

# PENRITH CITY COUNCIL

## FAST TRACK ASSESSMENT REPORT

<b>Application number:</b>	DA13/1076
<b>Proposed development:</b>	Residential-Single New Dwelling - Two Storey
<b>Property address:</b>	4 Alinta Promenade, JORDAN SPRINGS NSW 2747
<b>Property description:</b>	Lot 2105 DP 1168991
<b>Date received:</b>	23 September 2013
<b>Assessing officer</b>	Alicia Hunter
<b>Zoning:</b>	URBAN ZONE (SREP30)
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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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

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The site is 396.5m<sup>2</sup> in area, is orientated in a western direction and is relatively flat. An inspection of the site was undertaken and the site is currently vacant.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of dwelling including parking, landscaping and associated drainage works

### Plans that apply

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- Penrith Local Environmental Plan No.258 - Consent for dwelling houses and other development
- Western Precinct Plan
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

### Planning Assessment

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- **Section 79BA - Bushfire prone land assessment**

The development has been assessed in accordance with the matters for consideration under Section 79BA (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

Council has undertaken a bushfire attack level (BAL) risk assessment as part of this assessment process and the development has been determined as having a bushfire exposure level equivalent to BAL 12.5 to the northern, eastern and western and BAL 19 to the southern elevation. A condition of consent is recommended to ensure compliance.

## • **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### **(a) (i) The provisions of any environmental planning instrument**

PENRITH LOCAL ENVIRONMENTAL PLAN 2858

The proposed development is defined as a dwelling house, which is permissible with the consent of Council. See below for assessment.

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO.20: HAWKESBURY NEPEAN RIVER

The proposed development is defined as a dwelling house, which is permissible with the consent of Council. See below for assessment.

SYDNEY REGIONAL ENVIRONMENTAL PLAN NO.30: ST MARYS

The proposed development is defined as a dwelling house, which is permissible with the consent of Council. See below for assessment.

### **(a) (ii) The provisions of any draft environmental planning instrument**

The proposed dwelling is consistent with the provisions of any draft environmental planning instruments. See below for assessment.

### **(a) (iii) The provisions of any development control plan**

The proposed dwelling is consistent with the provisions of the relevant development control plan. See below for assessment.

### **(a) iv) The Regulations**

The proposed development complies with the requirements of the regulations.

## **(b) The likely impacts of the development**

### **(i) Context and Setting**

- The proposal is consistent with the bulk, scale, colour and design of other development in the locality.
- The development will have only minor impact on the amenity of the area and the streetscape.
- The development is compatible with the surrounding and adjacent land uses.
- It is considered the development will have minimal on the amenity of the area in terms of sunlight access nor any visual and acoustic privacy / views or vistas. The proposed two storey development does not provide a minimum of 3 hours sunlight to the habitable areas of the adjoining property. The below diagram represents the shadow cast onto the adjoining property at 9am, 12 noon and 3pm. The shadow does not impact the private open space (which is at the rear of the adjoining property). The impact on the habitable room of the adjoining property is considered to be minimal, as the shadow impacts the bottom 100mm of the window only.



- The development will have no impacts on the natural environment.

**(ii) Access and Transport**

The development will have no or minimal impact on the local road system.

**(iii) Heritage**

The property is not subject to any heritage order or identified as a heritage item under a planning instrument.

**(iv) Soil**

The proposed development will have no impact on soil erosion and sedimentation. Adequate sedimentation and erosion controls are proposed as part of the development.

**(v) Natural and Technological Hazards**

The development is not subject to subsidence or slip.

**(vi) Site Design**

The proposed development is sensitive to environmental conditions and site attributes. The proposed development safeguards the health and safety of the occupants.

**(c) The suitability of the site for development**

The site is suitable for the proposed residential development.

**(d) Any submissions made in accordance with the EPA Act and Regs**

In accordance with Council's Notification policy, the proposal was required to be publically notified and no submissions were received.

**(e) The public interest**

The proposal is not likely to generate any issues of public interest.

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

**Penrith Local Environmental Plan No.258 - Consent for dwelling houses and other development**

Provision	Compliance
All Clauses - Consent for dwelling houses and other development	Complies

Consent is required for dwelling houses and consideration has been given to this policy and the objectives have been satisfied.

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

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

**Sydney Regional Environmental Plan No.30 - St Marys**

As assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 30—St Marys and the application is satisfactory.

## 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
Chapter 2.8 - Significant trees and gardens	Complies
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

### Western Precinct Plan

Provision	Compliance
Western Precinct Plan	Complies - see Appendix - Development Control Plan Compliance

### Referrals

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

Referral Body	Comments Received
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## **Conclusion**

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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**

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1. That DA13/1076 for Residential - Two Storey Dwelling at Lot 2105 DP 1168991 4 Alinta Promenade JORDAN SPRINGS be approved subject to the attached conditions (Development Assessment Report Part B)

# CONDITIONS

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## General

1 [A001 - Approved plans that are architecturally drawn](#)

The development must be implemented substantially in accordance with the plans numbered Drawing 20, Issue B drawn by Plan Master Design Consultants and dated 04/09/2013 and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

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

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

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

5 [A special \(A041\) - CONSTRUCTION IN BUSHFIRE AREAS](#)

The dwelling shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006, and:

- to a BAL 12.5 (North, East and Western Elevation) and BAL 19 (Southern Elevation) construction under AS3959-2009 "Construction of buildings in bushfire-prone area"

## Environmental Matters

6 [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).

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 and the land, that was subject to the works, have been stabilised and grass cover established.** 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.

7 [D007 - Cut and fill of land requiring Validation Certificate –limited to footprint](#)

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building 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."}

8 **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.

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

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

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

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

## **BCA Issues**

10 **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).

## **Health Matters and OSSM installations**

11 **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.

## **Construction**

12 **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 is 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.

13 [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).

14 [H009 - Cut / fill details \(amended from adopted Council version\)](#)

Cut and fill is limited to a maximum of 1 metre, in accordance with Penrith Residential Construction Works Development Control Plan.

15 [H022 - Survey \(as amended\)](#)

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.

16 [H030 – Roof finishes \(rural property\)](#)

The external finishes of the dwelling are to be in accordance with the stamped approved colour schedule.



17 **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.

18 **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.

19 **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.

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

The 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.

21 **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.

22 **H special - Salinity**

A detailed soil assessment demonstrating the land is not at risk from salinity is to be submitted to Council. Alternatively, the following measures must be incorporated as part of the construction to minimise the affect of salinity:

- a) The damp proof membrane must be extended to the outside face of the external edge beam up to the finished ground level. (as per clause 3.2.2.6 and figure 3.2.2.3 of the BCA).
- b) Class 32 Mpa (N32) concrete must be used.
- c) Exposure class masonry units must be used below the damp proof course including for strip footings.

## Engineering

23 **K016 - Stormwater**

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

24 **K026 - Stabilised access**

All land required for vehicular access within the site is to be stabilised.

25 **K041**

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 \$ 500.00 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.

26 **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.
- b) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
- c) Opening the road reserve for the provision of services including stormwater.

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).

27 **K501 Roads Authority clearance**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

28 **K Special - Apply if there is an EASEMENT on the site**

No earthworks including cut and fill or building works including a retaining wall, garden shed or other structures of the like are permitted within the easement. The easement is to remain at natural ground level at all times.

## Landscaping

29 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of the proposed building footprint or as shown on the approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Payment of Fees

30 **P002 - Fees associated with Council land (Applies to all works & add K019)**

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

31 **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.

32 **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 dwelling.

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

## Western Precinct

The proposed development is subject to provisions of St Marys Western Precinct as follows:

	Requirements	Complies	Does not comply (See Below)
Front setback	4.5m	Y	
Garage setback	5.5m	Y	
Articulation Setbacks (verandahs, porticos, etc)	3.5m	Y	
Secondary Boundary setback	1.5m	N/A	
Garage Frontage	2.5m	N/A	
Articulation Zone	1m	Y	
Side setback	Zero/0.9m	Y	
Rear Setback	3m	Y	
Garage (rear Loaded)	0.9m	N/A	
Private Open Space	15% for single storey lots 270-500sqm and 20% for double storey dwellings.	Y	
Height	Maximum 2 storeys	Y	
Parking	1-2 for lots 270-500sqm and 2 for any above.	Y	