

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/1582
<b>Proposed development:</b>	Attached Dwellings x 15 (Proposed Lots 127-141 Thornton Drive)
<b>Property address:</b>	45 Stoddart Lane, PENRITH NSW 2750
<b>Property description:</b>	Lot 2249 DP 1184495
<b>Date received:</b>	16 December 2014
<b>Assessing officer</b>	Clare Aslanis
<b>Zoning:</b>	Zone R1 General Residential - LEP 2010
<b>Class of building:</b>	Class 1a , Class 10a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for 15 attached dwellings on the subject site.

Under Penrith Local Environmental Plan (LEP) 2010 (Amendment No. 4), the subject site is zoned R1 General Residential. However, the subject application was lodged on 16 December 2014 prior to the commencement of this LEP amendment which became effective on 25 February 2015. Therefore, pursuant to Clause 1.8A (savings provision relating to development applications) of Penrith LEP 2010, the proposal has been assessed against the prior instrument applying to the site, being the Penrith City Centre LEP 2008.

Under Penrith City Centre LEP 2008, the proposal is defined as Residential Accommodation. The subject site was zoned R1 General Residential under this LEP and the proposal is a permissible land use in the zoning with Council consent.

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

## Site & Surrounds

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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 west side of the site with the residential suburb of Penrith located further to the east.

A Project Approval for the Stage 2C SSDA was approved by the Minister for Planning and Infrastructure's delegate on 28 June 2013. It created the subject allotment and included bulk earthworks, remediation, roads and infrastructure which will service the development. DA14/0931 was subsequently approved by Council which created each individual lot on which the dwellings are to be constructed. This subdivision is yet to be registered.

The subject part of the North Penrith site is currently vacant with medium density development and Smith's Paddock to located the east. However, future development will consist of medium and high density development to the south and the east, while further to the south is the proposed North Penrith village centre. The site has a frontage to new roads within the North Penrith site including Thornton Drive and rear lane access via Stoddart Lane.

## Proposal

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The proposed development seeks approval for the construction of 15 attached terrace dwellings with detached rear loaded garages on separate torrens title lots (created via DA14/0931). The development also includes landscaping, parking and stormwater drainage works across the site.

## Plans that apply

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- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- 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 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	N/A
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	N/A
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	Complies
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	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

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

Under Penrith Local Environmental Plan (LEP) 2010 (Amendment No. 4), the subject site is zoned R1 General Residential. However, the subject application was lodged on 16 December 2014 prior to the commencement of this LEP amendment which became effective on 25 February 2015. Therefore, pursuant to Clause 1.8A (savings provision relating to development applications) of Penrith LEP 2010, the proposal has been assessed against the prior instrument applying to the site, being the Penrith City Centre LEP 2008.

### **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	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	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	N/A

#### **North Penrith Design Guidelines**

<b>Provision</b>	<b>Compliance</b>
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)(a)(iv) The provisions of the regulations**

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

### 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 attributes are conducive to the development proposal. The proposal has been designed in a manner consistent with the future character of the locality.

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

#### Community Consultation

The application was not required to be notified as at the time of lodgement all adjoining lots remained under the ownership of Urban Growth NSW who are facilitating the Thornton subdivision. The 'Thornton Design Review Panel' has stamped the plans for approval.

#### 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

### 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.

<b>CALCULATION</b>					
<b>Proposal/Category</b>					
<b><i>Dwellings x 15</i></b>					
<b>No. of Units</b>	<b>x</b>	<b>Rate</b>	<b>-</b>	<b>Credit for existing dwelling/s</b>	<b>Total</b>
15	x	\$2,724	-	0	\$40,860.00
					<b>\$40,860.00</b>

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, 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. 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 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 DA14/1582 for Attached Dwellings x 15 on proposed Lots 127-141 Thornton Drive, Penrith, be approved subject to the attached conditions.

# CONDITIONS

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## 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 Certificates and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plans	Numbered	Drawn By	Dated
Lot 127	214285a Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Lot 128	214285b Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Lot 129	214285c Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 130	214285d Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 131	214285e Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Lot 132	214286a Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Lot 133	214286b Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 134	214286c Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 135	214286d Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 136	214286e Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Lot 137	214287a Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 138	2142857b Sheet 01-05 (Issue A)	Zac Homes	13 October 2014
Lot 139	214287c Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 140	214287d Sheet 01-05 (Issue A)	Zac Homes	30 September 2014
Lot 141	214287e Sheet 01-05 (Issue A)	Zac Homes	23 September 2014
Landscape Plans Lot 127	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 128	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 129	L01-L03 Revision B	EcoDesign	7 October 2014

Landscape Plans Lot 130	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 131	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 132	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 133	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 134	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 135	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 136	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 137	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 138	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 139	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 140	L01-L03 Revision B	EcoDesign	7 October 2014
Landscape Plans Lot 141	L01-L03 Revision B	EcoDesign	7 October 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 a 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, each lot to which the development consent relates shall be registered at the Land and Property Information division of the Department of Lands as a separate lot in accordance with consent number DA14/0931 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 [A046 - Obtain Construction Certificate before commencement of works](#)

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

## Environmental Matters

7 [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.

#### 8 [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.”}

#### 9 [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.

#### 10 [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**

#### 11 [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**

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

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

### **Utility Services**

### 13 [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](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 prior to the issue of release of Strata Plan.

### 14 [G004 - Integral Energy](#)

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

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

## **Construction**

### 15 [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.

## 16 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 publicplace,
- 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.

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 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.

## 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 that 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

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

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

### 23 [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 shall be determined accordance with Council's adopted Fees and Charges.

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 Council's website to obtain the form and request for final inspection.

### 24 [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) 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).

### 25 [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.

### 26 [K Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate a stormwater management plan shall be submitted to Council for approval showing each dwelling draining to the existing outlets on Thornton Drive.

## Landscaping

## 27 L001 - General

All landscape works are to be constructed in accordance with the stamped approved landscape plans and 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.

## 28 L003 - Report requirement

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.

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.

## 29 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.

## 30 L006 - Aust Standard

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

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

## Development Contributions

### 31 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, \$40,860.00 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

### 32 P001 - Costs

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

### 33 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

34 **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.

35 **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

## North Penrith Design Guidelines

### North Penrith Design Guidelines

<i>Design Guidelines</i>			
<i>Section</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Comment</i>
<b>3.3 Building Envelopes</b>	1. The maximum number of storeys for residential development is shown at Figure 8.	The development proposes 2 storeys on each lot.	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 storeys 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.	No third storeys proposed.	n/a
	4. Development adjacent to a laneway (i.e. ancillary dwelling) is to be no more than 2 storeys.	Garages single storey.	Complies.
	5. A minimum floor to ceiling height of 2.7m is to be provided for all ground floor living spaces.	Min. 2.7m 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.	None of the dwellings exceed 15m for the second storey.	Complies.
	7. The maximum depth of an ancillary dwelling (exclusive of roofs and privacy screens, etc) from the rear boundary is 8m.	No ancillary dwellings proposed.	Complies.
	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.	The proposed dwellings are all setback 3m from the front boundary.  No forward facing garages. No secondary street frontages.	Complies.
	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.	Rear loaded garages are 0.2m from the rear boundary.  All rear setbacks comply.	Complies.

	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.	Development is consistent with the table. (Multi-unit housing attached dwellings - 0m on both sides other than those with Access Easements).	Complies.
	11. Despite 3.3.10, zero setbacks on both side boundaries for ancillary dwellings and dwelling houses are permitted where certain conditions apply.	Dwellings proposed either side will be built concurrently.	Complies.
	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.		n/a
	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.		n/a
<b>3.4 Building Design and Articulation</b>	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).	Articulation zones have been included to the front and side facades. Articulation zones are setback 1.8 metres from the front boundary.	Complies.
	2. The front articulation zone should include at least 1 primary element or 2 secondary elements.	Primary and secondary elements utilised.	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.		n/a
	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

	<p>6. Eaves are to provide sun shading, to protect windows and doors and provide aesthetic interest.</p> <p>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.</p>	Eaves are not proposed for the attached dwellings.	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><b>3.5 Private Open Space and Landscaping</b></p> <p><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></p> <p><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>	1. Each dwelling is required to be provided with an area of POS and PPOS consistent. The ancillary dwelling complies with the numerical requirements.		Complies.	
	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.	PPOS provided at the rear consistent with Figure 11.		Complies.
	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.	PPOS is not provided as a balcony or roof top area.		n/a
	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.			n/a
	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).	The POS of the dwellings is slightly over shadowed but all units are able to achieve solar access requirements. It is 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 lot configuration (refer to Major Projects MP100075 and MP100078).		Complies.

	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.	All plants are as per the residential design palette.	Complies.
<b>3.6 Fencing</b>	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.	Fencing proposed is considered high quality.	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. Developer approved.	Complies.
<b>3.7 Garages, Site Access and Parking</b>	1. The <b>maximum</b> 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 double garage spaces for dwellings with 3 bedrooms and a single garage space for all other dwellings.	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>	Garages are in accordance with Figures 12 and 13 and are provided 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>	Garages meet maximum width requirements.	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>	Garages 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 garages are provided to the rear laneway.	Complies.
	<p>8. All parking and driveway access is to comply with AS 2890.1 - 2004.</p>		Condition.
<b>3.8 Visual and Acoustic Amenity</b>	<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. Developer approved.	Complies.
	<p>2. Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to:</p> <p>§ be obscured by fencing, screens or appropriate landscaping, or</p> <p>§ 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</p> <p>§ have sill heights of 1.5m above floor level, or</p> <p>§ 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.	Complies.
	<p>3. A screening device is to have a maximum of 25% permeability to be considered effective.</p>		n/a

	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.	Internal designs generally mirror where dwellings are attached and all adjoining walls are shared with like rooms.	Complies.
	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.	Bedrooms attach to bedrooms.	Complies.
	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: § a target internal noise level of 35 dB(A) LAeq is to apply in the sleeping areas, and § a target internal noise level of 40 dB(A) LAeq in other living areas. To achieve these target levels, the acoustic performance of the most exposed facades of these residences are recommended to provide an Rw (weighted sound reduction index) + Ctr (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.	In accordance with email advice from Michael Gange (Senior Engineer/Team Leader from Renzo Tonin & Associates) dated 27 May 2014, any property in Stage 2 that is north of Empire Circuit requires further assessment in terms of noise impacts from Coreen Avenue. The site is located to the south of Empire Circuit and as such, no further acoustic assessment or treatment is required.	Complies.
	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.		n/a
<b>3.10 Specific Provisions - Key Sites</b>	Dress Circle Park Lots		n/a

<p><b>3.12 Specific Provisions - Ancillary Dwellings</b></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>		n/a
	<p>1. Ancillary dwelling development is to be consistent with the controls.</p>		n/a
	<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>		n/a
	<p>3. Strata title subdivision of a studio loft into a separate allotment will be permissible only where the following are provided:</p> <ul style="list-style-type: none"> <li>§ appropriate private open space,</li> <li>§ separate pedestrian access,</li> <li>§ one on-site car parking space,</li> <li>§ separate services for mail delivery and waste collection, and an on-site garbage storage area which is not visible from public street,</li> <li>§ separate connections and metering for utilities, and</li> <li>§ compliance with the Building Code of Australia.</li> </ul>		n/a