

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/1340
Proposed development:	Second Storey Addition to Existing Neighbourhood Shop Complex for Use as Boarding House containing 23 Boarding Rooms & Associated Ground Level & Basement Car Parking
Property address:	30 Day Street, COLYTON NSW 2760
Property description:	Lot 152 DP 26030 Lot 153A DP 26030 Lot 153 DP 26030 Lot 151A DP 26030 Lot 152A DP 26030 Lot 139 DP 26030
Date received:	20 December 2017
Assessing officer	Lauren Van Etten
Zoning:	Zone B1 Neighbourhood Centre - LEP 2010
Class of building:	Class 3
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a 23 room boarding house at 30 Day Street, Colyton. Under LEP 2010, the proposal is defined as a boarding house. The subject site is zoned B1 Neighbourhood Centre and the proposal is a permissible land use in the zone. The provisions of SEPP 2009 (Affordable Rental Housing) also apply.

Key issues identified for the proposed development include:

- Urban design issues relating to overshadowing of a neighbouring dwelling, solar access to the proposed common open space, inadequate wayfinding information and signage, poor connections internally and poor façade treatments addressing the street frontage;
- Inadequate detail within on stormwater plans;
- Inadequate provision of parking in accordance with the Affordable Rental Housing SEPP 2009;
- Impacts of construction upon the ongoing operation of the existing neighbourhood shops;
- Inadequate assessment of delivery truck noise from the existing shops;
- Non-compliant waste management area;
- Inadequate detail in relation to access control, space management, and management of alcohol consumption; and
- Inadequate landscaping proposed along site boundaries.

The applicant was advised of the above issues and submitted additional information and amended plans. Council found that the amended proposal adequately addressed the issues raised. The application was advertised and notified to adjoining properties and 3 submissions were received with concerns raised in relation to parking/traffic and construction impacts which have been addressed within this report.

An assessment under Section 4.15 (formerly Section 79C) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to conditions of consent.

Site & Surrounds

The site is located on the north-eastern corner of the intersection between Day Street and Carpenter Street in Colyton, with a site area of 1701sqm, being 35m by 55m over 6 lots. Day Street and Carpenter Street contain predominantly low density residential development with the exception of the subject site which provides a block of neighbourhood shops across 9 different tenancies, including a retail liquor outlet and on-site parking.

The site is of regular proportions and is relatively flat. A bus stop is located 20m to the west of the site with a continuous path of travel from the subject site.

Proposal

The proposed development includes the following aspects:

- Construction of twenty-three (23) boarding rooms above existing retail shops;
- Each boarding room to contain its own bathroom and kitchen;
- Common room and communal open space is provided on the first floor;
- Room for manager and care taker;
- New building entry provided via Day Street with lift access;
- Vehicular access will continue to be provided along the western end of the site via Day Street; and
- At grade parking and basement parking area.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

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

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARH SEPP aims to provide affordable housing. Clause 8 of the ARH SEPP provides that in the event of an inconsistency between an EPI and the ARH SEPP, the SEPP prevails to the extent of the inconsistency. The provisions of the ARH SEPP relevant to boarding houses are addressed below.

Permissibility

Boarding houses are defined under the standard instrument as:

boarding house means a building that:

- is wholly or partly let in lodgings, and*
- provides lodgers with a principal place of residence for 3 months or more, and*
- may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- has rooms, some or all of which may have private kitchen and bathroom facilities, that*

accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

However there is no definition of a boarding house under the ARH SEPP.

The ARH SEPP provides that development for the purposes of boarding houses may be carried out with consent in a number of zones, including the B1 zone. The proposal is therefore a permissible land use as the site is situated in a B1 zone.

Development Standards

Clause 29 provides a number of matters that cannot be used as grounds for refusal by a consent authority. These are addressed below.

(1) *A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:*

(a) *the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or*

N/A as no FSR applies.

(b) *if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or*

N/A as residential accommodation is permitted.

(c) *if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:*

(i) *0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or*

(ii) *20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.*

N/A as no FSR applies.

(2) *A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:*

(a) **building height**

if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.

Consistent. Building height of 8.2m is proposed against the development standard of 8.5m.

(b) **landscaped area**

if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,

Consistent. The development forms part of a neighbourhood shop facility which, most appropriately, provides an active street frontage with no setback to both Day and Carpenter Street. The communal room will receive at least 3 hours direct sunlight between 9am and 3pm in mid winter. The proposed upper floor area therefore maintains these prevailing setbacks and the proposal is therefore considered to be consistent with the existing streetscape and landscape character.

(c) **solar access**

where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-

winter.

Consistent.

(d) private open space

if at least the following private open space areas are provided (other than the front setback area):

(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,

(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,

Consistent.

(e) parking

if:

(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and

Twenty-three boarding rooms requires 12 car spaces which are provided within the basement. Originally the proposal provided less parking as the SEPP previously required 0.2 spaces per room, however the SEPP was amended during the assessment of the proposal and the proposal was subsequently amended to be compliant with the new parking rate of 0.5 spaces per room.

In addition, it is noted that 23 car spaces are provided on site for the retail premises, with the staff parking designated within the basement and visitor parking provided at grade. Visitor spaces 14 and 15, however, are not proposed in locations which allow for appropriate manoeuvrability nor allow cars to enter and exit the site in a forward direction and are thus to be removed in the approved plans. While the retail parking provision may be equivalent to the number of spaces provided within the at grade rear parking lot, it is technically non-compliant with the DCP parking rate for retail premises. More specifically, 1 space is required per 30m² and given the existing retail area is 768m², 25.6 spaces are required and therefore there is a shortfall of 4.6 spaces.

That being said, given the generous street frontage lengths of 53m and 35m respectively, it is considered that the shortfall can be accommodated on street without unreasonably impacting on on-street parking in the locality. It is also noted that the proposal was reviewed by Council's Traffic Engineer and found to have an acceptable level of traffic impact on the surrounding road network. In addition, given the proposal intends to retain the neighbourhood shops and thus encourage the longevity of the shop top housing, the proposal achieves the objectives of the B1 zone to provide a range of uses that serve the needs of the surrounding neighbourhood. Council will continue to monitor driver behavior and parking in this area for any enforcement or parking restrictions that may be appropriate in the future.

(f) accommodation size

if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:

(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or

(ii) 16 square metres in any other case.

Consistent.

(3) *A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.*

Consistent.

Clause 30 provides a number of standards that a consent authority must be satisfied of prior to the granting of consent to development for the purposes of a boarding house. Comment is provided below against these provisions.

(1) *A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:*

(a) *if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,*

Consistent.

(b) *no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,*

Consistent.

(c) *no boarding room will be occupied by more than 2 adult lodgers,*

Consistent.

(d) *adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,*

Consistent.

(e) *if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,*

Consistent.

(f) *(Repealed)*

(g) *if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,*

Consistent.

(h) *at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.*

Consistent.

Clause 30A requires the following:

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Originally, the design of the proposed boarding house was not considered to be compatible with the character of the local area due to likely overshadowing of adjoining properties, poor landscaped areas and lack of streetscape presentation.

A number of amendments were made to the plans, including deleting one unit to reduce overshadowing to the window of the adjoining property on Carpenter Street. In addition, the brick element on the first floor was carried down to the ground floor, the shade fins on the upper floor were extended to the awning and a clear entrance was defined by providing a break in the awning treatment. The caretaker room was also relocated adjacent to the communal open space and common room so these common spaces can be properly supervised. In addition, an amended landscape plan provided for trees along the northern and eastern side landscaped boundaries.

The appearance of the revised building will fit in with the existing neighbourhood centre and streetscape and maintain the character of the area. The bulk and scale of the proposed boarding house will be compatible with the adjoining residential development. It will have varied rooflines with articulated walls and vertically proportioned windows. Adequate landscaping will be provided as part of the proposal.

Strata Subdivision

Clause 52 provides that boarding houses cannot be strata subdivided. Strata subdivision does not form part of the application.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The subject site is zoned B1 Neighbourhood Centre under the provisions of Penrith Local Environmental Plan 2010. The proposal is defined as a boarding house which is a permissible land use in the B1 zone subject to Council consent.

Clause 2.3 Zone objectives

The proposal, as amended, is considered to comply with the objectives of the B1 Neighbourhood Centre zone in that it will continue to provide a range of uses to serve the surrounding neighbourhood given the proposed retention of the existing neighbourhood shops on the subject site.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Does not comply - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies

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

The proposal has been assessed with regards to fire safety by Council's Building Surveyor and has been found to be satisfactory. No additional assessment matters are raised by the regulations.

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

Social and Economic Impacts

The proposal will provide an affordable housing choice in close proximity to neighbourhood shops and a bus stop. It is acknowledged that the co-location of residential premises above a packaged liquor outlet may have adverse impacts in terms of increased alcohol related antisocial behaviour or crime which could result

due to an increased volume of people living within very close proximity of a liquor outlet.

In this regard, the applicant has provided a statement detailing how the design of the development addresses CPTED principles. In addition, Council's Community Safety Officer and Social Planner have recommended that the submitted plan of management be adhered to as well as requiring special conditions to enhance the safety and security of all users of the site and to minimise the associated crime risk, including 'alcohol free' signage within the carpark. The installation of CCTV cameras to the entry points of the proposed development is also recommended as is ensuring basement parking and entry point access is for residents and staff only with appropriate signage displayed. In addition, Council's Community Safety Officer met with Penrith Police and set in motion a plan to ensure the footpath surrounding the development is made into an "Alcohol Free" area.

Regarding access control, questions were raised as to how retail staff will be permitted access to the basement and ground floor but not the upper floor and it was confirmed that access control measures such as key lock or a card reader will enable access by boarding house residents only. Council's Social Planner reviewed the amended information and found the proposal satisfactory subject to condition requiring the implementation of the aforementioned access strategy.

Stormwater Impacts

Initially inadequate detail was shown on the stormwater drainage plans in relation to surface levels however amended plans were subsequently provided and considered satisfactory by Council's Development Engineers.

Fire Safety

The development plans have been assessed against the requirements of the *Building Code of Australia (BCA)*. Standard conditions of consent are recommended to be imposed, which include compliance requirements for disabled access and facilities, essential services and fire safety certification.

Form and Scale

The design is reasonably modest in its bulk, height and scale, and is compatible with the existing ground floor shops that will be retained. The façade treatments introduce visually attractive elements, providing an aesthetically pleasing design. The form, scale, siting and external finishes of the proposal are compatible with the context of the locality.

Privacy

Existing amenity of adjoining properties in terms of privacy and visual intrusion will not be unreasonably compromised by the proposed development as windows on the first floor facing the neighbouring dwelling will have high sills as well as louvres to the eastern elevation windows and screens to the eastern elevation balconies.

Traffic Generation and Parking

The proposal will produce a minor increase in local traffic flows. The traffic generated by the proposal will have negligible adverse impacts on the local road network as it has adequate spare capacity to cater for this increase.

Acoustic Impacts

Initially, the submitted acoustic report did not account for either delivery truck noise for existing shops or construction noise impacts. An addendum was then provided which detailed the current delivery frequency associated with the existing retail facilities. Council's Environmental Management Officer reviewed the information and was generally satisfied that any potential noise disturbances can be mitigated through the recommendations of the acoustic report which includes restricting the use of the car park and delivery hours. In addition, a construction noise management plan was provided to outline how construction impacts will be managed and allow for the ongoing use of the retail premises without adverse impacts and was found to be satisfactory by Council's Environmental Management Officer.

Waste Management

The commercial waste area was re-located as suggested by Council's Waste Officer to ensure the commercial waste vehicle did not need to enter the site to collect, reducing the use of the parking area at the rear. In addition, the waste area dimensions were not initially in accordance with Council's DCP and

were thereafter amended to comply to ensure there is adequate room to facilitate waste storage and collection.

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

The design of the development proposal has taken into account the physical characteristics of the land as well as adopted a design approach that is consistent with surrounding development. The use of the land as a boarding house is permitted by virtue of the ARH SEPP and the site's retention of the existing neighbourhood shops and proximity to a bus stop enhances its suitability for the development.

Section 4.15(1)(d) Any Submissions

Community Consultation

The proposed development was advertised and notified to adjoining and nearby property owners from 04/01/18 to 31/01/18 and 3 submissions were received in response.

The issues raised in the submissions relate to the following elements of the development:

Construction Impacts

Any impacts from the construction phase will be managed in accordance with standard conditions of consent which relate to hours for construction works, erosion and sediment control measures and dust and noise management.

In addition, regarding delivery/service trucks, Council's Environmental Management Officer reviewed the proposal and was generally satisfied that any potential noise disturbances can be mitigated through the imposition of conditions restricting the use of the car park and delivery hours to between 7am and 6 pm, Monday to Friday.

A recommended condition of consent will also require noise levels from the premises shall not exceed the relevant noise criteria detailed in the document titled '*Proposed Boarding House: 30 Day Street, Colyton*', prepared by Wilkinson Murray (reference: 17290 v. A, dated: 22 November 2017). The recommendations provided in the above-mentioned acoustic report, which relate to construction standards and restrictions on the outdoor communal space, will be implemented and incorporated into the design and construction of the development. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the required noise criteria in accordance with the acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Development Type

Development for the purposes of boarding houses is permissible within the B1 Neighbourhood Centre zone. The proposed shop top housing has been amended to provide an articulated form with quality streetscape presentation including carrying the brick element on the first floor to the ground floor, extending design features such as the shade fins and provision of a clear entrance along Day Street by breaking the awning treatment. In addition, an amended landscape plan has provided for trees along the northern and eastern side landscaped boundaries.

Conditions of consent are recommended to ensure that each room be limited to one person per room. It is the intention of the State Environmental Planning Policy (Affordable Rental Housing) 2009, that developments incorporating affordable rental housing are located with accessible locations. This is to facilitate connected communities and allow individuals making use of affordable rental housing, opportunity to access services, facilities and transport options.

The development proposal was referred to Council's Social Planner who has identified a need for diverse forms of affordable rental housing within the local area.

Traffic/Parking Impacts

The on-site car parking, motorcycle parking and bicycle parking proposed by the development meets the requirements under *State Environmental Planning Policy (Affordable Rental Housing) 2009* as they apply to boarding houses.

Twenty-three boarding rooms requires 12 car spaces which are provided within the basement. Originally the proposal provided less parking as the SEPP previously required 0.2 spaces per room, however the SEPP was amended during the assessment of the proposal and the proposal was subsequently amended to remain compliant with the new parking rate of 0.5 spaces per room.

In addition, it is noted that 23 car spaces are provided on site for the retail premises, with the staff parking designated within the basement and visitor parking provided at grade to ensure access control is achievable and to provide the most convenient spaces for visitors. While the retail parking provision may be equivalent to the number of spaces currently provided within the at grade rear parking lot, it is technically non-compliant with the DCP parking rate for retail premises. More specifically, 1 space is required per 30m² and given the existing retail area is 768m², 25.6 spaces are required and therefore there is a shortfall of 4.6 spaces given visitor spaces 14 and 15 require deletion.

Excavation, in the form of a second basement level is considered unreasonable in this instance for several extra parking spaces and would warrant substantial excavation. In addition, given the site is a corner lot with generous street frontages of 53m and 35m respectively, additional parking can be accommodated for on the street without unreasonably impacting on on-street parking in the locality. As the area is predominantly low density residential housing, the street is considered to have capacity to accommodate spillover parking.

It is also noted that the proposal was reviewed by Council's Traffic Engineer and found to have an acceptable level of traffic impact on the surrounding road network. In addition, given the proposal intends to retain the neighbourhood shops and thus encourage the longevity of the shop top housing, the proposal achieves the objectives of the B1 zone to provide a range of uses that serves the needs of the surrounding neighbourhood.

Social and Economic Impacts

The entire building will be actively managed by both the boarding house manager and property owner to ensure that adequate maintenance of the building occurs including graffiti removal. With two managing bodies, there may be confusion around division of responsibility. Details have been provided regarding the division of responsibility for space management, to ensure issues are addressed promptly and effectively.

The broader development will be managed by an agent who will be assigned responsibility for site management inclusive of graffiti removal as per typical building management arrangements. The boarding house manager's responsibility will be limited to management of lodgers and the communal spaces and common areas of the boarding house located on level 1. Council's Social Planner reviewed the information submitted and found the details provided regarding the division of responsibility of space management satisfactory subject to a recommended condition of consent that ensures that the Plan of Management be amended to state that boarding house residents will be provided with information on how to address maintenance issues relating to the common areas of the property. This information will be provided when a resident moves in and when the managing agent changes. The information provided will include the managing agent's contact details.

In addition, Council's Community Safety Officer and Social Planner recommended that the submitted plan of management be adhered to as well as special conditions to enhance the safety and security of all users of the site and to minimise the associated crime risk, including 'alcohol free' signage within the car park. The installation of CCTV cameras to the entry points of the proposed development is also recommended as is ensuring basement parking and entry point access is for residents and staff only with appropriate signage displayed. In addition, Council's Community Safety Officer met with Penrith Police and set in motion a plan to ensure the footpath surrounding the development is made into an "Alcohol Free" area.

Regarding access control, questions were raised with the applicant as to how retail staff will be permitted access to the basement and ground floor but not the upper floor and it was confirmed that access control measures such as a key lock or a card reader will enable access by boarding house residents only. Council's Social Planner reviewed the amended information and found the proposal satisfactory subject to a condition requiring the implementation of the aforementioned access strategy.

A letter was sent to the submitters on 27 July 2018 outlining how their concerns have been addressed.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections
Environmental - Public Health	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections - subject to conditions

Section 4.15(1)(e)The public interest

The proposal is consistent with the relevant EPIs. The public interest is served as the development adopts the predominant design characteristics found in the area and also improves opportunities for low cost rental housing in an appropriate location.

Section 94 - Developer Contributions Plans

Council's Section 94 Contribution Plans do not include provisions allowing the levying of contributions for boarding house developments.

Conclusion

The proposed boarding house is consistent with the requirements of the relevant planning instruments and development control plan. The design of the building is considered to fit in with the surroundings. Subject to the recommended conditions, the proposal is unlikely to have a negative impact on the surrounding environment and it is considered to be in the public interest.

Recommendation

That DA17/1340 for 23 Room Boarding House at 30 Day Street Colyton NSW 2760 be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following stamped approved plans issued by Council, BASIX Certificate No. 869001M_02, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan	Drawing No.	Issue	Prepared by	Dated
Basement Floor Plan	DA02C	C	Millennium Design Consultants	17/05/18
Ground Floor Plan	DA03C	C	Millennium Design Consultants	24/07/18
First Floor Plan	DA04C	C	Millennium Design Consultants	25/07/18
East & West Elevations	DA05A	B	Millennium Design Consultants	06/04/18
North & South Elevations	DA06A	B	Millennium Design Consultants	06/04/18
Clearstory Windows Plan	DA07C	C	Millennium Design Consultants	25/07/18
Section	DA09C	C	Millennium Design Consultants	25/07/18
Landscape Plan	L-01	B	Ray Fuggle Associates	15/03/18
Construction Notes, Calculations & Details	16450 – C1	B	Inhouse Consulting Engineers	09/04/18
Basement Stormwater Drainage Plan	16450 – C2	A	Inhouse Consulting Engineers	05/04/2018
Site Stormwater Drainage Plan	16450 - C3	D	Inhouse Consulting Engineers	24/07/18
Roof Stormwater Drainage Plan	16450 – C4	A	Inhouse Consulting Engineers	05/04/18
Erosion & Sedimentation Control Plan	16450 – C5	B	Inhouse Consulting Engineers	09/04/18
Erosion & Sedimentation Details	16450 – C6	-	Inhouse Consulting Engineers	December 2017
Schedule of Finishes	DA11	-	Millennium Design Consultants	21/12/17

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

Use of the designated loading bay for delivery and service vehicles associated with the commercial tenancies is between 7am and 6pm, Monday to Friday.

4 A039 - Graffiti

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

5 A046 - Obtain Construction Certificate before commencement of works

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

6 A Special (BLANK)

The boarding house is permitted to accommodate a maximum of twenty two (22) lodgers and one (1) caretaker at any one time. Each (single) room is to be limited to one resident.

7 A Special (BLANK)

Prior to the issue of an Occupation Certificate, the existing right of carriageway shall be released

8 A Special (BLANK)

The hours of operation of the outdoor communal open space area are restricted to between 8:00am to 10:00pm daily.

9 A Special (BLANK)

All required retaining walls and boundary fencing shall be at the full cost of the property owner/developer. All retaining walls shall be of masonry (or similar) construction (not timber). The materials and colours of any retaining walls and fencing shall match or complement the external materials of the approved development house.

10 **A Special (BLANK)**

No garbage waste, dumped goods or bulky waste such as disused or broken furnishings are to be stored at the site (unless temporarily placed within the approved bulky waste area for a booked Council collection). All car parking spaces shall be maintained for ongoing use at all times and are not to be used for the storage of goods or unregistered/disused vehicles and the like.

11 **A Special (BLANK)**

The owner/manager of the boarding house is to ensure that the surrounds of the building and street front verge are neat, tidy and free from litter at all times.

12 **A Special (BLANK)**

Louvres shall be provided to the skylight within the common area **prior to the issue of a Construction Certificate.**

13 **A Special (BLANK)**

In order to prevent overlooking to the adjoining properties to the east, louvres shall be provided to windows along the first floor of the eastern façade and screening be provided to the balconies of the first floor along the eastern façade. Details shall be shown on the Construction Certificate Plans.

14 **A Special 1**

Boarding house management shall be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed community safety, security or other issues in conjunction with other local stakeholders in the area should the need arise.

15 A Special BLANK

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented prior to the issue of an Occupation Certificate and/or in perpetuity:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting. Specifically:
 - The rear at-grade car park, and all entry/exit points into the building and the amenities accessible from this car park, must be well lit.
 - There must be sufficient under awning lighting provided at the pedestrian entry point off Day Street. Relying on light spill from the surrounding street light poles is not sufficient.

Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the basement car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car parks (both basement and at-grade) must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured..
- 'Alcohol free' signage shall be provided within the carpark areas.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the building including to the basement car park, to the amenities located in the rear at-grade car park and to the waste storage rooms.
- Australian Standard 220 – door and window locks must be installed in all boarding rooms.
- CCTV is to be provided to cover communal public space areas in the building and the car park. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be provided to the common areas of the building.

Graffiti/Vandalism

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

Entrances

- The main entry into the building off Day Street must be clearly visible and legible to users. It must be well lit and must allow users to see into the building prior to entering.

16 A Special condition

Prior to the issue of an Occupation Certificate, access cards/key locks installed on all access points including the lift must be programmed to ensure access for residential and retail staff is suitably controlled to prevent retail staff from accessing residential areas.

Demolition

17 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**.

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

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

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 Environment Protection Authority to receive asbestos wastes.

19 B004 - Dust

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

20 B005 - Mud/Soil

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

21 B006 - Hours of work

All demolition works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- 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.

In the event that the construction works relates to work inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise, then the 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

22 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.

23 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 Development Control Plan 2014 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, soils 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."}

24 **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.

25 **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.

26 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the document titled '*Proposed Boarding House: 30 Day Street, Colyton*', prepared by Wilkinson Murray (reference: 17290 v. A, dated: 22 November 2017). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

27 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

28 **D028 – Environment Management Plan**

The recommendations and proposed construction management practises detailed in the approved Construction Noise and Vibration Management Plan prepared by Wilkinson Murray dated: 11 April 2018, reference: 17290R2 version A are to be implemented and adhered to at all times during the excavation and construction phases of the development.

29 **D Special (BLANK)**

Where an intruder alarm is installed on the premises, it shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

30 **D Special (BLANK)**

In the event of Council receiving complaints in regard to excessive noise, the person in control of the premises shall at their own cost arrange for an acoustic report (prepared by a suitably qualified person) and submit a report to Council specifying the proposed methods for control of noise emanating from the premises.

31 **D Special BLANK**

The following waste management requirements must be complied with and details of compliance demonstrated **prior to the issue of a Construction Certificate**:

a) The Commercial Waste Area is to have internal dimensions of 4.2m long by 3.3m wide and incorporate 1.8m wide outwards opening dual doors (remove roller door).

Prior to the issue of an Occupation Certificate, the following requirements shall be satisfied:

a) The Waste Collection Area, Bulky Household Goods Area and Commercial Waste Area are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing is to be installed to support the use of hose facilities.

b) The Waste Collection Area, Bulky Household Goods Area and Commercial Waste Area are to implement a combination or similar lock system to restrict non-resident/commercial access to the respective waste areas.

c) The Waste Collection Area and Bulky Household Goods Area lock systems are to incorporate an abloy key override to allow Council's Waste Collection Contractors to access the respective areas for collection. The lock system number is 5OL092 and can be arranged through Olympic Lock Smiths (Unit 28/56 Buffalo Rd, Gladesville NSW 2111 - Phone: 1300 303 045).

32 **D Special BLANK**

Prior to the issue of an Occupation Certificate the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

- Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

BCA Issues

33 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

34 **E01A - BCA compliance for Class 2-9**

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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

Health Matters and OSSM installations

35 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.

36 F178 - Boarding House

The boarding house is to be operated in accordance with the requirements set out under the *Local Government (General) Regulation 2005, Clause 83 and Schedule 2 - Standards Enforceable by Orders, Part 1 – Standards for Places of Shared Accommodation*.

37 F179 - Boarding Houses - PH Reg 2012

The boarding house is to be operated in accordance with the requirements set out under the Public Health Regulation 2012.

38 F180 - Boarding House – BH Act 2012

The boarding house is to be operated in accordance with the requirements set out under the Boarding House Act 2012 and Regulation.

39 F181 - Boarding House - Registration

The boarding house proprietor is required to register the boarding house, as a “general” boarding house on the register administered by the NSW Department of Fair Trading within 28 days from commencement of operation of the boarding house.

40 F Sspecial (BLANK)

Council must be contacted within 12 months of the boarding house being registered to arrange an initial compliance investigation. A fee may apply. The purpose of the investigation is to check compliance with planning, building and fire safety regulations and shared accommodation standards under the *Environmental Planning and Assessment Act 1979, Local Government Act 1993* and the *Public Health Act 1991*.

Prior to the issue of an Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site caretaker and the maximum number of occupants for the premises. The caretaker must be contactable 24 hours per day.

41 F Sspecial (BLANK)

A sharps container must be provided on the premises that complies with AS 4031-1992.

42 F Sspecial (BLANK)

A cleaner's room must be provided that includes a cleaner's sink with hot and cold running water, an area for the safe storage of chemicals, and room for the storage of cleaning equipment. Residents must have available for their use cleaning equipment such as vacuums, mops and brooms to maintain their rooms in a clean and hygienic condition.

43 F Sspecial (BLANK)

Each room must be provided with an appropriate and operating washing machine and clothes dryer. The boarding house or business owner must repair or replace equipment as required.

44 F Sspecial (BLANK)

The premises must be used as a boarding house as defined in Section 516(1A) of the *Local Government Act 1993*, being a building wholly or partly let as lodgings in which each letting provides the tariff-paying occupant with a principal place of residence.

Should a land tax exemption be awarded, each tariff charged must not exceed the maximum tariff for each room in the boarding house for the period being determined by the Minister by order published in the Government Gazette. Information concerning the current maximum tariffs is available from the NSW Government Office of State Revenue.

45 F Sspecial (BLANK)

In accordance with the provisions of Clause 52 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *Penrith Development Control Plan 2014*, the boarding house cannot be strata subdivided.

46 F Sspecial (BLANK)

No approval is granted by the consent for the sub-leasing of car parking spaces.

47 F Sspecial (BLANK)

The Plan of Management prepared by Millennium Design Consultants Pty Ltd (April 2017) shall be amended and submitted to Penrith City Council for approval prior to the issue of an Occupation Certificate. The amended Plan of Management shall address the following matters:

a) Waste minimisation, recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles.

b) A pest management program including: frequency of pest service, maintenance and cleaning, area of service, time of service, sighting of pests and a response plan, reporting, methods of treatment and approved products and chemicals. Specific consideration in the plan needs to be given to bed bugs particularly in regard to monitoring and a response plan should they be identified. The plan shall clearly indicate how, and in what timeframe, pests should be eradicated and what measures will be put in place to prevent the further harbourage of pests.

c) The Plan of Management should include a minimum room furnishing list and include detail on the condition of furnishings and the process for replacing furnishings when required, such as how and when a resident can have a mattress replaced. The list might include such things as: bed and bed size, wardrobe, mirror, table and chair, night light, waste container, curtains or blinds, phone line, microwave, washing machine and dryer, refrigerator etc.

d) A cleaning and sanitation program should be developed and included in the Plan of Management that includes written cleaning schedules and cleaning procedures.

The schedule and procedures shall cover all areas external to occupied resident's rooms but should include the room clean when a room is vacated.

The following shall also be addressed in the procedures: how cleaning and sanitising is conducted, frequency of cleaning and sanitising, use of chemicals, cleaning chemical and sanitising solution strengths, record keeping of cleaning and sanitising and signing off on cleaning and sanitising.

e) The Plan of Management shall also state that boarding house residents will be provided with information on how to address maintenance issues relating to the common areas of the property. The information shall be provided when a resident moves in and when the managing agent changes. The information shall include the managing agent's contact details.

Utility Services

48 G002 - Section 73 (not for

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

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

49 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.

50 **G006 -**

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

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

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

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

Construction

51 **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.

52 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.

53 H006 - Submission of and implement waste management plan

Prior to the issue of the Construction Certificate, an amended Construction Waste Management Plan is to be submitted to Council for approval.

This Plan is to address all waste materials generated during the demolition and construction phases of the development, including details of the proposed waste volumes, proposed material reuse during construction works, on site storage and management, designated waste contractors and waste facilities.

The Construction Waste management Plan is to demonstrate compliance with the provisions outlined in Section C5.1 of the Penrith DCP 2014 with regard to the reuse of materials onsite. Any waste materials that are unsuitable for onsite reuse or recycling are to be lawfully disposed of at a suitably licensed waste management facility.

The approved Construction Waste Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

54 **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.

55 **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.

56 **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.

57 **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.

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

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

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

Other construction works carried out inside a building/tenancy 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.

59 [H042 - Adaptable Dwelling Certification](#)

The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable rooms are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

60 [H Special \(BLANK\)](#)

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Engineering

61 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications required to effect the consented development shall be undertaken at no cost to Penrith City Council.

62 [K201 - Infrastructure Bond](#)

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

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

63 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and/or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waster skips, signs, etc in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

64 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Roger E. Dohnt, job number 16450, revision C, dated 17/05/2018.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments Policy.

65 **K211 - Stormwater Discharge – Basement Car parks**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

66 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

67 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) and/or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

68 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a geotechnical investigation, report and strategy has been conducted to ensure the stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Roads and Maritime Services, as amended. The applicant shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority, the dilapidation report shall be submitted to Council prior to Construction Certificate issue and then updated and submitted prior to any Occupation Certificate issue confirming no damage has occurred.

69 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

70 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

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

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

72 **K503 - Works as executed – General and Compliance Documentation**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments Policy.

An original set of works as executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifying Authority.

73 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating required directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

74 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

Landscaping

75 **L001 - General**

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

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

76 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

77 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

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.

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.

78 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 Development Control Plan 2014.

79 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.

80 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 Penrith Development Control Plan 2014.

81 L008 - Tree Preservation Order

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

Certification

82 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

83 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:

- 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
- 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 2014

Part C - City-wide Controls

Twenty-three boarding rooms requires 12 car spaces which are provided within the basement. Originally the proposal provided less parking as the SEPP previously required 0.2 spaces per room, however the SEPP was amended during the assessment of the proposal and the proposal was subsequently amended to be compliant with the new parking rate of 0.5 spaces per room.

In addition, it is noted that 23 car spaces are provided on site for the retail premises, with the staff parking designated within the basement and visitor parking provided at grade. Visitor spaces 14 and 15, however, are not proposed in locations which allow for appropriate manoeuvrability nor allow cars to enter and exit the site in a forward direction and are thus to be removed in the approved plans. While the retail parking provision may be equivalent to the number of spaces provided within the at grade rear parking lot, it is technically non-compliant with the DCP parking rate for retail premises. More specifically, 1 space is required per 30m² and given the existing retail area is 768m², 25.6 spaces are required and therefore there is a shortfall of 4.6 spaces.

That being said, given the generous street frontage lengths of 53m and 35m respectively, it is considered that the shortfall can be accommodated on street without unreasonably impacting on on-street parking in the locality. It is also noted that the proposal was reviewed by Council's Traffic Engineer and found to have an acceptable level of traffic impact on the surrounding road network. In addition, given the proposal intends to retain the neighbourhood shops and thus encourage the longevity of the shop top housing, the proposal achieves the objectives of the B1 zone to provide a range of uses that serve the needs of the surrounding neighbourhood. Council will continue to monitor driver behavior and parking in this area for any enforcement or parking restrictions that may be appropriate in the future.