

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA17/1083
<b>Proposed development:</b>	Integrated Housing Development Comprising 25 x Three Storey Dwellings, 24 x One Bedroom Studios & Torrens Title Subdivision x 25 Residential Lots, x 2 Residue Lots and Associated Road Construction, Landscaping & Drainage Works
<b>Property address:</b>	1 Charlotte Street, JORDAN SPRINGS NSW 2747
<b>Property description:</b>	Lot 14 DP 1195110
<b>Date received:</b>	1 November 2017
<b>Assessing officer</b>	Mahbub Alam
<b>Zoning:</b>	URBAN ZONE (SREP30 - ST MARYS)
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of an Integrated Development Application for the subdivision into 25 residential lots & 2 residual lots, construction of 25 dwellings & 24 studios and associated internal road, and stormwater and landscaping works at Lot 14 DP 1195110, No 1 Charlotte Street Jordan Springs. The site is zoned Urban under the provisions of Sydney Regional Environmental Plan No. 30 –St Marys (SREP 30). The subject site zoned Urban Zone and the proposal is a permissible land use in the zoning with Council consent.

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 – Notification and Advertising, Council advertised, exhibited and notified to adjoining and neighboring properties from 11 November 2017 to 18 December 2017 and no submission was received.

The assessment of the proposal raised concerns in relation to the solar access to the private open space areas due to the lot orientation and placement of waste bins with the lot frontage for collection and integrated on-site waste collection infrastructure requirements. These matters have been appropriately addressed within this report.

The Integrated Development Application was referred to the Office for Water for concurrence. Recommended conditions and General Terms of Approval have been issued by the Office of Water, respectively.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act) has been undertaken. It is concluded that the application is consistent with the aims and objectives of the SREP 30 and other relevant policies and its approval would have minimal impact on the natural and built environment. Therefore this application is recommended for approval.

### Site & Surrounds

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The subject site is located on the south-eastern corner of Charlotte Street (bounds the site to the west) and Cullen Avenue (bounds the site to the north). Orientated in an east-west direction, the site is some 6,949.8sqm in area and is legally described as Lot 14, DP 1195110.

Jordan Springs continue to be developed and the locality is characterised by mainly residential development. A large body of water is situated to the south. The topography in the locality is generally flat and the site is cleared of any notable vegetation.

## Proposal

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The proposed development involves:

- Construction of 25 x 3 storey dwellings & 24 x one bedroom studios;
- Torrens title subdivision x 25 residential lots & 2 x residue lots; and
- Associated road construction, landscaping and drainage works.

## Plans that apply

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- Western Precinct
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### • Section 91- Integrated development

Section 91 of the EP&A Act outlines the types of developments deemed to be defined as “Integrated Development”. As this development requires concurrence from the NSW Office of Water in accordance with this section of the Act.

A “Controlled Activity” approval under the Water Management Act 2000 is required from the NSW Office of Water, as the proposed subdivision includes works within 40m of a watercourse. The application was refer to the NSW Office of Water and General Terms of Approval were granted on 11 December 2017.

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

### **State Environmental Planning Policy No 55—Remediation of Land**

Under Clause 7(1 )(A) of the Sate Environmental Planning Policy 55 Remediation of Land, the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. Matters relating to potential contamination were addressed to the satisfaction of consent authorities at the time of rezoning the former ADI site. There is no contamination expected on the subject site and accordingly it is considered that the SEPP has been satisfied.

### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

*The aim of this plan is to protect the environment of the Hawkesbury/Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The SREP 20 provisions aim to ensure that the development does not negatively impact on water quality, fauna and flora habitats.*

The application has provided erosion and sediment control measures for the development. The standard condition for the provision of erosion and sediment control measures is recommended. These will achieve the objectives of the REP and the strategies in relation to Total Catchment Area, Water Quality and Water Quantity. Subject to compliance with the above condition, Council could be satisfied that the proposal would have minimal impact on the River.

# **Sydney Regional Environmental Plan No.30 - St Marys**

## **Permissibility**

The subject site is zoned Urban Zone under Sydney Regional Environmental Plan No. 30 – St Marys. The proposed development is defined as Housing, which is permissible with the consent of Council.

## **Aims of REP**

The proposal would support the St Marys Environmental Planning Strategy for the sustainable development and management of Jordan Springs and facilitate urban developments that integrate with the surrounding developments to achieve the desirable environmental, social and economic outcomes.

## **Clause 20 Development consent restrictions**

A Precinct Plan for the Western Precinct (WPP) and an accompanying Development Control Strategy (DCS) were prepared and adopted by Council at its Ordinary Meeting on 23 March 2009 to guide the future development of the Western Precinct.

Council in the course of assessment, has taken into consideration the precinct plan and development control strategy for the Western Precinct and is satisfied that the proposal has demonstrated:

- consistency with the terms of the planning agreement.
- the performance objectives and the zone objectives and other requirements prescribed by the REP can be achieved.
- development control strategies contained in the environmental planning strategy has been considered in the planning and design of the proposal

## **Clause 31 Urban form**

The intent of living street is to provide an attractive and safe built environment which satisfies a diverse range of community needs in accordance with the objective of this clause.

## **Clause 33 Housing**

The proposed subdivision and dwellings will provide a variety of lot sizes would promote housing choice in the area.

## **Clause 44 – Consultation with National Parks and Wildlife Services**

This Clause requires any land adjoining any land within the Regional Park zone to be referred to the National Parks and Wildlife Services. The proposed site does not directly adjoin land within the zone and therefore does not require consultation.

## **Clause 51 – Salinity and Highly Erodible Soils**

This clause requires a detailed soil assessment to ensure development is not affected by salinity or land that is the subject of a development does not contain soils which are highly erodible and development has incorporated appropriate building materials, techniques and land management measures to mitigate adverse environmental and economic impacts.

A salinity assessment has been undertaken as part of the Western Precinct Plan. The recommendations arising from this assessment will be conditioned.

## **Clause 52 – Tree Preservation**

No tree removal is proposed. Additional landscaping will be implemented within the site as a part of the proposal.

## **Clause 60 Services**

Standard condition for obtaining a S73 Certificate from Sydney Water and documentary evidence from Endeavour Energy and telecommunication provider is recommended to ensure services are available to support future developments on the site.

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

### Western Precinct

Provision	Compliance
Western Precinct Plan	Does not comply - see Appendix - Development Control Plan Compliance

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

Council's Building Surveyor raised no objection to the proposal and recommended conditions to be imposed on the approval.

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

The likely impacts of the proposed development upon the surrounding area are discussed as follows:

### ***Traffic, Access and Parking***

The development provides a double garage arrangements for each dwelling ensuring appropriate levels of onsite parking are provided for each dwelling. The traffic generation by the proposal is considered to be acceptable.

### ***Context and Setting***

The design of the integrated housing development includes contemporary architecture that has considered the context of area and character of Jordan Springs. It has made use of the topography of the site in its design consideration to achieve site responsive design for this site and the area.

The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area.

### ***Landscaping***

The development does not require removal of trees. The development site is located adjacent to the lake.

Detailed landscape plans have been prepared as a part of the Development Application, which will be implemented as a part of the development, adding to the existing tree canopy of the locality and street trees planted as part of the subdivision.

### ***Water***

The development site will be connected to the existing drainage system that has been installed as part of the Jordon Springs development.

In terms of water conservation, it is noted the developments are required to have a toilet, landscape and laundry rainwater tank connection.

A review of the documentation indicates the proposed stormwater treatment measures are consistent with the approved Stormwater Management Strategy for the development.

### ***View Corridors/View Sharing***

It is noted that there are no iconic views to and from the site and the adjoining properties. The construction of the proposal does allow some views through the site and would not significantly obstruct any view corridor.

### ***Garbage Collection***

The layout has resulted in waste collection being available from the proposed internal road. Council's Waste officer reviewed the proposal and raised concerns in relation to the following:

- *The internal storage infrastructure for the bins ('main dwelling' & 'fonzie flat') does not use correct bin dimensions. As outlined within section 2.1 of the 'Residential Subdivisions Waste Management Guideline' document, bin dimensions are 740 (length) by 600 (width). Using these dimensions, the current doorway access configuration will be obstructed and access is inhibited.'*

- *The on-site waste collection infrastructure (bin storage areas) are required to provide a minimum width of 1.2m wide to permit unobstructed resident access to all three bins (residual, recycling & organics) when placed within the storage room - The current configuration will inhibit access.*
- *To present the 'Fonzie Flats' bins, the bins are required to be wheeled down the main entrance/hallway. This configuration is not supported, alternate separate access is required.'*
- *The submitted swept path models show a car travelling west and accessing the garage of lot 2. Due to the proposed driveway configurations, the same car cannot access lot 1, 3, 8, 10 etc respectfully. This illustrates inadequate lots widths have been provided to provide unobstructed access to the proposed dwellings.*

A meeting was held with Council's Waste Services Manager regarding the above issues and agreed that this non-compliance can be supported for the following reason:

- The proposed fonzi flat is a part of the principal dwelling and cannot be strata subdivided. In this regard the provision of onsite bin infrastructure is not required for the fonzi flat. However, the proposed building design can accommodate six bins (three for principal dwelling & three for fonzi flat) for waste collection.
- The front width can accommodate to the placement of 4 waste bins at a time for collection.

Furthermore, an appropriate condition of consent has been included within the recommendations of the report regarding to provide unobstructed bin presentation areas large enough to accommodate a total 4 x 240l bins.

### **Social and Economic Impacts**

The development will provide positive social and economic impacts. The construction of residential dwellings on smaller lots will provide for a variety of additional low cost housing choice in close proximity to public transport routes (bus) and open space areas.

The proposal expands housing choice within the region and is a small step in achieving Council's dwelling/lot targets set down by the Department of Planning. Opportunities for employment will be increased during construction of the building. The proposal is considered to have positive social and economic impacts.

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

The application has demonstrated that the proposed development is suitable for the site. In view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

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

### **Community Consultation**

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 – Notification and Advertising, Council advertised, exhibited and notified to adjoining and neighbouring properties from 11 November 2017 to 18 December 2017 and no submissions were received.

### **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 - Waterways	Not supported, however conditions provided
Waste Services	Not supported, however conditions provided
Traffic Engineer	Not supported

## **Waste Services**

A meeting was held with Council's Waste Services Manager regarding onsite waste storage infrastructure and bin placement in the street and agreed that this non-compliance can be supported for the following reason:

- The proposed fonzi flat is a part of the principal dwelling and cannot be strata subdivided. In this regard the provision of onsite bin infrastructure is not required for the fonzi flat. However, the proposed building design can accommodate six bins (three for principal dwelling & three for fonzi flat) for waste collection.
- The front width can accommodate to the placement of 4 waste bins at a time for collection.

Furthermore, an appropriate condition of consent has been included within the recommendations of the report regarding to provide unobstructed bin presentation areas large enough to accommodate a total 4 x 240l bins.

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

The proposed development is consistent with the objectives of the EP&A Act in so far as it promotes the co-ordinated, orderly, and economic use and development of the land. As a result Council can be satisfied that the development, subject to conditions is consistent with the public interest.

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

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has made provisions for open space, transport, human services and infrastructure works for the Western and Central Precincts of the St Marys Development Site.

In addition, a State Development Agreement (State Deed) was entered into between the land owner and developer and the NSW Government. The State Deed specifies a series of obligations to be provided including, but not limited to:

- Staged transfer and dedication of 900 ha of land to NPWS as a Regional Park;
- Staged monetary contributions towards capital improvements within the 900 ha Regional Park;
- Monetary contributions towards a Plan of Management for the 900 ha Regional Park; and
- Erection of stock proof fencing in stages along the boundaries of the 900 ha Regional Park.

An agreement has also been made between NPWS and Lend Lease with regards to contributions towards various embellishments of the Regional Park. This agreement includes commitments with regards fencing, access, and the Urban-Regional Park interface.

It is noted that the current planning agreements does not extend to third parties such as the developer of the subject site.

Council is currently in negotiations with Lend Lease to review the Planning Agreement due to the dwelling yield for Jordan Springs exceeding the expected density determined under the existing agreement.

On 09 August 2016, Council received a letter from Lend Lease to confirm that the maximum dwelling density on all the Residue Lots within Jordan Springs Western Precinct has been included in the calculations agreed to between Lend Lease and Council as documented in the letter from Council dated 29 January 2016.

A further breakdown of how this yield forecast at the Jordan Spring Western Precinct has been allocated to the Residue Lots is set out in the Jordan Springs (Maximum) Dwelling Plan. The residue Lots are those identified as "VC Sites". Should third party developers of the Residue Lots remain within the limits of the dwelling counts allocated to these Residue Lots, Lend Lease does not foresee any further Section 7.11 Contributions payable to these lots.

The subject site has been identified as VC8 site in the Jordan Springs (Maximum) Dwelling Plan and total anticipated dwellings would be 115. The proposed development will deliver total 49 dwellings (including 24 studios). The proposed 49 dwellings are well below from the anticipated total 115 dwellings for the subject site. In this regard, Section 7.11 contribution is not applicable for the proposed development.

## **Conclusion**

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In assessing the application against the relevant instruments being Sydney Regional Environmental Plan No.30 and the Western Precinct Plan (Development Control Strategy), the proposal satisfies the requirements, with exception to solar access and placement of garbage bins within the internal road for collection where appropriate justification has been provided. With the inclusion of the recommended conditions, the proposed development is unlikely to have a negative impact on the surrounding environment, the site is suitable for the development proposed and is in the interest of the public.

## **Recommendation**

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That DA17/1083 for an Integrated Development Application for the subdivision into 25 residential lots & 2 residual lots, construction of 25 dwellings & 24 studios and associated internal road, stormwater and landscaping works at Lot 14 DP 1195110, No 1 Charlotte Street Jordan Springs be approved subject to the attached conditions.

## General

### 1 A001

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

Drawing Title	Drawing Reference	Prepared by	Dated
Master Plan - Overall	-	8 Squared	-
Master Plan A	-	8 Squared	-
Master Plan B	-	8 Squared	-
Proposed Site Plan	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 1	-	8 Squared	-
Proposed Second Floor Plan and Roof Plan - Lot 1	-	8 Squared	-
Proposed Elevations – Lot 1	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 1	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 2-11	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 2-11	-	8 Squared	-
Proposed Elevations – Lot 2-11	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 2-11	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 12	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 12	-	8 Squared	-
Proposed Elevations – Lot 12	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 12	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 13	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 13	-	8 Squared	-
Proposed Elevations – Lot 13	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 13	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 14-23	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 14-23	-	8 Squared	-
Proposed Elevations – Lot 14-23	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 14-23	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 24	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 24	-	8 Squared	-
Proposed Elevations – Lot 24	-	8 Squared	-



Proposed Sections & Window / Door Schedule & BASIX – Lot 24	-	8 Squared	-
Proposed Ground and First Floor Plan – Lot 25	-	8 Squared	-
Proposed Second Floor and Roof Plan – Lot 25	-	8 Squared	-
Proposed Elevations – Lot 25	-	8 Squared	-
Proposed Sections & Window / Door Schedule & BASIX – Lot 25	-	8 Squared	-
Proposed Courtyard Elevations	-	8 Squared	-
Proposed Ground Floor - Overall	-	8 Squared	-
Proposed First Floor - Overall	-	8 Squared	-
Proposed Second Floor - Overall	-	8 Squared	-
Proposed Roof Plan - Overall	-	8 Squared	-
Street Elevations – Lot 1-12	-	8 Squared	-
Street Elevations – Lot 13-25	-	8 Squared	-
Site Cross Section & External Finishes Schedule	-	8 Squared	-
Plan of Subdivision of Lot 14 DP 1195110	21306-C	Vince Morgan Surveyors	-
Landscape Plan	L/01-25 (Revision B)	8 Squared	18/07/18
Planting Details Sheet	L/26-27 (Revision A)	8 Squared	18/5/18
Stormwater Concept Plan	Project No. 17-75, revision -03	Orion Consulting Engineers	18/06/18
BASIX Certificate	867075M_03	-	19/06/18
BASIX Certificate	937312M	-	19/06/18

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 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

4 **A038 - LIGHTING LOCATIONS**

**Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

5 **A039 - Graffiti**

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

6 **A046 - Obtain Construction Certificate before commencement of works**

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

7 **A Special (BLANK)**

The development is required to comply with the General Terms of Approval (GTA) dated 13 December 2017, Reference Number IDAS1103060 issued by the NSW Department of Primary Industries – Water (DPI Water), as outlined below:

**The GTA issued by DPI Water do not constitute an approval under the Water Management Act 2000.** The development consent holder must apply to DPI Water for the relevant approval after development consent has been issued by Council and before the commence of any works or activity.

Condition Number

Details

GT0009-00001	<p><b>Design of works and structures</b></p> <p>Before commencing any proposed controlled activity on waterfront land, an application must be submitted to DPI Water, and obtained, for a controlled activity approval under the Water Management Act 2000.</p>
GT0021-00004	<p><b>Erosion and sediment controls</b></p> <p>The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.</p>
GT0002-00080	<p><b>Plans, standards and guidelines</b></p> <p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 17/1083 provided by Council to Crown Lands and Water Division.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, DPI Water, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.</p>
GT0003-00002	<p><b>Plans, standards and guidelines</b></p> <p>The application for a controlled activity approval must include the following document(s):</p> <ul style="list-style-type: none"> <li>- Outlet structures;</li> <li>- Erosion and Sediment Control Plan;</li> <li>- Soil and Water Management Plan; and</li> <li>- Vegetation Management Plan.</li> </ul>
GT0023-00001	<p><b>Rehabilitation and maintenance</b></p> <p>Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved Plan(s).</p>
GT0020-00001	<p><b>Reporting requirements</b></p> <p>The consent holder informs DPI Water in Writing when the proposed construction of the controlled activity has been completed.</p>
Schedule 1	<p>The plans and associated documents listed in this Schedule are referred to in General Terms of Approval (GTA) issued by DPI Water for integrated development associated with DA17/1083 as provided by Council:</p> <ul style="list-style-type: none"> <li>- SEE.</li> <li>- Civil Works Plan</li> </ul>

8 **A Special (BLANK)**

**Prior to the issue of an Occupation Certificate**, the property owner/developer shall make provision for all required retaining walls, courtyard fencing and boundary fencing. Timber retaining walls will not be permitted. All retaining walls are to be of masonry construction. All retaining walls and fencing works as required by this consent shall be provided at the full cost to the property owner/developer.

9 **A Special (BLANK)**

No fencing shall be erected along the eastern boundary of the site.

## Environmental Matters

10 **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.

11 **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 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: 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.

12 **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.

13 **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.

14 **D Special (BLANK)**

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

15 **D Special (BLANK)**

The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

16 **D Special BLANK**

Councils waste collection service will commence upon the completion of all required on-site waste infrastructure and the attainment of an Occupation Certificate.

17 **D Special BLANK**

Prior to issue of an **Occupation Certificate**, All lots are to provide an unobstructed bin presentation area. The bin presentation area shall not be obstructed by driveway access, street trees or on-street vehicle parking.

18 **D Special BLANK**

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

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

## BCA Issues

19 **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).

## Utility Services

20 **G001 - Installation of services and Service Clearances (subdivision)**

All services (water, sewer, electricity, telephone and gas) are to be installed within the site before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be submitted to Council:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral 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.

#### 21 [G002 - Section 73 \(not for](#)

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

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

#### 22 [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.

#### 23 [G006 -](#)

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

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

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

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

## Construction

#### 24 [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.

## 25 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.

## 26 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.

## 27 H033 – Clothes line

Prior to issue of an **Occupation Certificate**, Clothes drying facilities to be provided for each dwelling.

## 28 H041 - Hours of work (other devt)

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

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

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

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

## Engineering

## 29 K101 - Works at no cost to Council

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

### 30 [K201 - Infrastructure Bond](#)

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

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

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

### 31 [K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of (Concrete footpaths/cycleways/stormwater drainage system) in (Charlotte Street and Cullen Avenue)

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

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

Note:

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

### 32 [K206 - Construction Certificate for Subdivision Works](#)

A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).

A Construction Certificate shall be issued for any subdivision works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by (Orion Consulting Engineers), reference number (17-75), revision (03), dated (18/06/2018), and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Traffic facilities
- Earthworks
- retaining walls and other structures
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

- Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.



33 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Orion Consulting Engineers, Project 17-75, Revision 03, Drawings sheets 01-05, 10, 20, 40 - 45 dated 18/06/2018

Prior to the issue of a Construction Certificate, the concept plans shall be modified in respect to the citing of the Ecosol GPT to ensure it is located in a position which provides adequate access to maintain the device. This must be done in consultation with Council.

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

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

34 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Orion Consulting Engineers), reference number (17-75), revision (03), dated (18/06/2018).

Prior to issue of any Construction Certificate, the Principal Certifying Authority shall ensure that the 225mm stormwater drainage pipes (in Lot 14 to Lot 25) have been covered by 2m wide stormwater drainage easements according to Council's Design Guidelines for Engineering Works for Subdivisions and Development.

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

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

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

36 **K301 - Sediment & Erosion Control**

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

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

37 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.



38 **K303 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

39 **K402 - Street Lighting**

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

40 **K403 - Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

41 **K404 - Soil testing - Subdivisions**

Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings". The results shall be submitted to Penrith City Council prior to the issue of the Subdivision Certificate.

42 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

43 **K406 - Underground Services**

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

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

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

45 **K502 - Completion of subdivision works**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

46 **K502 - Works as executed – General and Compliance Documentation**

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

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

47 **K507 - Easements for Drainage - New Common Drainage Lines**

Prior to the issue of any Subdivision Certificate, 2m wide stormwater drainage easements shall be provided in proposed Lot 13 to 18 and Lot 21 to 26, and evidence of registration of the easement with Land and Property Information (LPI) shall be submitted to the Principal Certifying Authority and Penrith City Council, if Penrith City Council is not the Principal Certifying Authority. Easement widths shall be in accordance with Penrith City Council's adopted Design Guidelines.

48 **K509 - Linemarking & Signage**

Prior to the issue of any Subdivision Certificate, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

49 **K512 - Street Naming**

Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
- b) Allow eight (8) weeks for notification, advertising and approval.

50 **K513 - Bond for final wearing course**

Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

51 **K515 - Maintenance Bond**

Prior to the issue of any Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for all subdivision works.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

## 52 K516 - Subdivision Compliance documentation

Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

- a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
  - Compaction reports for road pavement construction
  - Compaction reports for bulk earthworks and lot regarding.
  - Soil classification for all residential lots
  - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- k) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

## 53 K - Waterways - Stormwater Management – GPT Design

**Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council for review and approval:

- Details of the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing;
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application.
- The location of the Ecosol GPT shown on the concept drainage plans must be revised to ensure it is constructed in a position which enable safe access for cleaning

## 54 K Special (BLANK)

Prior to the issue of an Occupation Certificate "No Stopping" restriction signage is to be implemented on both sides of Road No. 01 between Cullen Avenue and Charlotte Street. This is to be approved by Council prior to implementation and installed at no cost to Council.

## Landscaping

55 **L001 - General**

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

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.

56 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by an appropriate qualified landscape professional.

57 **L003 - Report requirement**

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified landscape professional.

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

58 **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 Development Control Plan 2014.

59 **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**

60 **M001 - Prior to subdivision work (Applies to subdivision except strata)**

Work on the subdivision is not to commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

61 **M008 - Linen Plan**

Prior issue of a **Subdivision Certificate**, Submission of the original Linen Plan and six (6) copies shall be provided to Council. The Linen Plan must indicate that:

All drainage easements, rights of way, easements to benefit/ burden adjoining lots, restrictions and covenants are to be included on the linen plan.

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 and building structures are wholly contained within the lot served and/or covered by an appropriate easement.

62 **M009 - 88B Instrument**

The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

- a) Dwelling construction shall be in accordance with the approved architectural plans under Development Consent DA17/1083.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

## **Certification**

63 **Q008 - Subdivision Certificate**

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions relating to the subdivision of the land (including roadworks and drainage) in this consent are outstanding.

64 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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

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

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

### Information to accompany the Notice of Commencement

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

# Appendix - Development Control Plan Compliance

## Western Precinct

### Design and Numerical Requirements

Standard	Permitted	Proposed	Comment
Allotment Size	125-300sqm	137.37 to 214.61sqm	Complies
Typical frontage	5-10m	7.5-10m	Complies
Typical Depth	25-30m	25.5m-27m	Complies
<b>Primary Setbacks</b>			
Building frontage	3m	1.5m	Not complies. Refer to discussion below.
Garage frontage	5.5m	1.5m	Not complies. Refer to discussion below.
Articulation setback	2m	1.5m	Not complies. Refer to discussion below.
<b>Secondary Setbacks (Lot 12)</b>			
Building frontage	1.5m	0.9m	Not complies. Refer to discussion below.
Garage frontage	2.5m	0.9m	Not complies. Refer to discussion below.
Articulation setback	1m	0.9m	Not complies. Refer to discussion below.
<b>Side</b>			
Internal	0m	0-0.9m	Complies
<b>Rear</b>			
Building (Ground)	3m	2-3.6m	Not complies. Refer to discussion below.
Garage (rear loaded)	0.9m	1m	Complies
<b>Open space</b>			
Private	15%	17-28sqm	Not complies. Refer to discussion below.
Min width	3m	3m	Complies
<b>Height</b>			

Maximum height-stories	2(3)	3	The proposed dwellings are of a scale that are consistent with nearby and adjoining development. Refer to discuss below
Parking	1-2 space	2 Spaces	Complies

The following reasons the above non compliances will be supported:

- The locality of the development within the Village Centre Character area envisages a higher density style of development. It is noted that the proposed development provides a unique product offering to the market, providing greater housing diversity through small lot attached integrated terrace housing.
- Setbacks are considered to be acceptable in the context of this locality. The development proposed utilises the site frontages (including that towards the lake) whilst providing rear lane vehicular access. There is no detrimental impact of reduced setbacks to the primary and secondary building frontages on the adjoining properties, which are intended for high density development that is also consistent with the Village Centre Character. Further, these setbacks afford greater separation from the primary and secondary boundaries than the existing development to the west of the site.
- The setbacks provide a suitable gradual transition between the apartment development to the West, and the lower density residential area, across the Riparian Corridor to the East.
- The built form proposed is of a scale and bulk that would sit comfortably within the locality.
- Private open space to each dwelling has been maximised, particularly through the provision of roof top terracing above the dwellings and studio-apartments.
- The facades provide a high level of articulation and streetscape appeal as demonstrated in the perspectives submitted, proposing high quality composite materials and stepped building frontages behind feature balconies.
- The service road for the development acts as a low speed, low traffic access for the development. Reduced building and garage setbacks reinforce the purpose and hierarchy of this road as a laneway within the Jordan Springs road network. Further, the reduced setbacks to the roadway reinforce the Village Centre character, consistent with the setbacks to Caribbean Promenade.

### **Solar Access**

The Development Control Strategy outlines the following controls in relation to solar access:

- Areas of private outdoor space should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice.
- Dwellings should also be designed to avoid overshadowing of adjacent properties and to protect sunlight access to any habitable room or private outdoor living space of adjacent buildings to less than 4 hours between 9am and 3pm at the winter solstice (21 June).

It is noted that the orientation of the development site is a constraint and any form of integrated development would provide shadowing of private open space areas within the development. The applicant has provided solar access studies, demonstrating that alternative arrangements in the built form will not dramatically improve solar access.

Furthermore, private open space to each dwelling has been maximised, particularly through the provision of roof top terracing above the dwellings and studio-apartments. The provision of additional private open space areas within the development ensure the future occupants will have access to private open space oriented towards north that has a good level of solar access, and accordingly the development should be supported.