

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA13/1136
Proposed development:	Residential - New Second Occupancy (Detached Dual Occupancy Development) and Swimming Pool
Property address:	1 - 11 Sixth Road, BERKSHIRE PARK NSW 2765
Property description:	Lot 4 DP 510842
Date received:	4 October 2013
Assessing officer	Mahbub Alam
Zoning:	RU4 Primary Production Small Lots - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a detached dual occupancy at 1-11 Sixth Road Berkshire Park. Under Penrith *Local Environmental Plan 2010 (LEP 2010)*, the proposal is defined as a dual occupancy. The subject site is zoned RU4 – Primary Production Small Lots and the proposal is a permissible land use in the zoning with Council consent.

The site contains Castlereagh Scribbly Gum woodland; however, no vegetation will be removed as a result of this development.

The site is bushfire prone land and a Bushfire report has been reviewed by Council's Health and Building officers. Subject to conditions, the dwelling at a BAL 12.5 rating and current APZ zones under *Planning for Bushfire Protection Policy 2006*, is adequate for the purpose of Section 79BA of the *Environmental Planning & Assessment Act 1979*.

A previous DA12/0920 was refused by Council for a similar development. The current application responds to those reasons for refusal which related to bulk, scale and DCP non-compliance.

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

The subject site is situated on the southern corner of Llandilo Road and Sixth Road. It is 2.025 hectares in area, is orientated in a north western direction and is currently occupied by a single dwelling 121m² in area and a shed 90m² in area.

The subject site is situated within an established low density semirural residential precinct characterised by a mix of new and older single and two storey dwellings situated on large allotments of land.

Proposal

The proposed development includes the following aspects:

- Construction of a detached dual occupancy;
- OSSM System; and
- Associated landscaping.

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79BA - Bushfire prone land assessment

Pursuant to Section 79BA of the *Environmental Planning & Assessment Act 1979*, the subject site is considered to be Bushfire Prone Land. A Bushfire Attack Level assessment has been carried out by a Bushfire Consultant. The report appears to be in accordance with the provisions of *Planning for Bushfire Protection (PBP)* and AS 3959-2009. Notwithstanding, to ensure consistency, the application was referred to Council's Health and Building Surveyors who utilised internal bushfire specialist staff to undertake a review of the assessment report. Council staff were satisfied with the assessment and deemed that a BAL 12.5 rating (as recommended by the consultant).

A condition of development consent is recommended to require construction of the dwellings be to BAL 12.5 rating under AS 3959-2009 and the PBP Policy 2006

• 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

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

SEPP (BASIX) 2004 aims to encourage sustainable residential development and all new dwellings must comply with the provisions of the policy.

A BASIX Certificate has been submitted with this application. A condition is recommended to ensure that the commitments in the BASIX Certificate are maintained throughout the life of the dwelling.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

SREP No. 20 applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP 20.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality. The proposal will have minimal impacts and will not compromise the water or scenic qualities of the river environment given the drainage arrangements and erosion and sediment control measures to be employed during the construction phase of the development, and such requirements will be reinforced by conditions.

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	Complies
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	Complies - See discussion
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	Complies - See discussion
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	Complies
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies - See discussion
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A

Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	Complies - See discussion
Clause 6.3 Flood Planning	Complies - See discussion
Clause 6.4 Development on natural resources sensitive land	Complies
Clause 6.5 Protection of scenic character and landscape values	Complies
Clause 6.6 Servicing	Complies
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

Permissibility

The subject site is within an RU4 zone under *Penrith Local Environmental Plan 2010 (LEP 2010)*.

Under *LEP 2010* the proposed development is defined as dual occupancy, which is permissible with the consent of Council.

LEP Aims and Objectives

The following aims of LEP 2010 are relevant to the proposal:

- (a) *to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with a harmony of urban and rural qualities with a strong commitment to environmental protection and enhancement,*
- (b) *to ensure development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes,*
- (c) *to encourage development to be designed in a way that assists in the mitigation of, and the adaptation to, the likely impacts of climate change,*
- (d) *to protect items of environmental value, particularly mature vegetation and significant watercourses, significant buildings and gardens, and scenic landscapes and views,*
- (e) *to provide for an urban environment that is active, attractive and safe for residents and visitors,*
- (f) *to encourage development that promotes responsible and environmentally sound management practices and resource use, and is sustainable in the long term,*
- (g) *to reinforce Penrith's urban growth limits and promote a compact city by identifying and promoting the intrinsic rural values and functions of Penrith's rural lands,*
- (h) *to sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital and promoting the social well being of rural communities,*
- (i) *to provide for rural living opportunities that is consistent with conserving the rural, agricultural, heritage, natural and scenic values of the rural lands,*

(j) *to protect the environmental heritage of Penrith including places of historic, aesthetic, architectural, natural, cultural, and Aboriginal significance.*

The proposed detached dual occupancy demonstrates consistency with the aims of the LEP as it features:

- Optimal north/south aspect and utilises the natural topography of the land thus providing a sustainable development which utilises natural qualities of the land;
- Substantial separation from adjoining agricultural land uses thus identifying and promoting the intrinsic rural values and function of Penrith's rural lands and conserving the rural and agricultural values of the rural lands which the site is located within;
- Minimal impact to remnant vegetation and therefore sustaining rural lands by conserving the biodiversity and ecosystem and maintaining the site's natural vegetation.

The objectives of the RU4 Rural Primary Production on Small Lots zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To maintain the rural and scenic character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To protect views and vistas from main roads and other vantage points.*
- *To ensure land uses do not adversely affect the amenity of existing residents and the locality.*

The proposal is generally consistent with the above objectives as the proposed detached dual occupancy:

- Will not conflict with surrounding land uses, dual occupancy developments are prevalent in the rural zones of Penrith City Council and are a useful form of development which increases housing capacity in the area whilst maintaining the rural landscapes;
- The siting of the proposed dwelling would not impact on the amenity and privacy of the adjoining properties and would not give rise to view corridor obstruction;
- The bulk and scale of the proposed dwelling in isolation is not contrary to the characteristics of the site and is in keeping with the rural residential character of the area.
- The proposed development would not constrict future primary industry land production;
- The development will not detrimentally affect the environmental capabilities of the land and will not increase unreasonable demand on public services or facilities.

Part 4 - Principle Development Standards

No subdivision is proposed and the LEP does not prescribe a maximum building height or floor space ratio for the development site which renders the provisions of Part 4 irrelevant to the current proposal.

Part 5 - Miscellaneous Provisions

Clause 5.9 Preservation of trees or vegetation

The proposal does not propose to remove any trees. New planting will be provided at the completion of the project to enhance the landscaped quality and appearance of the site. This landscaping will compliment the dwelling and the rural setting of the site and surrounding area.

Clause 6.1 - Earthworks

The proposal involves minor earthworks to form a level building pad. The minor earthworks will not disrupt existing drainage patterns or impact on future development of the land.

Clause 6.2 - Salinity

The relatively minor scale of the proposal is unlikely to impact on natural salinity processes and appropriate measures will be incorporated during construction to mitigate the effects of saline soils.

Clause 6.3 - Flood Planning

The site is affected by local overland flows. Council's Development Engineer has reviewed the levels and location of the dwelling and raised no objection subject to conditions of development consent.

Clause 6.4 - Development on natural resources sensitive land

The subject site is not identified as being affected by natural resources sensitive land on the natural resources sensitive land map. Therefore, this clause of the LEP is not applicable.

Clause 6.5 - Protection of scenic character and landscape values

The subject site is not identified as being within a scenic protection area in accordance with the LEP map. Therefore, this clause of the LEP is not applicable.

Clause 6.6 – Servicing

The development site will be connected to reticulated water and adequate provision is made for the disposal of sewage on the site as detailed in the wastewater report accompanying this development application.

Clause 6.8 - Dual occupancies and secondary dwellings in certain rural and environmental zones

The development site is 2 hectares in size and as such is consistent with this clause.

Clause 5.11 – Bushfire hazard reduction

Pursuant to Section 79BA of the *Environmental Planning & Assessment Act 1979*, the subject site is considered to be Bushfire Prone Land. A Bushfire Attack Level assessment has been carried out by a Bushfire Consultant. The report appears to be in accordance with the provisions of *Planning for Bushfire Protection (PBP)* and AS 3959-2009. Notwithstanding, to ensure consistency, the application was referred to Council's Health and Building Surveyors who utilised internal bushfire specialist staff to undertake a review of the assessment report. Council staff were satisfied with the assessment and deemed that a BAL 12.5 rating (as recommended by the consultant).

A condition of development consent is recommended to require construction of the dwellings be to BAL 12.5 rating under AS 3959-2009 and the PBP Policy 2006.

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

There are no Draft Environmental Planning Instruments which apply to the site.

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies - see Appendix - Development Control Plan Compliance
Part C 1 - Site planning and design principles	Complies - see Appendix - Development Control Plan Compliance
Part C2 - Vegetation management	Complies - see Appendix - Development Control Plan Compliance
Part C3 - Water management	
Part C4 - Land management	
Part C5 - Waste management	
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	
Part C8 - Public domain	
Part C9 - Advertising and signage	
Part C10 - Transport, access and parking	Complies - see Appendix - Development Control Plan Compliance
Part C11 - Subdivision	
Part C12 - Noise and vibration	N/A
Part C13 - Infrastructure and services	Complies - see Appendix - Development Control Plan Compliance
Part D1, Chapter 1.1 - Rural character	Complies - see Appendix - Development Control Plan Compliance
Part D1, Chapter 1.2 - Rural dwellings and outbuildings	Complies - see Appendix - Development Control Plan Compliance
Part D1, Chapter 1.3 - Farm buildings	N/A
Part D1, Chapter 1.4 - Agricultural development	N/A
Part D1, Chapter 1.5 - Non-agricultural development	N/A

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

The development has been lodged and assessed in accordance with the *Environmental Planning & Assessment Regulation 2000*. Council's Health and Building Surveyor has reviewed the proposal and raises no objection subject to conditions which require Construction Certification prior to the commencement of works an Occupation Certificate prior to use of the dwelling. As such, the provisions of the regulations have been satisfied.

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

Built and Natural Environment

- The proposed dual occupancy will be located within a suitable area on the site and is responsive to its context and setting. Therefore it will have minimal impact on the locale.
- The development will not impact on the natural resources of the land. The development is suitably supported by management measures in this regard (i.e. sewer management, stormwater management, sediment and erosion control, etc).
- The development is unlikely to incur any additional acoustic impacts beyond those which are expected by a residential development.
- The development will have no adverse impact on the public domain.
- The development will have no impact on heritage provisions as they do not apply in the locale.
- The design of the proposed dwelling is of high quality and will suitably integrate with the existing built form on the site and its surrounds.
- The development will benefit from existing access provisions and subject to conditions, the development will have no impact on the existing vehicle and traffic movement in the locality.
- The development will require special construction requirements in accordance with AS 3959-2009 to ensure minimal threat to life as a result of bushfire. This requirement will form conditions of development consent.

Social and Economic

- The proposal will not have any negative socio-economic impacts.
- The proposal will not threaten the local community's desired future character of the area as it is a permissible development in the zone and the neighbour notification process did not give rise to community concerns.

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

The site is suitable for the proposed development for the following reasons:

- The proposal is a permissible land use in *RU4 Rural Smallholdings* under the provisions of *LEP 2010*. It is consistent with the *LEP 2010* and zone objectives.
- The proposal is consistent with the objectives of *DCP 2010*.
- The proposal complies with the majority of the numerical requirements.
- The proposal would have a negligible impact on the amenity of the surrounding developments.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 Notification and Advertising of the Penrith Development Control Plan 2010, this application was notified to nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 14 October 2014 to 28 October 2014. Council received no submissions in relation to the proposal.

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
Environmental - Environmental management	No objections - subject to conditions

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

The proposed development makes good economic use of the land by providing a dual occupancy development without compromising existing rural land uses and rural character. Additionally, the application was notified and no objections were raised and therefore, the proposal is not contrary to the public interest or locally in a broader sense.

The proposal is considered to suitably fit the locality and the site attributes are conducive to the development.

Section 94 - Developer Contributions Plans

The following Section 94 contribution plans apply to the subject site:

- Cultural Facilities
- District Open Space
- Local Open Space

The following Section 94 calculations apply to the proposed development.

CALCULATION					
Proposal					
<i>Dual Occupancy</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Total
<u>2</u>	x	6.2	-	3.1	3.1
<u>2</u>	x	6.0	-	3.0	3.0
AMOUNT					
S.94 Contribution Plan	Contribution Rate x Calculation rate			Total	
Cultural Facilities	3 x \$133.00			\$399.00	
District Open Space	3.1 x \$1,797.00			\$5,571.00	
Local Open Space	3.1 x \$650.00			\$2,015.00	
				NET TOTAL	\$7,985.00

Conclusion

The proposed development is generally consistent with the provisions of Penrith *LEP 2010* and DCP 2010 and where a variation is sought, it is well justified and worthy of support. The development has been assessed having regard to the heads of consideration under the *Environmental Planning & Assessment Act 1979* which satisfactorily demonstrates the development is responsive to the natural features of the site and suitably conserves the rural character. Having regard to the merits of the application, it is worthy of support and recommended for approval.

Recommendation

That DA13/1136 for residential development – dual occupancy at 1-11 Sixth Road Berkshire Park, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001

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

Drawing Title	Drawing No.	Prepared By	Dated
Site Plan	012/2011 (Sheet 01)	JVV	4/03/2014
Building Envelope Plan	012/2011 (Sheet 02)	JVV	4/03/2014
Floor Plan	012/2011 (Sheet 03)	JVV	4/03/2014
Roof Plan	012/2011 (Sheet 04)	JVV	4/03/2014
Elevations	012/2011 (Sheet 05)	JVV	4/03/2014
Sections A, B, C	012/2011 (Sheet 06)	JVV	4/03/2014
Landscape Concept	3165	Monaco Designs P/L	20 Sept 2013
External Finishes	-	Branvel Developments Pty Ltd	11/09/2012
Waste Management Plan	-	-	Aug 2012
BASIX Certificate	440161S_02	-	02 October 2013
Onsite Wastewater Assessment	771ww	Harris Environmental Consulting	14 March 2014

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions. Amendments in red relate to the demolition of an existing shed and swimming pool.

2 A008 - Works to BCA requirements (Always apply to building works)

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

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

3 A009 - Residential Works DCP (no specific section)

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

4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

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

The dwelling shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006, and to a BAL 12.5 construction in accordance with AS3959 - 2009.

Details of construction methods shall be indicated on the plans for a Construction Certificate to demonstrate compliance.

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

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

Demolition

7 [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**.

8 [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 Environmental Protection Authority to receive asbestos wastes.

9 [B004 - Dust](#)

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

10 [B005 - Mud/Soil](#)

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

11 [B006 - Hours of work](#)

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

12 **D001 - Implement approved sediment& erosion control measures**

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

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

13 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

14 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{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."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

15 **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.

16 **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

17 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).

18 E005 - Smoke detectors-interconnect

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

Utility Services

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

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued for the development.

20 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

21 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.

22 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.

23 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings".

Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

24 H015 - Termites

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

25 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

26 H041 - Hours of work (other devt)

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

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

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

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

27 H18F - Timber framework

All timber frame work shall comply with AS1684-1999 "Residential Timber-FramedConstruction."

Swimming Pools

28 J001 - Excavated material removal

All excavated material associated with the construction of the pool shall be disposed of at a site which lawfully accepts the material. Details of the disposal location are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. Evidence of lawful disposal (i.e. tip receipts) is to be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

29 J002 - Fencing when water in pool

When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.

30 J004 - Pool fence (residential)

At all times, the swimming pool is to be surrounded by a child-resistant barrier that:

- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
- is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

31 J009 - Backyard pool safety package (add J010)

To promote pool safety awareness in the City and ensure that pool owners are actively ensuring the safety of all users of their pool, the "Backyard Pool Safety" package was developed in conjunction with Penrith City Council and State government agencies.

It is the pool owners' responsibility to purchase and read the information package prior to using the swimming pool (The package is available for purchase from Council's Civic Centre, 601 High Street, Penrith).

32 J010 - Pool board/ sign (add J009)

A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:

- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
- bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "CardioPulmonary Resuscitation" published by the Australian Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith).

Engineering

33 K202 - Roads Act (Minor Roadworks)

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

- a) Provision of a vehicular crossing.

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

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

34 [K208 - Stormwater Discharge \(Minor Development\)](#)

Stormwater drainage from the site shall be discharged to the existing dam.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

35 [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.

Landscaping

36 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plan and Penrith Council's Development Control Plan 2010.

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.

37 [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.

38 [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.

39 [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.

40 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

Section 94

41 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$399.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

42 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **District Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$5,571.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

43 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Local Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,015.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Local open space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

44 [P001 - Costs](#)

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

45 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond is based upon the estimated value of the works with a bond of **\$2,500** payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

Certification

46 [Q010 - BASIX Certificate \(dont use anymore\)](#)

The commitments listed in the BASIX Certificate for the dwelling, and forms part of the development consent, is to be maintained during the life of the dwelling. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

47 **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.

Operation of OSSM

48 **R101 - Operational Approval prior to use**

The on-site sewage management (OSSM) system shall be installed and operated in accordance with the recommendations contained in the Wastewater Report prepared by Harris Consulting (dated Aug 2012, updated 14/3/2014 ref 771ww) and the Site Plan prepared by Monaco Designs (dated 22/8/2012, print dated 4/3/2014 ref 012/2011 issue D) and the conditions of this consent.

Prior to the issue of the Occupation Certificate, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

49 **R102 - OSSM System Type and Disposal Area (all systems)**

All wastewater generated by the proposed dwelling is to be diverted to a NSW Health Accredited Aerated Wastewater Treatment System and be disposed of by way of surface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Site Plan prepared by Monaco Designs (dated 22/8/2012, print dated 4/3/2014 ref 012/2011 issue D) and have a minimum effluent disposal area of 588m² within an effluent management area of 1167m².

The system and effluent management area are to be installed and managed in accordance with the:

- o "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households;"
- o Australian Standards AS1547:2012;
- o Council's On-Site Sewage Management and Greywater Reuse Policy;
- o Wastewater Report prepared by Harris Consulting (dated Aug 2012, updated 14/3/2014 ref 771ww); and
- o Site Plan prepared by Monaco Designs (dated 22/8/2012, print dated 4/3/2014 ref 012/2011 issue D).

The system is to be utilised for the proposed **dwelling** and a daily wastewater load of 1392L in accordance with The Wastewater Report prepared by Harris Consulting (dated Aug 2012, updated 14/3/2014 ref 771ww). Any wastewater load greater than this than this may require a new wastewater report for Council's consideration.

Prior to the issue of Occupation Certification, NSW Health Accreditation and system specifications of the Aerated Wastewater Treatment System to be installed is to be provided to Council.

The existing dwelling on the site is to remain connected to the separate existing Aerated Wastewater Treatment System and associated effluent management area and be managed in accordance with the operational approval OSSM0085/04.

50 **R103 - Council inspections for Installation**

Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.** In this regard, the following will require inspection:

- o All drainage lines, septic tanks and irrigation lines before they are backfilled.
- o On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

51 [R104 - No alterations without approval](#)

The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

52 [R105 - Plumbing Code of Australia](#)

All house sewer and plumbing work shall be carried out in accordance with the Plumbing Code of Australia.

53 [R106 - AWTS - Design of Irrigation System](#)

The design of the irrigation system for the effluent management area is to be such that:

- o The distribution line is to be buried from the tank to the designated disposal area.
- o The irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
- o The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**

54 [R107 - AWTS - Irrigation pipework \(surface or sub-surface\)](#)

All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:

- o the irrigation system is not to be connected to/not capable of connection to the mains water supply,
- o standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
- o all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- o spray irrigation equipment connected to distribution lines shall be fixed, and
- o spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

55 [R109 - No effluent runoff](#)

There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

56 [R110 - EMA Signage](#)

A minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.

57 [R111 - AWTS Servicing](#)

The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months (unless otherwise stated in the NSW Accreditation) from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- o the chlorinator and replenishment of the disinfectant,
- o all pumps and switches,
- o the air blower, fan or air venturi,
- o the alarm system,
- o the effluent disposal area and surface irrigation lines and filters,
- o the slime growth on the filter media, and
- o the operation of the sludge returns system.

ii. The following field tests are to be carried out at every service:

- o pH from a sample taken from the irrigation chamber,
- o dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.

iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.

iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.

v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:

- o given to the property owner and another to the applicant (if not the same), and
- o forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

58 [R114 - EMA Turfed](#)

The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.

59 [R115 - No structures on EMA](#)

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.

60 [R117 - No plants for human consumption within EMA](#)

Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area.

61 [R118 - EMA protected from stock damage](#)

The effluent management area shall be protected from possible stock damage.

62 [R119 - Wastewater and Native Trees](#)

No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.

It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

Appendix - Development Control Plan Compliance

Development Control Plan 2010

Part B - Principles

Penrith DCP 2010

DCP Objectives

The proposed dual occupancy is consistent with the aims of the DCP in relation to:

- § commit to environmental protection and enhancement
- § being consistent with the principles of sustainable development
- § respond to the natural and built environment
- § provide for an attractive urban environment

DCP Principles

The proposal is consistent with the following DCP principles:

- § *Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them* through the provision of sediment and erosion control measures to monitor the water quality and minimise the risk of accidental pollution of surface and ground water sources during construction and occupation of the premises.
- § *Enable communities to minimise their ecological footprint* through the provision of a rainwater tank for harvesting and re-use of rainwater. The applicant has also nominated thermal comfort, water and energy commitments in the BASIX Certificate that accompanies the application.
- § *Empower people and foster participation* through notification and exhibition of the application in accordance with Appendix F4 (Notification and Advertising) of the DCP.

Part C - Controls applying to all land uses

Site Planning and Design Principle

The following table illustrates details of the proposed dual occupancy:

Front setback	30m
Side setback	11m
Height	Single storey with an overall building height of 6.85m
Cut and fill	Less than 1m
Sustainability	BASIX provided

Assessment of the proposal concluded that:

- § The proposed setbacks are consistent with that of the existing dwelling on the site and the established street setback in the locality being greater than that permitted by the DCP.
- § The height, bulk and scale, roof pitch and external finishes of the proposed dual occupancy are sympathetic to the existing dwelling and the surrounding built environment
- § The extent of fill is restricted and thereby minimise any likely impact on the topography of the locality
- § The applicant has incorporated principles of sustainability in the layout and construction of the proposed dual occupancy by positioning the living area to the northern side of the dwelling to maximise solar access, adopting brick veneer construction and nominate appropriate water and energy commitments and thermal comfort on the BASIX Certificate
- § The 42m separation between the proposed single dwellings and existing dwelling would

maintain the visual and acoustic privacy of the occupants of both dwellings.

§ The separation between the proposed single dwelling and existing dwelling and proposed wastewater management system are compliant with Council's Policy

§ The single storey construction would facilitate accessibility

§ The proposal is consistent with the requirements of Crime Prevention Through Environmental Design (CPTED) through the positioning of the living area to face Sixth Road for natural surveillance and retain the existing fencing to delineate private and public domain

In view of the above, Council is satisfied that the proposal is consistent with the general objectives in this section in relation to:

- minimise cut and fill and restrict the height, bulk and scale of the proposed dwelling to ensure the development responds to the natural topography and landform of the site
- respond to the site context, scale and character of the locality by incorporating appropriate layout and design measures
- minimise impacts on the environment, maintenance and waste by adopting brick veneer construction and nominate thermal comfort and water and energy commitments on the BASIX Certificate
- facilitate accessibility by adopting a single storey construction
- adopt CPTED principles for surveillance, access control, territorial management and space management in the design and layout of the proposed dual occupancy

Vegetation Management

The proposal does not propose to remove any trees. New planting will be provided at the completion of the project to enhance the landscaped quality and appearance of the site. This landscaping will compliment the dwelling and the rural setting of the site and surrounding area.

Water Management

The applicant proposes to discharge stormwater via a stormwater drainage pipe and existing 100,000 litres rainwater tank. Council Development Engineer reviewed this application and raised no objection to the proposal.

Subject to the compliance with this condition, the proposal would be consistent with the DCP objectives in relation to:

- Promote sustainable practices in relation to the use of water resources for human activities
- Minimise water consumption for human uses by using best practice site planning, design and water efficient appliances
- Integrate water management with stormwater and drainage requirements

Transport Access and Parking

The proposed triple garage complies with the DCP parking requirement for dual occupancies and is consistent with the DCP objectives in relation to:

- Provide appropriate number of vehicular spaces for the proposed activities on the property
- Design and construct the parking areas in accordance with the Australian Standards for efficient and safe vehicle circulation and parking

The proposal would be consistent with the objectives in relation to:

- Provide adequate access internal to the development to accommodate traffic generated by the development;
- Provide a safe access driveway from the property to Sixth Road;
- Minimise any adverse impact on pedestrian mobility.

In view of the above assessment, the proposal is considered to be consistent with the general

objectives in relation to:

- Integrate the provision of driveway with the design of the dual occupancy and minimise impacts on road systems; and
- Provide appropriate parking for the dual occupancy.

Infrastructure and Services

Council's Environmental Health Officer is satisfied that the proposed wastewater management system is adequate for treating effluent generated by the proposed dual occupancy. Therefore the proposal consistent with the objectives in relation to:

- minimise risk to public health by providing an appropriate on-site sewage management system in a suitable location.
- protect land and vegetation by minimise degradation, salination, water logging, chemical contamination or soil erosion
- protect surface and ground waters and minimise contamination to surface and ground waters
- enhance the quality of life and maintain local amenity.

In view of the above, the proposal is consistent with the general objectives in relation to:

- the siting and design of the proposed dual occupancy has considered the existing infrastructure and services
- the proposed dual occupancy would not burden the existing services and will be supported by adequate utilities and services
- the proposed on-site sewage management systems is sited, designed, constructed, operated and maintained to prevent risks to public health and the environment
- the proposal on-site sewage management system complies with the relevant engineering and construction standards

D1 - Rural land uses

DCP Objectives

It is considered that the objectives of the rural lands DCP have been satisfied.

Design and Numerical Requirements

The following table illustrates details of the proposed dual occupancy:

Element	Required	Proposed
Front setback	15m	30m
Side setback	10m	Closest side setback for proposed dwelling: 15m.
Roof pitch	15-25°	24°.
Height	Two Storey (8m)	8.2m, however the majority of the building height is 8m
Cut and fill	Max 1m	Cut and Fill is required for the building pad, however is to a less than 1m.
Sustainability	BASIX	BASIX provided.

Assessment of the proposal concluded that:

§ The proposed setbacks are consistent with the DCP requirements and minimises potential impacts on adjoining properties and is consistent with the current setbacks of dwellings in the street.

§ The height, bulk and scale, roof pitch and external finishes of the proposed dwelling and shed are sympathetic to the immediate and surrounding built environment.

§ The applicant has incorporated principles of sustainability in the layout and construction of the proposed new dwelling by positioning some living areas to the northern elevation of the building, adopting brick veneer construction and nominating appropriate water and energy commitments and thermal comfort on the BASIX Certificate.

§ The separation between the proposed dwelling and the existing and proposed wastewater management system are compliant with Council's Policy.

§ The single storey construction will facilitate accessibility.

§ Dwelling orientation is to the street and secure access to the site is provisioned by remote access gates, all contributing to CPTED principles for surveillance, access control, territorial management and space management.

In view of the above, Council is satisfied that the proposal is consistent with the general objectives in this section in relation to:

§ Minimise cut and fill and restrict the height, bulk and scale of the proposed dwelling to ensure the development responds to the natural topography and landform of the site.

§ Respond to the site context, scale and character of the locality by incorporating appropriate layout and design measures.

§ Minimise impacts on the environment, maintenance and waste by adopting brick veneer construction and nominate thermal comfort and water and energy commitments in the BASIX Certificate.

§ Facilitate accessibility by adopting a single storey construction.

§ Adopt CPTED principles for surveillance, access control, territorial management and space management in the design and layout of the proposed.

Section 1.2 Dual Occupancy

ELEMENT	Standard	Proposal	Compliance
Front setback	15m	30m	Yes
Side setback	10m	15m	Yes Yes
Maximum overall building length	45m	44m	Yes
Maximum building depth	18m	16.5m	Yes
Minimum building separation	10m	42m	Yes
Carparking	Max 3 spaces/ dwelling	Triple garage	Yes
Height	2 storeys	Single storey	Yes
Floor to ceiling height	Max. 8m	Single Storey (8.2m)	No ¹
Maximum Ground floor footprint	500m ²	560	No ²
Total cumulative ground floor footprint	600m ²	830m ²	No ³
Maximum Floor Area	50% of existing dwelling	412m ²	No ⁴
Common driveway	One (1) Driveway	Two (2) driveway	No ⁵

It is noted from the above compliance table that the proposed dual occupancy complies with the majority of the DCP requirement except for maximum ground floor footprint; total cumulative ground floor footprint, the maximum floor area and common drive way. This is addressed below:

Maximum Building Height²

The maximum building height of the proposed dwelling is more than 8m (proposed 8.2m). However the majority of the building height is 8m. The following reasons the minor variation can be supported.

- The dwelling is well articulated in the selection of materials, its massing, stepping and presentation, particularly to Sixth Road. This assists in reducing the perceived bulk and scale of the building particularly when viewed from the streetscape.
- The proposed development as submitted is of a high quality architectural design in that it responds the topography of the land and is sited accordingly.
- The dwelling is considered to be of an innovative design compared to other housing stock in the area which is reflective or current house designs and trends in the market place.

Therefore, the proposed variation is supported.

Maximum Ground floor footprint²

As noted from the table above, the proposed development does not comply with the maximum 500² ground floor footprint controls specified in the development control plan. As provided by the DCP, Council can give consideration to larger dwellings subject to justification. The proposed development satisfies the 'Lifting the Bar' provisions of the development control plan as demonstrated below and on this basis the variation to the control can be supported:

- (i) *High quality architectural design;*
- (ii) *Innovation;*
- (iii) *Integration into the landscape design;*
- (iv) *Consideration of the visual catchment and the rural and scenic character of the area;*
- (v) *Articulation to reduce building scale and bulk; and*
- (vi) *Minimisation of hard surfaces.*

The proposed development as submitted is of a high quality architectural design in that it responds the topography of the land and is sited accordingly. The dwelling is well articulated in the selection of materials, its massing, stepping and presentation, particularly to Sixth Road. This assists in reducing the perceived bulk and scale of the building particularly when viewed from the streetscape.

The dwelling is considered to be of an innovative design compared to other housing stock in the area which is reflective or current house designs and trends in the market place. This is reflected in the layout and allocation of spaces where the design maximises solar access to living areas. In addition, the design takes advantage of the rural and scenic character of the area.

As noted in the landscape plan submitted with the application the development minimises hard surfaces and the proposed landscaping will soften the appearance of the development whilst complimenting the surrounding setting. The landscaping which has been integrated into the design and remainder of the site also assists in screening the development from the Llandilo Road and Sixth Road frontages whilst also contributing to the sites setting.

Furthermore, this non-compliance satisfies the objective (Rural Dwellings and Outbuildings) of the Development Control Plan 2010 which provides as follows:

- *Ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and*
- *Promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area;*

Therefore, the proposed variation is supported.

Total cumulative ground floor footprint³

The DCP limits the ground floor footprint of all structures (including outbuildings) is limited to 600m².

Comment: The proposed ground floor area is broken down as follows:

Existing dwelling	121m ²
Proposed dwelling	708m ²
Total Floor Area:	829m²

The above table demonstrates the proposed development does not comply with this section of the DCP. The ground floor footprint is shown on the plans and equates to approximately 829 square metres which exceeds the 600 square metre controls. The objective of the control is to ensure that the site coverage is appropriate considering the size of the site and the character of the area. When considered in context, the ground floor footprint equates to 4% of the total site area. It is contended that this is appropriate, particularly given the character of the immediate locality of the subject site and the location of structures as outlined above. In this case, no objection is raised to this variation. Noting that the existing shed will be conditioned to be demolished.

Maximum Floor Area⁴

The maximum floor area of the proposed dwelling is more than 50% the existing dwelling. However this does not apply to existing dwelling <200m². Having regard for the fact the new construction is more appealing and modern as compared to the existing weatherboard residence. It is envisaged the proposed development would become the principle dwelling on the site as it has a more amenity with landscaping and outdoor entertainment areas to the rear of the site.

In this circumstance the floor area of the dwelling is consistent with the overall objectives of the DCP as it will have:

- (a) Minimal impact of the streetscape given it maintains the same setback as the existing dwelling.
- (b) The above compliance table demonstrates the proposal is generally in accordance with the overall DCP objectives.

Therefore, the proposed variation is supported.

Common Driveway⁵

Three (3) covered parking spaces are provided and a separate driveway is proposed. DCP 2010 requires a common driveway however given the prevalence of separate driveways to other dual occupancies in Sixth Road, and Llandilo Road Berkshire Park, it is considered that the variation is acceptable given the development will be comparable to the existing character of the area and one driveway is proposed off each road.