economic impacts.

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed
- The site is able to drain to Council's satisfaction

Section 79C(1)(d) Any Submissions

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions

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

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

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities

The following Section 94 calculations apply to the proposed development.

Calculation for a two storey dwelling with loft apartment & two lot strata subdivision					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<u>2</u>	x	\$5,330.00	-	0	\$5,330.00
AMOUNT					
S.94 Contribution Plan		Contribution Rate x Calculation rate			Total
District Open Space		2 X \$5,330.00			\$5,330.00
		NET TOTAL			\$5,330.00

[Insert discussion]

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2008 (City Centre), Development Control Plan 2006 and the North Penrith Design Guidelines, the proposal satisfies the aims, objectives and provisions of these policies.

In its current form, the proposal will have a positive impact on the surrounding character of the area as it provides more housing choice within close proximity to the Penrith City Centre.

The proposed design is site responsive, complies with key development standards and is in the public interest.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA14/0362 for a two storey dwelling with a loft apartment and two lot strata subdivision at proposed Lot 2341 Walshow Street, Penrith, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan	Numbered	Drawn By	Dated
Site Plan	Sheet 1 of 12	Firststyle Homes	26 March 2014
Ground Floor Plan	Sheet 3 of 12	Firststyle Homes	26 March 2014
First Floor Plan	Sheet 4 of 12	Firststyle Homes	26 March 2014
Studio Floor Plan	Sheet 5 of 12	Firststyle Homes	26 March 2014
Elevations Plan	Sheet 6 of 12	Firststyle Homes	26 March 2014
Elevations Plan	Sheet 7 of 12	Firststyle Homes	26 March 2014
Studio Loft - Elevations Plan	Sheet 8 of 12	Firststyle Homes	26 March 2014
Studio Section Plan	Sheet 9 of 12	Firststyle Homes	26 March 2014
Draft Strata Subdivision Plan	Sheet 11 of 11	Firststyle Homes	26 March 2014
Landscape Plan	L-05 to L-06	EcoDesign	28 February 2014

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as carport, garage, shed, rural shed, swimming pool and the like}.

3 [A009 - Residential Works DCP \(no specific section\)](#)

All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 [A015 - SITE TO BE REGISTERED ALLOTMENT](#)

Prior to the issue of a Construction Certificate the land to which the development consent relates shall be registered at Land and Property Information division of the Department of Lands as a separate lot and documentary evidence provided to Penrith City Council.

5 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

6 [A039 - Graffiti](#)

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

7 [A046 - Obtain Construction Certificate before commencement of works](#)

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

8 [A Special \(BLANK\)](#)

No earthworks including cut and fill or building works including retaining walls, garden sheds or other structures are to be positioned within any easements unless permitted otherwise by an 88B instrument.

Environmental Matters

9 [D001 - Implement approved sediment& erosion control measures](#)

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

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

10 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{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.”}

11 **D009 - Covering of waste storage area**

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

12 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

13 **D011 - Traffic noise & acoustic report (if not submitted with DA, otherwise use H007)**

The site is in close proximity to Coreen Avenue and as such, the internal noise level of all sleeping areas of the building is not to exceed 35 dB(A) LAeq and 40dB(A) LAeq in other living areas. A report, prepared by a qualified acoustic consultant, detailing how the design and proposed construction of the building meets the noise criteria is to be submitted to the certifier issuing the Construction Certificate.

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.

BCA Issues

14 **E001 - BCA compliance**

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

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

(b) formulating an alternative solution which:

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

15 [E005 - Smoke detectors-interconnect](#)

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.

Health Matters and OSSM installations

16 [F006 - Water tank & nuisance](#)

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

Utility Services

17 [G002 - Section 73 \(not for](#)

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

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

18 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

19 [G005 - Rainwater tank- Plumbing](#)

A completed *Permit Application - for Plumbing and Drainage Work* is to be submitted to Sydney Water at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.

Construction

20 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

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

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

21 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

22 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

23 H015 - Termites

Details of the proposed termite management system shall be submitted for consideration and approval prior to the issue of a Construction Certificate. Council recommends that consideration be given to protection against subterranean termites in situations where termite resistant construction is used.

24 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level and frame stage with eaves and gutters installed.

25 H032 - Painting

The building is to be painted internally and externally.

26 H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

27 H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

28 H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

29 H039 - Rainwater tank pumps (Also impose H036, H037 & H038)

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

30 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

31 [K016 - Stormwater](#)

Roof water drains shall be discharged into the street gutter or common line.

32 [K041 - Bond \(Authur unknown\) - Not adopted by Council](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$1,000 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works. Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

33 [K202 - Roads Act \(Minor Roadworks\)](#)

Prior to the issue of a Construction Certificate, a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a vehicular crossing/s.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

34 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

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. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

35 **K209 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Firststyle Homes), reference number (741-14), dated (26.03.2014).

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.

36 **K501- Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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.

Landscaping

37 **L001 - General**

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

Landscaping shall be maintained:

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

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

38 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

39 **L006 - Aust Standard**

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

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

Subdivision

40 **M003 - Statutory boundary clearances**

The proposed subdivision shall not encroach on any statutory boundary clearances or setbacks. A plan prepared by a registered surveyor showing the relative position of all buildings to the proposed boundaries shall be submitted to the Principal Certifying Authority.

41 **M008 - Linen Plan**

Submission of the original Linen Plan and ten (10) copies shall be made prior to the issue of a Strata Subdivision Certificate.

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

Section 94

42 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$ \$5,330.00 is to be paid to Council by Urban Growth prior to a Construction Certificate being issued 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 94 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 S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

43 P001 - Costs

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

Certification

44 Q009 - Strata Certificate

A Strata Certificate shall be obtained from the Principal Certifying Authority prior to lodgement of the strata plan with the Land and Property Information division of the Department of Lands. The Strata Certificate will not be issued if any of the conditions in this consent are outstanding.

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

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

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

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

Information to accompany the Notice of Commencement

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

46 Q05F - Occupation Certificate for Class10

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

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2006

Part 2 - City wide controls

2.7 Notification and Advertising

The application was not required to be notified to adjoining neighbours as all adjoining neighbours were under the same ownership as the subject site.

2.13 Tree Preservation

No trees are to be removed as part of this application.

North Penrith Design Guidelines

North Penrith Design Guidelines

<i>Design Guidelines</i>			
<i>Section</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Comment</i>
3.3 Building Envelopes	1. The maximum number of storeys for residential development is shown at Figure 8.	The development proposes 2 storeys.	Complies.
	2. For all residential development, the floor area of the third storey is to be no more than 60% of the second storey.	No third storey proposed.	n/a.
	3. The location and siting of the third storey is to ensure adequate solar access and privacy for the lot and adjacent residential lots.		n/a.
	4. Development adjacent to a laneway (i.e. ancillary dwelling) is to be no more than 2 storeys.	Ancillary dwelling is 2 storeys.	Complies.
	5. A minimum floor to ceiling height of 2.7m is to be provided for all ground floor living spaces.	2740mm proposed.	Complies.
	6. The maximum depth of a dwelling (exclusive of roofs and privacy screens, etc) from the front boundary is: § 15m for the second storey (identified as L2 on Figures 9-10), § 12m for any third storey component of a dwelling.	Proposed second storey depth 11150mm.	Complies.
	7. The maximum depth of an ancillary dwelling (exclusive of roofs and privacy screens, etc) from the rear boundary is 8m.	The depth of the ancillary dwelling is 7970mm.	Complies.

	<p>8. Front setbacks for residential development within the R1 Zone (except for residential flat buildings) are: § between 3m and 4.5m (to the front facade line), except on the western side of H1 (Thornton Hall heritage carriageway) where the front setback from the boundary line is to accommodate tree retention and access driveway, § a minimum 5.5m (and a minimum 1m behind the front facade line) for the garage, and § 0m to the secondary street (for a corner allotment) except for the first 7m of the allotment which is to be setback at 2m to accommodate the articulation zone requirements at Section 3.4.</p>	<p>The primary dwelling is setback 3000mm from the front boundary. Secondary street setback is 2800mm.</p>	<p>Complies.</p>
	<p>9. The rear setback for the ground floor level of a dwelling is 0.9m. This does not apply to garages and ancillary dwellings adjacent to a rear lane which may be built to the rear boundary.</p>	<p>Ground floor of primary dwelling is approximately 12m from rear boundary. Garages and ancillary dwelling approximately 0.3m from rear boundary.</p>	<p>Complies.</p>
	<p>10. The minimum side setback requirements for residential development within the R1 Zone (except for residential flat buildings) is to be consistent with the table.</p>	<p>Development is consistent with the table.</p>	<p>Complies.</p>
	<p>11. Despite 3.3.10, zero setbacks on both side boundaries for ancillary dwellings and dwelling houses are permitted where certain conditions apply.</p>		<p>Complies.</p>
	<p>12. Where a studio loft above a garage straddles a property boundary, the central maintenance setback is not required. Appropriate arrangements for maintenance are to be included within the stratum lot title for the studio loft.</p>		<p>Complies.</p>
	<p>13. Variations to the building envelope controls contained within Section 3.3 are permitted where it is part of an 'Integrated Development Application' and the applicant can demonstrate that a good level of residential amenity can be achieved to both the proposed dwellings and adjacent properties.</p>		<p>n/a.</p>

3.4 Building Design and Articulation	1. Particular attention is to be paid to the design quality of the front facade of a dwelling. An articulation zone is to be provided in front of the front facade line as illustrated at Figures 9 and 10. The articulation zone: § is to be setback at least 1 metre from the front boundary, § must extend at least 7m from the front boundary line along the secondary street frontage (for corner allotments), and § may extend over 2 storeys (for 2 and 3 storey development).	Front porch provided and approximately 1.9m setback from front boundary.	Complies.
	2. The front articulation zone should include at least 1 primary element or 2 secondary elements.	Porch provided.	Complies.
	3. For corner allotments the articulation zone is to be a minimum depth of 2m from the primary and secondary frontages and may include either primary and/or secondary elements as listed above.	Articulation zones have been included to the front and side facades.	Complies.
	4. For allotments located on the southern, eastern and western side of a street, the articulation zone may be designed to incorporate private open space, including principal private open space.		n/a.
	5. Consideration should be given to expressing the third storey of a dwelling in a lighter weight manner than the structure below, through the use of materials and colours and the like.		n/a.
	6. Eaves are to provide sun shading, to protect windows and doors and provide aesthetic interest. Subject to 3.2.3, eaves should have a minimum of 600mm overhang (measured to the fascia board). Council will consider alternative solutions to eaves so long as they provide appropriate sun shading to windows and display a high level of architectural merit.	The applicant has proposed 450mm eaves, which has been acceptable for two storey dwellings, as indicated in correspondence from Urban Growth 7 January 2013.	Complies.
	7. Building colours, materials and finishes are to be consistent with the Residential Design Palette included at Appendix C.	Colours and materials consistent.	Complies.
	8. Multicoloured roof tiles are not permitted.	Not proposed.	Complies.

<p>3.5 Private Open Space and Landscaping <i>“Private open space” (POS) means the portion of private space which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It may include a balcony, terrace, verandah and an outdoor room / ‘alfresco room’.</i> <i>“Principal private open space” (PPOS) means the portion of private open space which is conveniently accessible from a living area of the dwelling, and which receives the required amount of solar access.</i></p>	<p>1. Each dwelling is required to be provided with an area of POS and PPOS consistent. The ancillary dwelling complies with the numerical requirements.</p>		Complies.
	<p>2. The location of PPOS is to be determined having regard to allotment orientation, dwelling layout, adjoining dwellings, landscape features, and the preferred locations of PPOS illustrated at Figure 11.</p>	PPOS provided at the rear consistent with Figure 11.	Complies.
	<p>3. Where the PPOS is a balcony or roof top area, it must be provided with a fence or landscaped screen at least 1m in height, and be directly accessible from a habitable room.</p>	Balconies with PPOS are directly located to habitable rooms and address rear laneway.	Complies.
	<p>4. The POS of the studio loft is to be located and designed so as to minimise visual and acoustic privacy impacts upon the principal dwelling and its associated POS.</p>	Balcony of the studio loft is unlikely to impact on the primary dwelling and its POS as the balcony faces rear laneway.	Complies.
	<p>5. Fifty per cent of the area of the required PPOS (of both the proposed development and the adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).</p>	The POS of the primary dwelling may be slightly overshadowed by the adjoining dwelling that is not yet constructed and may also overshadow the adjoining neighbour's POS. It is however noted that a determination by the Department of Planning acknowledges that some sites within the subdivision will not be able to receive the required solar access due to the lot configuration, (refer to Major Projects MP100075 and MP100078).	Complies.
	<p>6. The first 1m of a site, measured from the front boundary (excluding driveways, footpaths, etc), is to be soft landscaped. Landscaping within the front yard is to comprise species from the Residential Design Palette included at Appendix C.</p>	All plants are as per the residential design palette.	Complies.

3.6 Fencing	1. Front fencing is required for all residential allotments. Front fencing is to: § be between 700mm and 1.2m high (including feature elements), § be generally open in design and may comprise a solid component that is no higher than 700mm, § extend along the side boundaries to the front facade line (or at least 1m behind the front facade line for dwelling houses), § extend along the secondary street frontage to match the length of the articulation zone, and § not to impede safe sight lines for pedestrians and / or traffic.	Fencing hierarchy provided.	Complies.
	2. The design, materials and colour of front fencing is to be consistent with the Residential Design Palette included at Appendix C.	Colours in accordance with Design Palette.	Complies.
	3. Where a dwelling is located adjacent to open space, boundary fencing is to be of a high quality material and finish. Articulated post and paling fences (with exposed posts) are preferred in these locations.	The development is not directly located adjacent to open space.	Complies.
	4. Timber paling or lapped/capped fencing only can be used internally between allotments. No sheet metal fencing is permitted within the project.	Timber fencing used internally.	Complies.
3.7 Garages, Site Access and Parking	1. The maximum parking rates for multi-unit housing, attached and semi-detached dwellings and dwelling houses are: § 1-2 bedroom: 1 space per dwelling, and § 3+ bedroom: 2 spaces per dwelling.	Parking provided includes a double garage and a single garage. The double garage meets the needs of the primary 4 bed room dwelling, providing 2 parking spaces. And the single garage meets the needs of the 2 bed room studio loft, providing 1 parking space.	Complies.
	2. All visitor parking is to be provided on-street.	Parking available on the street.	Complies.
	3. Parking for affordable housing and seniors housing is to be in accordance with SEPP (Affordable Rental Housing) 2009 and SEPP (Housing for Seniors or People with a Disability) 2004.		n/a.

	<p>4. The garage arrangement is to be consistent with Figures 12 and 13 in that:</p> <p>§ for lots less than 8m wide, all garaging is to be accessed from the rear lane (if rear loaded). If there is no rear laneway, a single / tandem garage is permitted at the front,</p> <p>§ for lots between 8m and 12m wide, garaging may comprise a single / tandem front loaded garage or a rear loaded, double / tandem garage, and</p> <p>§ for lots greater than 12m wide, garaging may either comprise a double front loaded garage or a rear loaded, double / tandem garage.</p>	Garage is in accordance with Figures 12 and 13 and provides a double garage with access to the rear laneway.	Complies.
	<p>5. The maximum width of a garage door is 3.2m and 6m for single / tandem and double garages respectively. Where a studio loft is included, its own garage or carport requires access from the rear lane.</p>	<p>Double garage - 5530mm. Single garage - 3010 mm.</p>	Complies.
	<p>6. Carports and garages are to be treated as an important element of the dwelling facade and interface with the public domain. They are to be integrated with and complementary, in terms of design and material, to the dwelling design. Garage doors are to be visually recessive through the use of materials, colours, overhangs and the like.</p>	Garage designed to complement housing design and materials. Paving treatment complements overall housing designs.	Complies.
	<p>7. The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and tree bays and is to maximise the availability of on-street parking.</p>	Driveways to double garage are provided to the rear laneway.	Complies.
	<p>8. All parking and driveway access is to comply with AS 2890.1 - 2004.</p>		Condition.
3.8 Visual and Acoustic Amenity	<p>1. Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.</p>	Designed to minimise overlooking.	Complies.

<p>2. Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to:</p> <ul style="list-style-type: none"> § be obscured by fencing, screens or appropriate landscaping, or § be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, or § have sill heights of 1.5m above floor level, or § have fixed opaque glazing in any part of the window below 1.5m above floor level. 	<p>The development is provided with limited opportunities for direct sightlines into adjacent dwellings.</p>	<p>Complies.</p>
<p>3. A screening device is to have a maximum of 25% permeability to be considered effective.</p>		<p>n/a.</p>
<p>4. The design of attached dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p>		<p>n/a.</p>
<p>5. In attached dwellings, bedrooms of one dwelling are not to share walls with living spaces or garages of adjoining dwellings, unless it is demonstrated that the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia.</p>		<p>n/a.</p>

<p>6. Residential development in close proximity to the railway corridor, Coreen Avenue, the east and west sides of the Boulevard, the upgraded commuter car park and those flanking the entry road from Coreen Avenue to the commuter car park, are to include design measures so as to achieve the following internal noise levels at these residences:</p> <p>§ a target internal noise level of 35 dB(A) LAeq is to apply in the sleeping areas, and</p> <p>§ a target internal noise level of 40 dB(A) LAeq in other living areas.</p> <p>To achieve these target levels, the acoustic performance of the most exposed facades of these residences are recommended to provide an R_w (weighted sound reduction index) + C_{tr} (spectrum adaptation factor) of not less than 50 dB(A) for the composite wall area. Reference can be made to the BCA for details on deemed-to-satisfy construction.</p>	<p>Condition added.</p>	
<p>7. Residential buildings further within the development (and not affected by heavy vehicle noise along the Boulevard) may achieve a construction of 10 dB less than the above specified targets.</p>		<p>n/a.</p>

<p>3.10 Specific Provisions - Key Sites</p>	<p>Entry Boulevard Lots</p> <p>§ A minimum building height of 2 storeys is required for all lots. A third storey is preferred on corner lots.</p> <p>§ Dwelling facades are to display high quality materials and finishes consistent with the Residential Design Palette (Appendix C).</p> <p>§ Despite Section 3.7, all garaging is to be from the rear lane.</p> <p>§ Front fencing is to be generally consistent and assist in unifying the streetscape.</p>		n/a.
<p>3.12 Specific Provisions - Ancillary Dwellings</p> <p><i>Note: Ancillary dwellings includes 'Secondary Dwellings', as defined by the Standard Instrument (i.e. a self contained dwelling that is used in conjunction with a principal dwelling and is on the same title), and 'Studio Lofts' which are also self-contained dwellings that may be occupied separately from the principal dwelling and are on a separate title from the principal dwelling.</i></p>	<p>1. Subdivision applications that involve the creation of a laneway are to nominate the preferred location of an ancillary dwelling so as to achieve an acceptable degree of passive surveillance within the laneway. The preferred locations for ancillary dwellings are shown at Figure 17.</p>	Position of ancillary dwelling is consistent with figure 17.	Complies.
	<p>1. Ancillary dwelling development is to be consistent with the controls.</p>		Complies.
	<p>2. The design and layout of studio lofts is to minimise overlooking and overshadowing of the private space of the principal dwelling and any adjacent dwellings.</p>	Overlooking to adjacent and principal dwellings minimised.	Complies.
	<p>3. Strata title subdivision of a studio loft into a separate allotment will be permissible only where the following are provided:</p> <p>§ appropriate private open space,</p> <p>§ separate pedestrian access,</p> <p>§ one on-site car parking space,</p> <p>§ separate services for mail delivery and waste collection, and an on-site garbage storage area which is not visible from public street,</p> <p>§ separate connections and metering for utilities, and</p> <p>§ compliance with the Building Code of Australia.</p>	Balcony provides adequate POS.	Complies.