

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0741
<b>Proposed development:</b>	Demolition of Existing Dwelling & Outbuilding & Construction of Attached Dual Occupancy
<b>Property address:</b>	6 Gamenya Avenue, SOUTH PENRITH NSW 2750
<b>Property description:</b>	Lot 40 DP 239315
<b>Date received:</b>	25 June 2014
<b>Assessing officer</b>	Peter Wood
<b>Zoning:</b>	ZONE NO 2(B) RES (LOW DENS) LEP 1998 URB L
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	

### Executive Summary

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Council is in receipt of a development application for demolition of an existing dwelling, outbuilding and construction of a single storey attached dual occupancy development.

Key issues identified for the proposed development and site include:

- Consideration of appropriateness of setbacks and private open space location and orientation.
- Adequacy of on-site parking
- Privacy of the configuration.

The application has been notified to adjoining properties and exhibited. One submission was received in response raising concern about the parking of a mini bus on the road. The proposal is compatible with the existing single storey residential context and the site is conducive to the attached dual occupancy proposed with individual street orientation of each dwelling.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

This application is to be determined under delegated authority.

## Site & Surrounds

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### **Properties of the site**

Site area: 682sq.m  
Site dimensions: 30 x 15 x 34m  
Orientation: Corner to SW  
Grade/slope: relatively flat, slight fall to Gamenya Ave.  
Surrounding area: Detached predominantly single storey residential development

### **Site constraints**

Easements: No  
Flooding: No  
Bushfire-prone land: No  
One power pole, drainage pit and outlet clear of driveways, recommending both good Gamenya Street trees to be retained.  
Existing dwelling and outbuilding proposed to be demolished

## Proposal

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Proposed single storey attached dual occupancy with orientation to each street on corner lot.

Dwelling 2 is a 2 bed dwelling to Blue Gum Avenue with 3m setback, single garage and 5.5m+ stacked driveway parking space. This dwelling has secondary frontage address and private courtyard within rear setback.

Dwelling 1 is a 3 bed dwelling with orientation to Gamenya Ave, living areas contiguous with north facing alfresco area private courtyard on the corner with 2m open style horizontal slat fence setback and double garage served by a widening driveway from single crossover to Gamenya Ave.

Removal of a number of trees is also proposed however only the existing 'bottlebrush' street trees appear of any value and that is aesthetic.

## Plans that apply

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- Penrith Local Environmental Plan 1998 (Urban Land)
- Development Control Plan 2006
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • **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:

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

#### **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.

#### **Penrith Local Environmental Plan 1998 (Urban Land)**

<b>Provision</b>	<b>Compliance</b>
Clause 7 - Aims and Objectives of the Plan	Complies
Clause 9 - Zone Objectives	Complies
Clause 9 - Zone Permissible	Complies
Clause 10 - Subdivision controls	N/A
Clause 10 - Subdivision objectives	N/A
Clause 10A - Subdivision Glenmore Park	N/A
Clause 11 - Controls for Dual Occupancy and Multi-unit Housing	Complies
Clause 11 - Objectives for Dual Occupancy and Multi-unit Housing	Complies
Clause 12 - Building Envelope	Complies
Clause 12 - Maximum External Wall Height	Complies
Clause 12 - Minimum Landscape	Complies
Clause 13 - Provisions for Environmental Performance	N/A
Clause 14 - Design Principles in development generally	Complies
Clause 15 and Schedule 3 - Development for additional purposes	N/A
Clause 16 - Activities Unaffected by this Plan	N/A
Clause 17 - Community Services and Infrastructure	N/A
Clause 18 - Temporary Use of Land	N/A
Clause 19 - Near boundary of Adjoining Zones	N/A
Clause 19A - Acquisition of Land	N/A
Clause 20 - Acquisition of Land reserved for roads	N/A
Clause 22 - Acquisition of Land within Zone 5(B), 6(B) or 7(A)	N/A
Clause 23 - Development of Land within Zone 5(B), 6(B)	N/A
Clause 24 - Acquisition of land within zone 6D by the Corporation	N/A
Clause 25 - Community use of educational establishments and tertiary institutions	N/A
Clause 26 - Additional matters for consideration for development in zones 6A, 6B or 6D	N/A
Clause 27 - Advertising of development applications for restaurants and kiosks in Zone No.6A, 6C or 6D	N/A
Clause 28 - Tree Preservation	
Clause 29 - Prohibited access	N/A
Clause 30 - Development on contaminated land	N/A
Clause 31 - Development for the purposes of advertisement	N/A

Clause 32 - Flood Liable Land	N/A
Clause 33 - Development of certain land for medical centres	N/A
Clause 34 - Consent required for subdivisions	N/A
Clause 35 - Development of land at North Penrith	N/A
Clause 36 - Thornton Hall and land in the vicinity	N/A
Clause 37 - Land in the vicinity of Combewood	N/A
Clause 37A and Schedule 5 - Claremont Meadows Stage 2	N/A
Clause 38 - Development of the Werrington Mixed Use Area	N/A

### **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:

*Draft Penrith LEP 2010 Stage 2.*

The proposed development is consistent with the provisions of the draft plan.

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

#### **Development Control Plan 2006**

<b>Provision</b>	<b>Compliance</b>
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	N/A
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	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
Chapter 4.3 - Residential (dual occupancy)	Complies - see Appendix - Development Control Plan Compliance
Chapter 4.8 - Construction works	Complies

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

No Planning Agreements are applicable.

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

### ***Fire safety***

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The application has been referred to Council's Building Surveyors for assessment and found to be satisfactory.

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

Likely impacts of the proposed development are not unreasonable as the configuration provides for good orientation and design of indoor and outdoor living areas.

One submission raised concern about the parking of a minibus on street however this is not directly relevant to the proposed development which provides for the requisite 2 spaces per dwelling. If a vehicle is parked too close to a corner or illegally being oversized then this is a police or ranger matter.

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

The site is suitable for a single storey attached dual occupancy with individual orientation being a corner site.

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

### **Community Consultation**

Council has received one submission from an adjoining resident raising concern about the availability for a tourist bus to be parked on site rather than on the street indicating that it is currently parked on street. They have indicated that parking on the street may be hazardous however the matter of vehicles parking legally on the street is not a matter for this DA. Adequate on site parking is required in accordance with the DCP. An email has been sent to the submitter advising of this on 2 September and that the application would be determined within 7 days with the recommendation being for approval.

### **Referrals**

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

<b>Referral Body</b>	<b>Comments Received</b>
Tree Management Officer	
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions

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

This proposal represents a responsive additional housing opportunity compatible with adjoining development which is in the public interest.

## **Section 94 - Developer Contributions Plans**

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities
- Section 94 - Cultural Facilities
- Section 94 - Penrith City Local Open Space

The following Section 94 calculations apply to the proposed development.

<b>Calculation for Dual Occupancy</b>					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<u>2</u>	x	3.1	-	3.1	3.1
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.0		3	3
<b>AMOUNT</b>					
S.94 Contribution Plan	Contribution Rate x Calculation rate				Total
District Open Space	1804 x 3.1				5592
Local Open Space	652 x 3.1				2020
Footpath					
Cultural facilities	135 x 3				405
Library facilities					
Other					
<b>NET TOTAL</b>					<b>8017</b>

[Insert discussion]

## Conclusion

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The proposed design is site responsive and complies with key development standards and development controls.

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

The matter raised in the submission regarding the parking of a tourist bus is beyond the scope of this application and relates to a present occupant and the legality of parking a vehicle on or off site. The parking provision proposed meets Council's DCP requirement.

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

## Recommendation

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1. That DA14/0741 for demolition of existing dwelling and outbuilding and construction of a single storey attached dual occupancy st 6 Gamenya Avenue South Penrith be approved subject to the attached conditions (Development Assessment Report Part B).

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans:

- Site, ground floor, elevations, demolition, erosion control and drainage concept plans prepared by Adan Creative Designs Drawing 1826-14DAa Sheets 1 and 2 dated 13/6/14;
- Landscape Concept Plan prepared by Bioengineered solutions dated 1/6/14;
- External Finishes Schedule prepared by Adan Creative Designs

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.

### 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 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 5 A046 - Obtain Construction Certificate before commencement of works

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

## Demolition

### 6 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

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

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

### 7 B003 - ASBESTOS

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 portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

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

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

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

#### 8 B004 - Dust

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

#### 9 B005 - Mud/Soil

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

#### 10 B006 - Hours of work

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.

## Environmental Matters

#### 11 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.

## BCA Issues

#### 12 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).

#### 13 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.

## Utility Services

#### 14 G003 - Section 73 Certificate for single rural dwellings & dual occs only

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](http://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 before an Occupation Certificate is issued for the development.

## 15 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.

## 16 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

### 17 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

## 18 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

## 19 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.

## 20 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.

## 21 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.

## 22 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.

### 23 [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

### 24 [K016 - Stormwater](#)

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

### 25 [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)

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.

Note:

1. Approvals may also be required from the Roads and Maritime Service for classified roads.

### 26 [K202A - Infrastructure Bond](#)

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 \$1000 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's City 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.

### 27 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Adnan Creative Designs, reference number 1826-14DAa, revision A, dated 13/06/2014.

**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.

28 **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 have been inspected and signed off by Penrith City Council.

## Landscaping

29 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Concept Plan prepared by Bioengineered solutions dated 1/6/14; 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.

30 **L003 - Report requirement**

The following report relating to landscaping is to be submitted to the nominated consent authority at the appropriate time periods as listed below. This report shall be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category (2) landscape works.

i. Implementation Report

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

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

31 **L007 - Tree protection measures – no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Councils Landscape Development Control Plan.

32 **L Special (Replacement of trees)**

Replacement trees must be planted. At least (2) suitable replacement tree/s (preferably native trees) capable of and nurtured to grow to about 10m in height at maturity, must be planted in a suitable location within the property. Replacement trees must be planted prior to occupancy.

## Development Contributions

33 **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 Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$405.00 is to be paid to Council 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 Cultural Facilities may be inspected at Council’s Civic Centre, 601 High Street, Penrith.

34 [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, \$5,592.00 is to be paid to Council 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.

35 [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 Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2020.00 is to be paid to Council 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 Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## **Certification**

36 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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

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

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

### Information to accompany the Notice of Commencement

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

# Appendix - Development Control Plan Compliance

## Development Control Plan 2006

### Part 4 (Chapter 4.3) - Dual occupancy

#### Part C - Major Constraints to Development

Clause	Not Applicable	Complies	Does Not Comply	Comments
3.1 Uses	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.2 Remnant Native Vegetation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.3 European Heritage: Buildings and Gardens	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.4.1 Hazard and Risk - Flooding	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.4.2 Hazard and Risk - Geotechnical Stability	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.4.3 Hazard and Risk - Contamination	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.5 Soil Salinity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.6 Noise	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.7.1 Infrastructure - Drainage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.7.2 Infrastructure - Roads	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.7.3 Infrastructure - Water and Sewer	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

#### Part D - Residential Character

Clause	Not Applicable	Complies	Does Not Comply	Comments
4.1 What Determines Residential Character	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.2 How to Map Residential Character	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.3 Design Features that Influence Character	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4 Preferred configuration for Dual Occupancy development	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.5 Alternative Configuration for Dual Occupancy Development	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

#### Part F - How Much Floorspace is appropriate for your site

Clause	Not Applicable	Required	Provided	Comments
5.1 The Development Site	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	
5.2 Urban Form	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

5.3 Front Side and Rear Setbacks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Gamenya Ave Setback consistent with adjoining, Blue Gum setback improves existing courtyard fence setback and reasonable separation of secondary street frontage of 3m given 4m rear setback and 6m setback of adjoining dwelling.
5.4 Driveways and Parking	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	One unit double garage and the other >5.5m stacked space to single garage provides adequate off-street
5.5 Landscaped Area	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.6 Building Envelope and Side Setbacks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.7 Solar Planning	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

#### Part E - Urban Design Important Details

Clause	Not Applicable	Complies	Does Not Comply	Comments
6.1 Significant Landscapes	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.2 Significant Townscapes	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.3 Building Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.4 Energy Efficiency	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.5 Design of Dwellings and Private Courtyards	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.6 Garage Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.7 Garden Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.8 Paving Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.9 Fences and Retaining Walls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.10 Visual and Acoustic privacy and Outlook	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.11 Safety and Security	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.12 Accessibility and Adaptability	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
6.13 Storage and Services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

#### Part F - Construction and Site Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
7.1 Civic Improvements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.2 Landscape Construction	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.3 Building Services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
7.4 Construction Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

#### Part G - Non Residential Development

Clause	Not Applicable	Complies	Does Not Comply	Comments

8.1 Non Residential Development	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
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