

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0011
Proposed development:	Torrens Title Subdivision x 2 Lots & Dwelling Houses x 2
Property address:	24 Walshaw Street, PENRITH NSW 2750
Property description:	Lot 2388 DP 1184497
Date received:	8 January 2015
Assessing officer	Clare Aslanis
Zoning:	Zone R1 General Residential - LEP 2010
Class of building:	Class 1a , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for Torrens Title Subdivision x 2 Lots & Detached Dwellings x 2.

Under Penrith Local Environmental Plan (LEP) 2010 (Amendment No. 4), the subject site is zoned R1 General Residential. However, the subject application was lodged on 8 January 2015 prior to the commencement of this LEP amendment which became effective on 25 February 2015. Therefore, pursuant to Clause 1.8A (savings provision relating to development applications) of Penrith LEP 2010, the proposal has been assessed against the prior instrument applying to the site, being the Penrith City Centre LEP 2008.

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

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

Site & Surrounds

The 40 hectare North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and North West Draft Subregional Strategy.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west of the site with the residential suburb of Penrith located further to the east.

The land subject to this application is Lot 2388 Walshaw Street, Penrith. The site is situated at the end of Walshaw Street and adjoins the Mobil oil depot site. The site is an irregular shaped lot approximately 568.7m² in area and is orientated in a predominately east-west direction.

Proposal

The proposed development includes the following aspects:

- Construction of two single storey detached dwellings comprising of living and dining areas and two bedrooms per dwelling.
- A single car garage with a stacked space in front has been provided for each dwelling with access off Walshaw Street.
- Subdivision of Lot 2388 to create two Torrens Title lots (Lot 145 – 244.2m² and Lot 146 – 324.5m²).
- Associated landscaping and stormwater drainage works.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• 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, as detailed below.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	N/A
Clause 13 - Zone objectives	N/A
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	Complies - See discussion
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A

Clause 27 - Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	Complies - See discussion
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	Complies
Clause 50 - zone objectives and land use table	Complies
Clause 51 - Height of buildings	Complies - See discussion
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

Clause 16 – Subdivision

The subdivision of land is permissible with the consent of Council. There are no other provisions in relation to this aspect of the proposal. A concept subdivision layout was approved as part of the Major Project approval, which identified this lot as one that could be further subdivided into two lots. The proposed subdivision is consistent with the layout indicated on the concept plan. With the proposed subdivision, a two bedroom dwelling is able to be suitably located on each lot. The proposed subdivision layout is therefore appropriate.

Part 7 - North Penrith

The subject site is zoned R1 General Residential under Penrith City Centre Local Environmental Plan 2008. The proposed development is defined as Residential Accommodation which means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation. Residential Accommodation is permissible under Clause 50 with the consent of Council.

Clause 51 - Height of Buildings

The site is identified as having a maximum building height requirement of 12m. The subject application proposes a maximum building height of approximately 4m and is compliant with the provisions of this clause.

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

Under Penrith Local Environmental Plan (LEP) 2010 (Amendment No. 4), the subject site is zoned R1 General Residential. However, the subject application was lodged on 8 January 2015 prior to the commencement of this LEP amendment which became effective on 25 February 2015. Therefore, pursuant to Clause 1.8A (savings provision relating to development applications) of Penrith LEP 2010, the proposal has been assessed against the prior instrument applying to the site, being the Penrith City Centre LEP 2008.

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

Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	N/A
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	Complies
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	N/A

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to this application.

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

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment. Additionally, the development will not generate any significant social or economic impacts.

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

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

Section 79C(1)(d) Any Submissions

Community Consultation

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

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities

The following Section 94 calculations apply to the proposed development.

Calculation for a Two Dwellings					
Open Space					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	1	-	0	2

AMOUNT		
S.94 Contributions Plan	Contribution Rate x Calculation Rate	Total
District Open Space	2 X \$2,724.00	\$5,448.00
	NET TOTAL	\$5,448.00

Conclusion

In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies. In its current form, the proposal will have a positive impact on the surrounding character of the area. The proposed design is site responsive, complies with key development standards and is in the public interest. The site is suitable for the proposed development and there is unlikely to be negative impacts arising from the proposed development.

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

Recommendation

1. That DA15/0011 for Torrens Title Subdivision x 2 Lots & Dwelling Houses x 2 at 24 Walshaw Street, Penrith, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Subdivision

Plan	Numbered	Drawn By	Dated
Subdivision Plan	72-10-2388	Graham John Hall	21 February 2014

Lot 145

Plan	Numbered	Drawn By	Dated
Site Plan	2 of 7 (Issue C)	Rawson Homes	30 October 2014
Floor Plan	3 of 7 (Issue C)	Rawson Homes	30 October 2014
Elevations Plan	4 of 7 (Issue C)	Rawson Homes	30 October 2014
Section Plan	5 of 7 (Issue C)	Rawson Homes	30 October 2014
Sediment and Waste Plan	7 of 7 (Issue C)	Rawson Homes	30 October 2014
Landscape Plan	DA01 to DA03 (Revision A)	Ecodesign	2 June 2014
Stormwater Layout Plan	SW14463-S1 (Issue A)	ALW Design	30 October 2014

Lot 146

Plan	Numbered	Drawn By	Dated
Site Plan	2 of 7 (Issue C)	Rawson Homes	30 October 2014
Floor Plan	3 of 7 (Issue C)	Rawson Homes	30 October 2014
Elevations Plan	4 of 7 (Issue C)	Rawson Homes	30 October 2014
Section Plan	5 of 7 (Issue C)	Rawson Homes	30 October 2014
Sediment and Waste Plan	7 of 7 (Issue C)	Rawson Homes	30 October 2014
Landscape Plan	DA01 to DA03 (Revision A)	Ecodesign	2 June 2014
Stormwater Layout Plan	SW14464-S1 (Issue A)	ALW Design	30 October 2014

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

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

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

3 [A009 - Residential Works DCP \(no specific section\)](#)

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

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

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

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

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

Environmental Matters

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

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

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

7 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

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

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

8 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

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

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

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

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

10 **D011 - Traffic noise & acoustic report (if not submitted with DA, otherwise use H007)**

The site is in close proximity to Coreen Avenue and as such, the internal noise level of all sleeping areas of the buildings are not to exceed 35 dB(A) LAeq and 40dB(A) LAeq in other living areas. A report, prepared by a qualified acoustic consultant, detailing how the design and proposed construction of the buildings meet the noise criteria is to be submitted to the certifier issuing the Construction Certificate.

A certificate is to be obtained from a qualified acoustic consultant certifying that the buildings have 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.

BCA Issues

11 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

12 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.

Health Matters and OSSM installations

13 F006 - Water tank & nuisance

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

Utility Services

14 G001 - Installation of services and Service Clearances (subdivision)

Prior to the issue of a Subdivision Certificate, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water;
- a letter from Endeavor Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

15 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.

16 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.

17 G005 - Rainwater tank- Plumbing

A completed *Permit Application for Plumbing and Drainage Work* is to be submitted to Sydney Water at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.

Construction

18 [H001 - Stamped plans and erection of site notice](#)

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

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

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

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

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

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

19 [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.

20 [H011 - Engineering plans & specifications](#)

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

21 [H015 - Termites](#)

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

22 [H022 - Survey](#)

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level and frame stage with eaves and gutters installed.

23 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.

24 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.

25 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.

26 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.

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

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

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

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

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

Engineering

28 [K016 - Stormwater](#)

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

29 [K041 - Bond \(Authur unknown\) - Not adopted by Council](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

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

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

30 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

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

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note:

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

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).

31 [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.

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

No earthworks including cut and fill or building works including retaining walls, garden sheds or other structures are to be positioned within any easements unless permitted otherwise by an 88B instrument.

Landscaping

33 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans, and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

34 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

35 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.

Subdivision

36 M003 - Statutory boundary clearances

The proposed subdivision shall not encroach on any statutory boundary clearances or setbacks. A plan prepared by a registered surveyor showing the relative position of all buildings to the proposed boundaries shall be submitted to the Principal Certifying Authority.

37 M008 - Linen Plan

Prior to the Issue of a Subdivision Certificate, submission of the original Linen Plan and ten (10) copies shall be made. The Linen Plan must indicate:

- a) All drainage easements, rights of way, restrictions and covenants.
- b) That all dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

38 M009 - 88B Instrument

Prior to the issue of a Subdivision Certificate, an 88B instrument in accordance with Council's standard terms shall be submitted to the Principal Certifying Authority with the subdivision plan. The 88B instrument shall incorporate, but not be limited to, the following as per the approved plan of subdivision:

- (a) Easement for access, maintenance and overhang 0.9m wide.

39 M014 - Surveyors certificate

A Surveyor's Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

Development Contributions

40 **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, \$5,448.00 is to be paid to Council by Urban Growth NSW prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

41 **P001 - Costs**

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

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

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

Certification

43 **Q008 - Subdivision Certificate**

The Subdivision Certificate will not be issued if any of the conditions in this consent relating to the subdivision are outstanding.

44 **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.

45 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the dwelling(s).

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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

Appendix - Development Control Plan Compliance

North Penrith Design Guidelines

North Penrith Design Guidelines 2013

The proposed development is subject to the North Penrith Design Guidelines 2013. A checklist against the guidelines has been completed for the proposal below.

	<i>Complies</i>			
	<i>Y</i>	<i>N</i>	<i>NA</i>	<i>Comments</i>
3.3 Building Envelopes (Fig. 9 & 10)				
• Max 2 – 3 storeys	Y			Single Storey.
• 3 rd storey max 60% of 2 nd storey			NA	Single Storey.
• Location / siting of 3 rd storey to enable adequate solar access & privacy			NA	Single Storey.
• Development adjacent to laneway no more than 2 storey			NA	Development not adjacent to laneway.
• Min 2700 floor-ceiling height to GF	Y			Floor to Ceiling Height for dwelling 2750mm.
Max depth of development				
• 15m length of 2 nd storey of dwelling			NA	Single Storey.
• 12m to 3 rd storey of dwelling from front boundary			NA	Single Storey.
• Max depth of ancillary development from rear lane is 8m			NA	No ancillary development.
Front setbacks				
• 3 – 4.5m to front façade (except W side of H1 Thornton Hall)	Y			3000mm front setback for Lot 145. 4095mm front setback for Lot 146.
• W side of H1 Thornton hall to accommodate tree retention/driveway			NA	
• 0m secondary street setback – 2m secondary street setback for first 7m from front boundary for articulation			NA	
Garage				
• 5.5m from front boundary • 1m behind Façade	Y			Both garages 5.5m setback.
Rear setbacks				
• 0.9m to GF level	Y			5250mm rear setback for Lot 145. 4660mm rear setback for Lot 146.
• 0m to garages/ancillary dwellings adjacent to rear lane			NA	
• 3m for allotments backing onto Lemongrove Rd and C3			NA	
Side setbacks				

• 0m to both sides to garages/ancillary dwellings			NA	
• 0m to dwelling house on 2 sides on lots less than 8m wide			NA	
• 0m to dwelling house on 1 side, 0.9m on 1 side on lots 8m wide and greater (for allotments backing onto Lemongrove Rd)	Y			180mm on one side and min. 0.95m on other side.
• 4m to GF and 6m to upper levels for allotments backing onto Lemongrove Rd			NA	

3.4 Building Design and Articulation (Fig. 9 & 10)

Articulation

1 Primary element 2 Secondary elements – min depth 0.5m	Y			Porch.
• Setback 1m from front boundary	Y			Lot 145 = 1.8m Lot 146 = 2.615m
• May extend over 2 storeys (2 & 3 storey development)			NA	
• Corner lots – min 2m from primary & secondary street and include primary &/or secondary elements			NA	
• Lots on S, E or W side of street – articulation zone may incorporate POS including PPOS			NA	
• Third storey to be varied in light weight construction through use of materials/colours etc.			NA	
• Eaves overhang - 600mm min (to fascia)	Y			450mm eaves provided. This is a minor encroachment which has been supported in other cases within the North Penrith subdivision.

3.5 Private Open Space and Landscaping (Fig. 11)

Private Open Space

• 20% site area with min. dimension of 2m	Y			Lot 145 = 49m ² (20.1%); 2m dimension achieved. Lot 146 = 126.07m ² (38.9%); 2m dimension achieved.
---	---	--	--	---

Principal Private Open Space

• Lot frontage <6m – 16m ² min. dimension 3m			NA	
• Lot frontage 6m to 10m – 18m ² min. dimension 3m			NA	
• Lot frontage >10m – 24m ² min. dimension 4m	Y			PPOS achieved (including alfresco); min. 4m achieved.
• Lots on S, E or W side of street must not provide PPOS exclusively to front setback	Y			PPOS is not within front setback. PPOS is at side of each dwelling.
• PPOS in front setback must be adjacent to living space of dwelling and usable			NA	

<ul style="list-style-type: none"> PPOS to balcony/rooftop: <ul style="list-style-type: none"> min. 1m height fence/landscape screening immediately adjacent to habitable room 			NA	
Solar Access				
<ul style="list-style-type: none"> Provide min. 2 hours sunlight to 50% of POS between 9am – 3pm on 21 June. 	Y			The POS achieves sufficient amounts of private open space.
Landscaping				
<ul style="list-style-type: none"> Area inside 1m setback from front boundary to be soft landscape with species specified in Residential Design Palette Appendix C 	Y			Shrubs provided within 1m setback. Developer approved.
Front Fences				
<ul style="list-style-type: none"> 0.7m to 1.2m in height 	Y			Developer approved.
<ul style="list-style-type: none"> Solid components max 0.7m height and generally open style 	Y			Developer approved.
<ul style="list-style-type: none"> 1m behind front façade line 	Y			Developer approved.
<ul style="list-style-type: none"> Match the length of the articulation zone on the secondary frontage 	Y			Developer approved.
<ul style="list-style-type: none"> Not impede safe sight lines for pedestrians/traffic 	Y			Developer approved.
<ul style="list-style-type: none"> Allotments adjacent to open space to provide: <ul style="list-style-type: none"> Articulated post and paling fences (w/ exposed posts) preferred Provide passive surveillance of open space 	Y			Developer approved.
Dividing Fences				
<ul style="list-style-type: none"> Timber paling or lapped and capped fencing between allotments. No metal fencing permitted. 	Y			Marked on landscape plan.
3.7 Garages, Site Access & Parking (Fig. 12 & 13)				
Dwelling House Parking Rate				
<ul style="list-style-type: none"> 1-2 bedrooms: 1 space/ dwelling 	Y			Complies - 2 parking spaces provided for each dwelling in single garages and stacked in driveways.
<ul style="list-style-type: none"> 3+ bedrooms: 2 spaces/dwelling 			NA	
Garages (width at 3m from front street boundary)				
<ul style="list-style-type: none"> Lots less than 8m wide <ul style="list-style-type: none"> Rear loaded garage - if laneway access Single / tandem front loaded garage - if no laneway 			NA	
<ul style="list-style-type: none"> Lots 8m to 12m wide 				

<ul style="list-style-type: none"> o Single / tandem front loaded garage or o Double / tandem rear loaded garage 	Y			Single loaded garage provided for each dwelling.
<ul style="list-style-type: none"> • Lots greater than 12m wide 				
<ul style="list-style-type: none"> o Double / tandem front loaded garage or o Double / tandem rear loaded garage 			NA	
<ul style="list-style-type: none"> • Single / tandem – max 3.2m wide • Double – max 6m wide 	Y			Single garages both 3.07m wide.
<ul style="list-style-type: none"> • Carports/garages to be integrated with façade with setbacks overshadowing recess design to minimise impact 	Y			Complies.
Site Access				
<ul style="list-style-type: none"> • Driveway location determined by house design and location of infrastructure. 	Y			Complies.
<ul style="list-style-type: none"> • Compliance with 2890.1 – 2004 	Y			Complies.
Visual Amenity				
<p>Windows to habitable rooms within 3m of an adjacent dwelling to provide:</p> <ul style="list-style-type: none"> • Obscured by fencing/screens/landscaping • Offset windows to limit views to adjacent windows • 1.5m sill height above floor level • fixed opaque glazing below 1.5m above floor level 			NA	
<ul style="list-style-type: none"> • Screening to provide max 25% permeability 			NA	
Acoustic Amenity				
<ul style="list-style-type: none"> • Generally development is to provide construction which achieves internal noise levels of: <ul style="list-style-type: none"> o 25dB to sleeping areas o 30dB to other living areas 			NA	

<ul style="list-style-type: none"> • Residential development in close proximity to: <ul style="list-style-type: none"> o The rail corridor o Coreen Avenue o E & W sides of the Boulevard o The upgrade commuter carpark o Flanking Coreen Ave to the commuter carpark • Are to provide construction (refer BCA) which achieves internal noise levels of: <ul style="list-style-type: none"> o 35dB to sleeping areas o 40dB to other living areas 		N		<p>In accordance with email advice from Michael Gange (Senior Engineer/Team Leader from Renzo Tonin & Associates) dated 27 May 2014, any property in Stage 2 that is north of Empire Circuit will require further assessment. The proposed lot is located to the north of Empire Circuit and as such further acoustic assessment regarding Coreen Avenue noise impacts is required. A condition will be included to ensure this occurs.</p>
3.9 Development in Proximity of a Rail Corridor				
<ul style="list-style-type: none"> • Residential development within 60m of the rail corridor to consider: <ul style="list-style-type: none"> o Interim Guidelines for Councils o Any matters raised by Rail Corporation NSW 			NA	
Entry Boulevarde Lots				
<ul style="list-style-type: none"> • Min 2 storey on all lots – 3 storey preferred on corner lots • Materials/finishes to be consistent with Residential Design Palette • All garaging to be rear lane • Front fencing to be consistent – unify streetscape 			NA	
'Dress Circle' Park Lots				
<ul style="list-style-type: none"> • 3 storey encouraged (except ancillary dwellings) • Consistent built form/massing required to unify streetscape strong urban edge to oval • Balconies/terraces to overlook the oval • Materials/finishes to be consistent with Residential Design Palette • Identical facades – no more than 4 in a row • All garaging to be rear lane 			NA	
Innovation Lots				
<ul style="list-style-type: none"> • Demonstrate high level internal amenity to affordable dwellings • Max 2 storey with 0m side and rear setbacks permissible 			NA	
Canal Edge Lots				

<ul style="list-style-type: none"> • Min. 3 storey encouraged (except ancillary dwellings) • Create strong consistent edge to canal • Dwelling entrance stairs off canal walk to be paired together • GF level & front yard/POS to be raised above level of pedestrian boardwalk • Front fencing/landscaping for lots fronting canal to balance privacy and surveillance and to be consistent • Balconies/terraces to overlook the canal • Materials/finishes to be consistent with Residential Design Palette • All garaging to be rear lane 			NA	
Other Considerations				
<ul style="list-style-type: none"> • Developer stamp of approval? 	Y			Developer approved.