

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0211
Proposed development:	Demolition of Existing Structures and Construction of 14 x Town Houses and Associated Works
Property address:	88 Reid Street, WERRINGTON NSW 2747
Property description:	Lot 165 DP 1573
Date received:	3 March 2016
Assessing officer	Jane Hetherington
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the demolition of existing structures and construction of 14 x town houses and associated works at 88 Reid Street, Werrington. The subject site is zoned R3 Medium Density Residential under the provisions of Penrith Local Environmental Plan 2010. The proposal is a permissible land use in the R3 zone, with Council consent.

Key issues identified for the proposed development and site include:

- The subject site is mapped as bushfire prone land.
- The site is affected by local overland flows and mainstream flooding.
- The subject site is not connected to Sydney Waters Sewerage System.

The development was notified, advertised and placed on public exhibition from 21 March 2016 and 6 April 2016. Council has received two (2) submissions in response.

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

Site & Surrounds

Properties of the site

The subject site is located on the southern side of Reid Street, approximately 80m west of the Gibson Avenue intersection. The subject site has an area of 2323m² with a 30.48m frontage to Reid Street and a depth of 76.2m. The site is currently occupied by a single storey dwelling, large garage/shed and swimming pool. Directly to the east of the subject site is a vacant lot, to the west is a single storey dwelling, to the north is bushland with Werrington Creek traversing it and to the south is residential development. The area is one of transition with several new townhouse developments replacing older style dwellings.

Site constraints

Flooding - The site is affected by mainstream flooding and overland flows.

Bushfire-prone land - The site is bushfire prone.

Infrastructure - The site is not connected to sewer.

Vegetation - Vegetation on the site is mapped as Alluvial Woodland.

History

The applicant attended a pre-lodgement meeting with Council on 2 April 2015 (PL15/0036).

Proposal

The proposed development involves:

- Demolition of existing dwelling, structures and outbuildings;
- Construction of 14 town houses (12 x 4 bedroom & 2 x 3 bedroom);
- Each unit consists of living/dining, kitchen, single garage, laundry, courtyard, bedroom, ensuite and bathroom;
- Parking, landscaping and associated drainage works;
- Reconstruction of northern end of Reid Street (including raising); and
- Filling and drainage works within 86 Reid Street.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 79BA - Bushfire prone land assessment**

The development has been assessed in accordance with the matters for consideration under Section 79BA (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

- The site is mapped as bushfire prone and as such the application was accompanied by a Bushfire Risk Assessment prepared by accredited consultants Bushfire Consultancy Australia.
- There is an area of vegetation to the north of the site which is of significance. This area consists of a narrow strip of riparian vegetation that runs along the banks of the Werrington Creek and larger areas of grassland.
- The report makes a number of recommendations relating to the BAL construction requirements for the proposed dwellings. These will form a condition of consent.

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.7 Demolition requires development consent	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned R3 Medium density residential under the provision of Penrith Local Environmental Plan 2010. The proposal is defined as multi dwelling housing which is a permissible land use in the zone with Council consent.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Under Clause 4.1A, within the R3 Medium Density Residential zone, a lot is to have a minimum area of 800m² for multi dwelling development. The subject site complies with this requirement with an area of 2323m².

Clause 4.3 Height of buildings

The Height of Buildings Map indicates that the height of a building on the subject site is not to exceed 8.5m. The proposal complies with this requirement being 8.25m above natural ground level.

Clause 7.1 Earthworks

The development includes filling of Council's land (86 Reid Street) adjacent to the subject site. This has been proposed in response to the potential affects of raising the road, which was required to provide flood free access to the subject site (88 Reid Street). Council's land will be filled up to 1.2m which has been reviewed by Council's Development Engineer who raised no objections. Both the subject site and 86 Reid Street are located at the top of the catchment and as such the proposed fill will not have a significant impact to the flood level. In addition, the fill has been battered towards the adjacent properties on Gibson Avenue so that ponding does not occur. Cross sections through Council's land have been provided demonstrating that the proposed levels will match with the existing levels of the adjoining properties.

Clause 7.7 Servicing

This clause specifies that before granting development consent, the consent authority must be satisfied that:

- (a) the development will be connected to a reticulated water supply, if required by the consent authority, and
- (b) the development will have adequate facilities for the removal and disposal of sewage, and
- (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
- (d) the need for public amenities or public services has been or will be met.

The site is not currently connected to Sydney Water's sewerage service, with the existing dwelling being serviced by an aerated wastewater treatment system. As this system does not have the capacity to accommodate the proposal, the application has been supported by a "Feasibility Letter" provided by Sydney Water and dated 22 September 2016. This correspondence advises that there is capacity in the sewerage system to enable a connection and outlines conditions for any connection. These recommendation will form condition of consent.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	N/A
C5 Waste Management	Complies
C6 Landscape Design	
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	Complies - see Appendix - Development Control Plan Compliance
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A

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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development.

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

Context and Setting

The proposal is in keeping with the desired residential character of the locality. The proposal is of a scale consistent to that in the adjacent development, with compatible setbacks and external wall height. The development incorporates varied rooflines and horizontal and vertical proportions, building articulation and varied building materials.

Access, Transport and Parking

Access to the site is proposed via a 5.5m wide driveway off Reid Street. Resident and visitor parking has been provided in accordance with the requirements of DCP 2014.

Flooding

The application was accompanied by Flood Impact Report prepared by Leading Engineers. This report detailed that a HEC-RAS model was prepared to compare the current site conditions to that post development, including the proposed construction of 14 units at No.88 Reid Street and the filling at No.86 Reid Street, Werrington. This report concluded that there will not be a net increase in the flood level.

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed
- The site is able to drain to Council's satisfaction

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents.

Council notified 12 residences in the area and the exhibition period was between 21 March 2016 and 6 April 2016. Council has received two (2) submissions in response.

The application was advertised on 18 March 2016 with the exhibition period between 21 March 2016 and 6 April 2016.

Submissions

The following issues were raised in the submissions received and have formed part of the assessment.

<i>Issue Raised</i>	<i>Comments</i>
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<p><i>The proposal will result in flooding for adjoining properties</i></p>	<p><i>The application was accompanied by Flood Impact Report prepared by Leading Engineers. This report detailed that a HEC-RAS model was prepared to compare the current site conditions to that post development, including the proposed construction of 14 units at No.88 Reid Street and the filling at No.86 Reid Street, Werrington. This report concluded that there will not be a net increase in the flood level.</i></p> <p><i>The civil plans show that a drainage line will be provided along the eastern boundary of 86 Reid Street to ensure that overland flows are not diverted onto the adjoining properties and that ponding does not occur within the lots facing Gibson Avenue.</i></p> <p><i>Given the above, Council is satisfied that the proposal will not have an adverse impact to surrounding properties in relation to flooding.</i></p>
<p><i>Development will result in a loss of privacy for adjoining properties</i></p>	<p><i>Penrith Development Control Plan 2014 requires a 6m rear setback for two storey development. The proposal has a rear setback of 10.8m exceeding what is required under Council's Development Control Plan. The landscape plan shows that the rear plantings will consist of a mix of trees and shrubs that will provide a visual screen to the development and increase that privacy for the residents of the development and adjoining properties.</i></p> <p><i>In addition, the dwellings have been designed with low use rooms (i.e. bedrooms, bathrooms) on the first floor. Given the above the proposal is not considered to adversely impact on the privacy of the adjoining properties.</i></p>
<p><i>The existing on-site sewage management system doesn't have capacity to service the development</i></p>	<p><i>The application has provided correspondence from Sydney Water advising that there is capacity in the sewerage system to enable a connection. As such wastewater generated by the site can be managed appropriately as the development would be able to be connected to the sewer. A condition of consent will require that the sewer is extended to service the subject site at the expense of the developer.</i></p>
<p><i>Tandem parking is not a successful means to ensure all vehicles are not parking on the street</i></p>	<p><i>Penrith DCP 2014, specifies that at least one car parking space for each dwelling shall be covered, however, the second space may be "stacked" or "tandem" or located on the driveway. The proposal complies with this requirement.</i></p>
<p><i>The existing road access is unsuitable for the proposed development</i></p>	<p><i>The proposal includes upgrading the western portion of Reid Street (from the intersection with Gibson Avenue), which will be undertaken at the expense of the developer. The works include raising and widening the road. As such, Council is satisfied that the road will be able to accommodate the proposed development and provide flood safe access for the future residents.</i></p>

The development will decrease street parking for the surrounding locality

Under Penrith Development Control Plan (DCP) 2014, car parking for multi dwelling housing is required to be provided at a rate of 2 spaces per dwelling with 3 or more bedrooms. In addition, 1 visitor space is required per 5 dwellings. Given that the proposal includes the construction of 12 x 3 bedroom dwellings, 30 on-site parking spaces are required to be provided. The proposal complies with this requirement and as such is not considered to adversely impact on the on-street parking within the surrounding locality.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	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
- Section 94 - Cultural Facilities
- Section 94 - Penrith City Local Open Space

The following Section 94 calculations apply to the proposed development.

Calculation for 14 x Town houses					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
14	x	2.0	-	3.1	24.9
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
14	x	2.4	-	3	30.6
AMOUNT					
S.94 Contribution Plan		Contribution Rate x Calculation rate			Total
Cultural Facilities		30.6 x \$154			\$4,712
District Open Space		24.9 x \$1,885			\$46,936
Local Open Space		24.9 x \$682			\$16,982
		NET TOTAL			\$68,630

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, 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 DA16/0211 for demolition of existing structures and construction of 14 x town houses and associated works at 88 Reid Street, Werrington, be approved subject to the attached conditions;
2. That those making submissions are notified of the determination.

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX Certificate No. 706430M 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 No.	Prepared By	Dated
Architectural Plans	1232.DA01A - DA05A	N. F. Billyard	06/03/2017
Landscape Plan	1648LAN2A (Sheets 1 - 3)	Bio Engineered Solutions P/L	24/02/2016
Civil Drawings	1860 C00 - C12	Leading Engineers	03/03/2017
Stormwater Drainage Plan	D15233 (ST01 & ST02)	Danmor Consulting Engineers	10/02/2016
External Colour Schedule	-	-	-
Waste Management Plan	-	-	1/03/2016

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 A038 - LIGHTING LOCATIONS

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. 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).

6 A041 - CONSTRUCTION IN BUSHFIRE AREAS (AMENDED)

Prior to the issue of a Construction Certificate, the plans are to be amended to incorporate the recommendations of the Bushfire Risk Assessment (Ref 88Rei-01), prepared by Bushfire Consultancy Australia and dated 22 February 2016.

7 A046 - Obtain Construction Certificate before commencement of works

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

8 A Special (BLANK)

All boundary fences are to be 1.8m high colorbond fence, unless an alternate material is agreed to with the affected property owner. All fencing is to be at the expense of the developer.

9 A Special (Fencing)

As per the plans marked in red, fencing forward of the building line shall not be constructed on metal panels and is to be of open style design.

Demolition

10 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

11 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

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

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

12 B004 - Dust

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

13 B005 - Mud/Soil

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

14 B006 - Hours of work

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

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

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

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

Environmental Matters

15 D001 - Implement approved sediment& erosion control measures

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

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

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

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

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

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

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

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

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

18 **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.

19 **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.

20 **D014 - Plant and equipment noise**

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

21 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

22 **D Special BLANK**

Bulky Waste Room is to remain open and unobstructed at the rear and at the entrance.

23 D Special BLANK

Indemnity Agreement

Prior to the issue of any OC, the developer is to enter into a formal agreement with Penrith City Council for the utilization of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or 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 Council's waste collection service will not commence until formalisation of the agreement.

The document can be downloaded from the following link below:

<https://www.penrithcity.nsw.gov.au/Building-and-Development/Development-Applications/Forms/>

BCA Issues

24 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

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

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

Note: It is recommended that the applicant contact Sydney Water or the relevant water services coordinator to discuss requirements outlined within the Sydney Water Feasibility Letter (Case No. 157510) prior to the issue of a construction certificate. This is to ensure that all necessary infrastructure works or upgrades are considered and addressed in the preparation of civil design drawings.

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

26 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.

27 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

28 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.

29 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.

30 H033 – Clothes line

Clothes drying facilities are to be positioned and screened from public view.

31 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

32 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.

33 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 the issue of any Construction Certificate. 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.

34 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 (bulk earthworks, road widening and drainage works) in (Reid Street, Werrington)

Engineering plans are to be prepared generally in accordance with civil plans, Project No: 1860, Revision up to C, Dated 03/03/2017, prepared by Leading Engineers.

A minimum 1:8 temporary asphalt kerbing to taper on eastern adjacent land shall be provided. Any pavement widening must join neatly to the existing pavement according to Council's Guidelines for Engineering Works.

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:

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

35 K205 - S68 Local Government Act – Stormwater drainage works CIVIL CONSTRUCTION IN LOTS

Prior to the issue of any Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for provision of (bulk earth works and drainage works) in 86 Reid Street, Warrington (Lot 5 and Lot 6, DP28248).

Engineering plans are to be prepared generally in accordance with civil plans, Project No: 1860, Revision up to C, Dated 03/03/2017, prepared by Leading Engineers.

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 4732 7777 or visit Penrith City Council's website for more information.

Note:

1. All works associated with the S68 Local Government Act Approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

36 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by danmor Consulting Engineers, reference number D15233-ST01 & ST02, revision A, dated 10/02/2016. The rainwater tanks shall be connected for reuse as required by the BASIXs certificate.

The invert level of the 600x600 stormwater drainage pit within the landscape area of unit 1 (IL = 21.06m) is higher than the invert levels of the two upstream 600x600 pits (IL = 21.00m). The stormwater drainage plan needs to be amended to ensure that the proposed onsite stormwater drainage system is free draining.

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 and Water Sensitive Urban Design (WSUD) Policy.

37 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 22.5m AHD (standard flood level + 0.5m).

38 **K216 - Flooding – Garage Levels**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the garage floor level is a minimum of RL 22.2m AHD.

39 **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 and Penrith City Council's Development Control Plan.

40 **K225 - Performance Bond**

Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for (road works and drainage works) within Reid Street road reserve.

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 Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

41 **K301 - Sediment & Erosion Control**

Prior to commencement of works 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.

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

42 **K401 - Flooding – Surveyor Verification of floor levels**

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 25.5m AHD (standard flood level + 0.5m) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

43 **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.

44 **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 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.

45 **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.

46 **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.

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

For internal building works and drainage works within private lots, 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 Subdivision Certificate where Penrith City Council is not the Principal Certifying Authority.

48 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (water sensitive urban design)

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

49 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

50 **K515 - Maintenance Bond**

Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for (road works and drainage works) within Reid Street road reserve.

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

Note:

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

51 **K516 - Subdivision Compliance documentation**

For all works within road reserve and bulk earthwork within private lots, prior to the issue of an Occupation 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) Work 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 Work As Executed 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 fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- 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 regrading.
 - 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".

52 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

53 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

Landscaping

54 L001 - General

All landscape works are to be constructed in accordance with the stamped approved Landscape Concept Plan, 1648LAN2 A, prepared by Bio Engineered Solutions P/L and dated 24/2/16 and Penrith Council's Development Control Plan 2014.

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.

55 L003 - Report requirement

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

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

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

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

56 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.

57 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.

58 L008 - Tree Preservation Order

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

59 L Special (BLANK)

Prior to the issue of a Construction Certificate, the landscape plan is to be amended to include the planting of:

- Two (2) trees that can attain a minimum height of 8m, are to be planted within the road area of Reid Street.

The tree is to be a minimum 100 litre pot size, consistent with the predominant tree species in the street and appropriately placed to avoid impact to existing services and infrastructure.

Development Contributions

60 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$4,712 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

61 **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, \$46,936 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

62 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$16,982 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Certification

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

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

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

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

Information to accompany the Notice of Commencement

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

Operation of OSSM

64 **R113 - Decommission old system**

The contents of the existing septic tank are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected tank shall be removed, demolished or filled with clean soil and garden lime. Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C3 Water Management

The site is affected by local overland flows and mainstream flooding.

Council's adopted Flood Planning Level (FPL) for the site is RL 22.5m AHD and Council records indicate existing ground levels vary from approximately RL 22.5 at the south-east corner of the property, RL 22.0m around the middle of the property, to RL 21.5m at the north-east corner. The submitted architectural plans indicate that the finished floor levels of the habitable building are at the FPL.

Section 3.5 Flood Planning specifies that 'flood free access is when the depth of water over vehicular driveways and roads is limited to 0.25m with low velocities'. To ensure that flood free access is provided to the site, the proposed works include raising the northern section of Reid Street. Cross sections have been provided demonstrating that the flood water will not be deeper than 250mm between the lip of the gutter (south side of Reid Street) to the lip of gutter (north side of Reid Street).

To ensure that the proposed filling does not create a trapped low point at the western boundary of Council's land and to the rear of the lots facing Gibson Avenue (Lots 1-4 of DP 28248) a drainage line is proposed to be installed at these points which drain to the street.

The application was accompanied by Flood Impact Report prepared by Leading Engineers. This report detailed that a HEC-RAS model was prepared to compare the current site conditions to that post development, including the proposed construction of 14 units at No.88 Reid Street and the filling at No.86 Reid Street, Werrington. This report concluded that there will not be a net increase in the flood level.

D2 Residential Development

Penrith Development Control Plan (DCP) 2014, Part 4, Section 4.5 Residential – Two Storey Town House Development is applicable to the site. The development is for the most part compliant with the required controls of the DCP however the following matters of non-compliance are noted below.

PENRITH DCP 2014		
Two Storey Town House Development		
	C – City Wide Provisions	
	Item	Yes/ No / Comments
C1	Site Planning & Design Principles	The design responds to the constraints of the site. There is no significant vegetation and the site is generally flat, providing a site which is ideal for redevelopment and located within a transitioning area.
C2	Vegetation Management	The proposal does not necessitate the removal of any significant trees or vegetation.
C3	Water Management	The site is serviced by water and appropriately proposed to be drained to the street.

C4	Land Management	The site is suitable for redevelopment and is not subject to geo-technical issues.
C5	Waste Management	A Waste Management Plan accompanied the application and detail how waste generated will be disposed of.
C6	Landscape Design	The landscape plan submitted is appropriate for the proposed townhouses.
C7	Culture and Heritage	None listed in vicinity of property or on site
C8	Public Domain	The development responds to the public domain, with Unit 1 and Unit 14 orientated to face the street. Street trees are required by way of conditions of consent.
C9	Advertising and Signage	N/A
C10	Transport, Access & Parking	The road is a local road and the existing road network can withstand the additional traffic generated by the proposal. Suitable access and parking is provided.
C11	Subdivision	N/A
C12	Noise and Vibration	The site does not adjoin a noise source and the proposed townhouses are not envisaged to generate a large level of noise.
C13	Infrastructure and Services	Wastewater from the site is currently disposed of using an OSSM system. However, the application has been accompanied by documentation from Sydney Water demonstrating that the sewer has capacity to be extended to service the development.

D2 - Residential Development
2.4 Multi Unit Housing

	Item - Required	Complies?
2.1.3	<p>Development on sloping land Ground floor levels are to be a maximum of 800mm above natural ground level</p> <p>Excavation/filling should not exceed 600mm in depth as measured from natural ground level</p> <p>Garden retaining walls are not to exceed 0.9m in height</p>	<p>Variation: the finished floor level of Unit 1 is 1m above natural ground level. This variation is supportable given that it is limited to Unit 1 with all the finished floor level of the other units complying with this requirement. In addition, this level is required for flooding.</p> <p>Variation: up to approximately 1.2m of fill will be placed within the central section of 86 Reid Street. This is satisfactory given that the application has demonstrated that it will not result in any significant change to the flood level and that it is well integrated with the surrounding properties.</p> <p>Complies</p>

2.4.1 & 2.4.2	Residential Character Does the development adopt elements of the preferred configuration for town house developments?	Dwelling entries are orientated to the street. Living areas and private courtyards either face the boundary or street. Variation in finishes (brickwork, cladding and painted facebrick). Green corridor of vegetation to be provided along rear boundary proposed and landscaping provided around the perimeter of the building. Design prevents 'garage architecture', with garage stepped behind primary building line and landscaping provided along common driveway.	
How much floor space is appropriate to your site?			
	Item	Required	Complies?
2.4.3	Development Site	Minimum lot width of 15m.	Complies - 30.48m
2.4.4	Urban Form	Dwellings fronting the street should adopt traditional orientation.	Complies - Unit 1 and Unit 14 orientated to front the street.
		Living areas and entry to face the street, for each dwelling.	Complies.
		Garages to be integrated within the building façade.	Complies - Garages setback approximately from primary building line
		Avoid gun-barrel developments.	Complies - garages recessed behind front building line. High quality landscaping to soften the built form.
		Each building block no longer than 20m.	Variation - 23.59m The site is well landscaped and the areas in front of the units are provided with landscape beds which will accommodate a number of small to medium sized shrubs which will soften the building form.
		Variety of roof forms and pitches	Complies
		Windows in every elevation.	Complies - windows in every elevation
		Shadow-casting features (e.g. Verandas) applied to every wall.	Complies – eaves and sun shade devices.
2.4.5	Front and Rear setbacks	Single storey component Rear Setback = 4m Setback = 4m Double storey component Rear Setback = 6m Setback = 6m	Complies - 10.7m to both components

		Front Setback = adopts a setback to match the neighbourhood character, minimum 5.5m Setback = adopts a setback to match the neighbourhood character, minimum 5.5m	6.5m proposed The lot to the east is currently vacant and the dwelling to the west is located approximately 25m. However, this dwelling is located off the end of the cul-de-sac and as such is not highly visible from the street. The proposed setback is consistent with other multi dwelling development in the surrounding locality.
2.4.6	Building Envelope and Side Setbacks	Building envelope max cut and fill = 500mm Max roof pitch = <25° for single storey	Complies - < 500mm and 22.5 degree pitch.
2.4.7	Driveways and Parking	2 spaces per 3 or more bedroom unit	Given that 14 x 3 or more bedroom units are proposed, 30 on site car spaces are required (28 resident spaces and 2 visitor spaces). The proposal complies with this requirement.
		Is manoeuvrability OK? (Check AS2890.1 – 1993)	Yes. Reviewed by Development Engineer's.
		3.0m = min driveway width plus passing bay	Yes - 3.0 min width driveway.
		Landscaped verge between driveway, fences and buildings	Landscaping provided in front of dwellings and along the driveway and is satisfactory.
		Garages and parking spaces should not be located in the front setback and should not face the street.	Complies
2.4.8	Landscaped Area	Minimum 40% of site area (excluding any landscape areas <2.0m in width)	Complies: 40.11%
		Provide effective separation between neighbouring dwellings	Satisfactory
2.4.9	Solar Planning	4 hours to living areas of the dwelling	Complies
		Min 3 hours solar access to 40% of the private open space area	Complies
		Place windows on all exterior walls exposed to the northern sun.	Complies - Windows provided and patios where possible.
	Urban Design		
	Item	Required	Complies?
2.4.10	Significant Townscapes / Landscapes	The proposal is to conserve significant vegetation on the site.	NA

		Adopt / reflect predominant building characteristics in the area.	NA
		Minimise visual impact of driveways and garages.	NA
2.4.11	Corner Sites & Park Frontages	Dwellings and POS to face the park, maximum 20m long building	NA
2.4.12	Building Design	Stepped alignment of walls, articulated roof forms and variety of materials	Complies.
		The design of facades should be varied	The proposal contains a combination of attached units in six buildings with articulated building elements.
		Extensive blank external walls should be avoided	Mixture of fenestration and portico's on front elevation's to break up wall bulk. Eaves and portico's/patios are inserted to minimise the overall visual bulk.
2.4.13	Energy Efficiency	NatHERS certificate indicating 3.5 star rating Roof and top floor ceiling insulation with R3 rating. Wall insulation with R1.5 rating. Living areas to face within 30° of north. Shading devices for windows, doors and skylights including eaves of 450mm. Employ effective glazing Cross ventilation to rooms	Complies - BASIX provided. Complies - BASIX provided with 3.5 Complies - BASIX provided with R2 Complies - achieved where applicable Complies Glazing applied to all windows - Complies with BASIX Requirements Windows provided to aid in cross-ventilation .
2.4.14	Design of Dwellings and Private Courtyards	Min private open space area for each unit = 25m ²	Complies - Minimum POS size provided. Each unit has a large amount of POS available.
		POS to include area 5m x 4m, suitable for outdoor dining.	Complies
		Min 2m wide clothes drying area	Provided
		Direct access from POS to street through 2m wide landscape area or carport with an open design.	Variation: Direct access from street to POS areas not provided for Units 4 and 11. However, this is acceptable given that access is provided through the garages.
		Front and rear setbacks should be utilised for private residential gardens.	Complies

2.4.15	Garage Design	Garages concealed from the street. (recessed behind building line)	Complies - recessed behind building line
		Allow full opening of vehicle doors (ie. min garage width = 3.0m for single width and 5.7m for double width)	Complies - reviewed by Council's Development Engineer - 3.2m provided
2.4.16	Garden Design	Rear boundary planting scheme is to consist of a combination of low to medium high trees.	Satisfactory – Rear planting scheme propose a mix of large trees mixer with 2m high with hedging Overall planting creates attractive private open space in the rear.
		Side boundary planting to consist of small to medium sized trees and feature plantings within courtyards.	Satisfactory – Medium size feature trees/hedging provided in each private open space of units along the side boundaries.
		Street frontage plantings to consist of private gardens, civic garden frontages, and accent plantings.	Complies - Front setback landscaping satisfactory.
2.4.17	Paving design	Driveways to be presentable, be overlooked by living areas, be divided into panels or bands, allow for the direct infiltration of water.	Complies - Living area of each villa overlooks internal driveway.
		Minimum 1m wide pavement in front of doorways.	Variation - 800mm provided
		Paving beneath clothes lines.	Not indicated
		Paving under garbage bins storage areas.	NA
2.4.18	Fences and retaining walls	Max height = 1.8m (2.4m on sloping sites).	No details of the proposed fencing has been provided. It is recommended that a condition of consent be included that requires that all boundary fence be a maximum height of 1.8m.
		Maximum 1.2m forward of the building line , or if taller, of see-through construction	No details of the fencing has been provided. It is recommended that a condition of consent be included that the POS fencing for Units 1 & 7 which is forward of the building line be constructed of timber slats.
		POS fencing facing the street frontage is to be <50% of the allotment width.	Complies - <50%

2.4.19	Visual and Acoustic Privacy and Outlook	Min 3m separation between any facing windows	Variation: Only 2m provided between the windows of Units 10 & 9 and Units 5 & 6. This variation is supportable given that they are high sill bedroom windows and not considered to result privacy issues.
		Courtyards to have pergolas and masonry walls	Not indicated - Not deemed required.
		2m landscaped verge between driveways and general rooms	Satisfactory - approx. 0.8m provided.
		Bedrooms designed away from noisy rooms	Complies.
		Active and passive living areas separated in design	Complies - Bedrooms located on the first floor with living spaces on ground floor adjacent to garage
2.4.20	Safety and Security	High level of passive surveillance.	Casual surveillance is provided due to the design.
2.4.21	Access & Adaptability	Accessibility to comply with AS1428-1998 – Design for access and mobility.	No townhouse has been specifically designed for adaptability under AS1428-1998. However, level entries are proposed and the ground floor could provide an accessible bathroom and lounge conversion if required to Units 7 & 8.
2.4.22	Storage and Services	10m ³ of storage per household	Complies - BIR and linen cupboard provided for each unit.
		Provision of designated waste storage areas	Communal waste storage area and bulky good area provided in accordance with DCP
		Provision of letter boxes	Not indicated
		1 TV antenna per 5 units	Not indicated