

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0603
<b>Proposed development:</b>	Construction of a Dwelling House and a Secondary Dwelling
<b>Property address:</b>	20 OConnell Lane, CADDENS NSW 2747
<b>Property description:</b>	Lot 1 DP 1166546
<b>Date received:</b>	5 June 2014
<b>Assessing officer</b>	Mahbub Alam
<b>Zoning:</b>	Zone R1 General Residential - LEP 2010
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for a single Dwelling and secondary dwelling at Lot 1 DP 1166546, 20 O'Connell Lane Caddens. The subject site is zoned R1 (General Residential) under *Penrith Local Environmental Plan (LEP) (Caddens 2009)*. The proposal is defined as a Dwelling and Secondary Dwelling which is a permissible land use in the R1 zone with Council consent.

An assessment under Section 79C of the *Environmental Planning and Assessment Act 1979 (EP&A ACT 1979)* has been undertaken and the application is recommended for approval.

### Site & Surrounds

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The subject site is situated on the eastern side of O'Connell Lane Caddens. The subject land is located approximately 3.5 km south-east of the Kingswood railway station. The immediate locality surrounding the subject site is comprised of vacant lands and detached dwellings.

The site falls from the south-east of the site to the north-west by more than 1 meter. The proposed site is rectangular in shape and has a site area of 400m<sup>2</sup>. The site is located on the eastern side of O'Connell Lane and is currently vacant. There are no trees on the site.

### Proposal

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The proposed development includes the following aspects:

- A Single dwelling and secondary dwelling; and
- Associated landscaping.

### Plans that apply

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- Penrith Local Environmental Plan 2009 (Caddens)
- Development Control Plan 2006
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

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

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

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

*This Policy ensures the implementation of the BASIX scheme that encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by the applicant.*

BASIX Certificate No. 590486M\_02 was submitted with the development application. A standard condition will ensure the commitments in the Certificate are maintained during the life of the proposed dwellings.

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

The aim of this policy is to ensure that the land upon which development is proposed is not contaminated. Council is obliged; as a part of the development assessment process, to investigate previous land uses and determine whether potential contamination has taken place on the site.

The site is part of a residential subdivision, with the parent subdivision application containing an assessment of the land against the provisions of SEPP 55. It was determined through this assessment that the land was not contaminated and was suitable for residential subdivision. Council may therefore be satisfied that the proposal is consistent with the provisions of the SEPP and that no remediation of land is required prior to the issuing of development consent.

##### **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 development does not negatively impact on water quality, fauna and flora habitats.*

This Plan applies generally to the subject land. The proposal will have minimal impacts on the river or lands within the river valley & appropriate conditions will be imposed to ensure that adequate soil erosion and sediment control measures are provided.

##### **Penrith Local Environmental Plan 2009 (Caddens)**

Provision	Compliance
Clause 1.2 Aims of Plan	Complies - See discussion
Clause 2.2 Zoning of land to which Plan applies	Complies - See discussion
Clause 2.3 Zone of objectives and land use table	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.6A Demolition requires consent	N/A

Clause 2.6B Temporary use of land	N/A
Clause 4.1 Minimum subdivision lot size	Complies
Clause 4.3 Height of buildings	
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 6.1 Arrangements for designated State public infrastructure	N/A
Clause 6.2 Public utility infrastructure	N/A
Clause 6.3 Development control plan	Complies
Clause 6.4 Relationship between Part and remainder of Plan	N/A
Clause 7.1 Sustainable development	N/A
Clause 7.2 Flood planning land	N/A
Clause 7.3 Zone B2 Local Centre - floor area restrictions	N/A
Clause 7.4 Exhibition homes limited to 2 years	N/A
Schedule 1 Additional permitted uses	N/A

### *Permissibility*

The subject site is zoned R1 General Residential under *Penrith Local Environmental Plan 2009 (LEP 2009) (Caddens)*. The proposed development is defined as *dual occupancies*, which is permissible with the consent of Council.

### **Clause 2.3 - Zone objectives and land use table**

The proposed development is consistent with the following objectives of the R1 General Residential zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To ensure that a reasonably high level of residential amenity is achieved and maintained.*
- *To ensure new development reflects the desired future character described in the Penrith Development Control Plan.*

The proposed development has demonstrated consistency with the relevant LEP development standards and applicable DCP controls. As such, it is considered the proposal provides a high level of residential amenity consistent with the desired streetscape and character of the locality.

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

### Development Control Plan 2006

Provision	Compliance
Chapter 4.3 - Residential (dual occupancy)	Complies - see Appendix - Development Control Plan Compliance
Chapter 6 - Area or site with specific controls	Complies

## 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 in the consent.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

### (i) Context and Setting (environmental impacts and impacts on built environment)

This area is R1 - General Residential which is conducive to this form of permissible housing development. An assessment of the development has been undertaken and it is considered appropriate and conducive to the low density character of the locality.

Although Caddens is noted as a new release area, it is considered the bulk and scale of the proposed development is in keeping with the desired streetscape as outlined in the DCP. Furthermore, the proposal is generally consistent with the requirements of the applicable LEP and DCP and as such will have negligible impact on neighbouring properties in regards to privacy. The development has incorporated modern and contemporary building materials and finishes which reflects the ideals of the DCP in regards to street setting. The significant landscaping proposed within the front setback will soften the transition between the public and private interface.

It is considered there will be no adverse impacts from the proposed development in regards to the natural environment. The site is unlikely to be contaminated, with an assessment undertaken at time of subdivision, and natural drainage flows will not be comprised as a result of the development. The applicant has demonstrated measures will be employed to control the erosion and sedimentation and will condition to ensure compliance. In the event any relics are uncovered during construction, a condition is recommended to provide for satisfactory treatment.

On the whole, it is considered the proposal will not detrimentally impact upon the built or natural environment of the area.

### (ii) Access and transport

Resident parking has been provided in accordance with Council's parking requirement. Access to the site is via an attached driveway that will services the dwellings satisfactorily.

### (iii) Heritage

The property is not subject to any Heritage Order or identified as a heritage item under a planning instrument.

### (iv) Soil

Adequate sedimentation and erosion controls are proposed as part of the development. This is also recommended to be conditioned to ensure compliance with the requirements of SREP 20 and Penrith DCP 2006.

### (v) Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip.

**(vi) Infrastructure**

Services including water and sewer are available to the site and conditioned as part of the original subdivision. Nevertheless, standard conditions of consent regarding the connection to these services are recommended.

**(vii) Landscaping**

the landscape plan that accompanies this application is not prepared by a consultant selected from Council's Landscape Consultant Register. Nevertheless, the plan proposed is in accordance with the provisions of Chapter 2.6 - Landscape of DCP 2006.

**(viii) Socio-economic impacts**

the properties in the immediate vicinity of the site were notified and Council did not receive any submission in response. It is considered the proposal will not generate any negative socio-economic impacts. Rather, the development will provide additional housing to help satisfy the burgeoning demand of housing availability within the Penrith LGA.

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

The site is suitable for the following reasons:

- The site is zoned R1 - General Residential under Penrith LEP (Caddens 2009), with the development a permissible use in the zone,
- The development generally complies with the relevant LEP and DCP objectives and controls,
- The impacts of the proposed development are considered minimal in relation to the amenity of adjoining properties, and
- The development is compatible with surrounding/adjoining residences and will not detrimentally impact upon the residential character of the locality.

Council is satisfied the proposed development is suitable for the subject site.

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

**Community Consultation**

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006 – Notification and Advertising, this application was notified to nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 13 June 2014 to 27 June 2014. Council did not receive any submission.

**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

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

The proposed development is consistent with the objectives of the *Environmental Planning and Assessment Act 1979* in so far as it promotes the co-ordinated and orderly economic use and development of the land. Furthermore, the application has been notified with suitable timeframes given for submission from members of the public. No submission has been received. As a result Council may be satisfied that the development subject to conditions is consistent with the public interest.

## Section 94 - Developer Contributions Plans

The following Section 94 Contribution Plans are applicable to the proposed development:

- Cultural Facilities
- District Open Space
- Community Facilities Land
- Open Space Land
- Open Space Admin
- Open Space Works

The following Section 94 calculations apply to the proposed development.

<b>CALCULATION</b>					
<b>Proposal/ category</b>					
<b><i>Dual Occupancy</i></b>					
<b>No. of units</b>	<b>x</b>	<b>Rate</b>	<b>-</b>	<b>Credit for existing dwelling/s</b>	<b>Total</b>
<u>2</u>	x	3.1 ( <i>Open Space</i> )	-	3.1	3.1
<u>2</u>	x	3 ( <i>Other</i> )	-	3	3

  

<b>AMOUNT</b>		
<b>S.94 Contribution Plan</b>	<b>Contribution Rate x Calculation rate</b>	<b>Total</b>
Cultural Facilities	1.5 x \$138.00	\$207.00
District Open Space	1.5 x \$1,830.00	\$2,745.00
Community Facilities Land	1.5 x \$194.00	\$291.00
Open Space Admin	1.5 x \$29.00	\$43.00
Open Space Land	1.5 x \$5,613.00	\$8,420.00
Open Space Works	1.5 x \$3,550.00	\$5,325.00
<b>NET TOTAL</b>		<b>\$17,031.00</b>

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being SEPP 55, SREP 20, LEP (Caddens) 2009 and DCP 2006, 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 the proposal is unlikely to generate any negative impacts that would affect the site or the surrounding community. Therefore, the application is worthy of support, subject to recommended conditions.

## **Recommendation**

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That DA14/0603 for Residential Development – attached dual Occupancy (single dwelling and secondary dwelling) at 20 O'Connell Lane Caddens NSW 2747, be approved subject to the attached conditions (Development Assessment Report Part B)

## General

### 1 A001

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

Drawing Title	Drawing No.	Prepared By	Dated
Site Analysis	DA01/02 (Issue R03)	Universal Property Group Pty Ltd	08/12/2014
Plans, Elevations & Sections	DA02/02 (Issue R03)	Universal Property Group Pty Ltd	08/12/2014
Shadow Analysis	DA03/03 (Issue R03)	Universal Property Group Pty Ltd	08/12/2014
Colour Schedule	-	-	05/12/2014
Concept Landscape Plan	LP 01/01 (Issue R03)	Universal Property Group Pty Ltd	2014/03/24
Detail Level Survey of Lot 1 in DP 1166546	6030	SDG Land Development Solution	09/10/2013
Concept Stormwater Plan	C145106 (Issue R03)	Universal Property Group Pty Ltd	08/12/2014
Waste Management Plan	WMP 01/01 (Issue R03)	Universal Property Group Pty Ltd	08/12/2014
Waste Management Plan		Universal Property Group Pty Ltd	05/12/2014
NatHERS – Thermal Comfort Summary	1007032988		09/12/2014
BASIX Certificate	590486M_02	-	09 December 2014

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

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

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

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

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

### 4 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

### 5 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 \(BLANK\)](#)

Satellite dishes, water tanks, air conditioning units and solar hot water tanks are not be prominent when viewed from any street.

8 [A Special \(BLANK\)](#)

The concrete driveway is to be finished with a colour that compliments and blends with the established streetscape and amenity of the area.

9 [A Special \(BLANK\)](#)

Metal sheet style fencing is not permitted. All fencing is to be in accordance with Chapter 4.8, Section 6.21 (Caddens) of Penrith Development Control Plan 2006, with boundary, front and side fencing to be constructed with masonry piers that complement the streetscape and house finish. Infill panels are to consist of open slats, palisades or pickets.

## Demolition

10 [B005 - Mud/Soil](#)

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

## Heritage/Archaeological relics

11 [C003 - Uncovering relics](#)

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

## Environmental Matters

12 [D001 - Implement approved sediment& erosion control measures](#)

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

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

13 **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.

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

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

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

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

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

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

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

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

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

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

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

## BCA Issues

#### 17 [E001 - BCA compliance](#)

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

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

(b) formulating an alternative solution which:

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

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

#### 18 [E005 - Smoke detectors-interconnect](#)

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

### **Health Matters and OSSM installations**

#### 19 [F006 - Water tank & nuisance](#)

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

### **Utility Services**

#### 20 [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.

#### 21 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

### **Construction**

## 22 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.

## 23 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.

## 24 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

## 25 H015 - Termites

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

26 **H024 - Glass installations AS1288**

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

27 **H033 – Clothes line**

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

28 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

29 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

30 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

31 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

### 32 [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.

### 33 [H18F - Timber framework](#)

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

## Engineering

### 34 [K016 - Stormwater](#)

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

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

**Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road.

These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

### 36 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Universal Property Group), reference number (C145106), revision (R03), dated (08/12/2014).

### 37 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

**Prior to the issue of an 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.

## Landscaping

### 38 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plan and Penrith Council's Development Control Plan 2006.

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.

### 39 [L002 - Landscape construction](#)

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 2 landscape works.

### 40 [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.

#### 41 [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.

#### 42 [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.

## Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$207.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

#### 44 [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, **\$2,745.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

#### 45 [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 **Community Facilities Land**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$291.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

46 **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 **Open space Admin**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$43.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

47 **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 **Open space Land**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$8,420.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

48 **N002 - Land dedication under Section 94**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Open Space Works**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$5,325.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

## Payment of Fees

49 **P001 - Costs**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond is based upon the estimated value of the works with a bond of **\$1,000** payable for the subject development.

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

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

## Certification



50 [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

## Development Control Plan 2006

### Part 4 (Chapter 4.3) - Dual occupancy

### Part 6 - Site and area specific controls

Penrith Development Control Plan 2006 (DCP 2006) is applied for the proposed development. The proposal has been assessed against the controls and guidelines of the DCP 2006 (specifically the Caddens DCP Section) and is considered to be compliant with the principle standards and consistent with the intent of the development standards.

Development Standard	DCP Requirement	Proposed	Compliance (Yes / No)
Allotment Size (Attached)	350m <sup>2</sup>	400 <sup>2</sup>	Yes
Lot Width	12.5m	13m	Yes
Site Coverage	<50% (200m <sup>2</sup> )	46.5% (186m <sup>2</sup> )	Yes
Front Setback	4.5m	4.5m	Yes
Secondary Frontage	N/A	N/A	N/A
Side	0.9m	1m	Yes
Rear	4m	6.1m	Yes
Landscaping Area	35% of lot area (140m <sup>2</sup> )	38.5% of lot area (154m <sup>2</sup> )	Yes
Private Open Space	20% of lot area (80m <sup>2</sup> )	>25% of lot area (101.75m <sup>2</sup> )	Yes
Principal Private Open Space	24m <sup>2</sup>	>24m <sup>2</sup>	Yes

*Clause 4.2: Streetscape, Feature Elements and Roof Design:*

*The primary street facade of a dwelling must incorporate an entry feature or portico and at least two of the following design features:*

- a) balcony to any first floor element;*
- b) a variation in scale to adjoining properties;*
- c) architectural elements which recess or project by at least 600mm;*
- d) open verandah;*
- e) mix of building materials or finishes;*
- f) bay windows or similar features;*
- g) pergola or similar feature above garage doors.*

The design features front porch to the primary dwelling and clear access to the second dwelling along the northern boundary, accentuating the entry to the dwellings, whilst along the street front providing a mix of architectural form and materials. The base configuration for the development is that the presentation to the street would be initially as a single dwelling house. The attached dwellings provide different design features providing variety and differentiation in achieving an aesthetically pleasing development.

The dual occupancy design proposed is more akin to a small secondary dwelling design where the primary dwelling has the dominant frontage to the street and the smaller secondary dwelling has a lesser presence, located along the side boundary. In both dwelling designs however, the dwellings have identifiable entries through use of clearly shown entries by use of patio/porch at the entry. The design outcome is that the development would have the streetscape presentation of a single dwelling although the secondary dwelling frontage would be clearly visible upon approach for visitors and occupants alike. This design ensures that the double occupancy maintains a low profile amongst an area that may be dominated by single detached housing.

On the basis of the above assessment it is contended that the dual occupancy design provides for an appropriate street frontage for this locality which will be consistent with the housing form and design of other single occupancy development which may be accommodated on neighbouring land.

*Clause 4.3: Dwelling Height, Massing and Siting:*

This clause (3) states that buildings should be designed to ensure that 50% of the area of the required Principal Private Open Space of both the proposed development and the adjoining properties receive at least 3 hours of sunlight between 9am and 3pm on the 2/ June.

The shadow diagrams submitted as part of this application show the development to be compliant with Clause 4.3 (3), with the development and the neighbouring properties receiving the required amount of sunlight. Further, the development is only single storey in scale and is unlikely to result in any amenity concerns for the neighbouring lands.

*Clause 4.4: Building Setbacks:*

As per Table 3 of the clause, the setback controls applicable to attached single-storey dwellings have been adopted. Garages have been set back 1 metre behind the front building facade and thus the development is compliant with this clause.

*Clause 4.5: Development Forms:*

<b>Controls</b>	<b>Compliance (Yes / No)</b>
<i>The maximum floor space for a studio or dual occupancy is 60 square metres.</i>	Yes - 60sqm
<i>A studio or dual occupancy must incorporate design and construction features, finishes, materials and colours similar to, or complementary with, the principal dwelling.</i>	Yes - colour schedule attached
<i>An application for studio or dual occupancy development is to have regard to its suitability in the context of neighbouring dwellings and local character.</i>	Yes - streetscape drawings attached
<i>Windows and private open spaces must not overlook the private space of any adjacent dwelling. Windows to common boundaries must either have obscured glazing, be screened or have a minimum sill height of 1.7 metres above floor level.</i>	Yes subject to minor design modifications. The subject design has all entry to the second dwelling along the northern boundary which will result in a bedroom window and a dining room window being located along this facade. Due to the need for a 1.8m high boundary fence and low level of the building floor level, it is contended that other screening measures would not be necessary to preserve neighbours privacy.
<i>Design is to generally maximise solar access to internal living areas and minimise overshadowing of outdoor areas of the principal and adjacent dwellings.</i>	Yes - shadow diagrams attached
<i>The studio is to be located above the garage, carport or similar structure of the principal dwelling or be part of a corner lot development.</i>	N/A
<i>Private open space in the form of a balcony should preferably be provided in addition to the private open space area requirements for the principal dwelling.</i>	No - however, acceptable as the development is only single storey in scale and would not physically accommodate a balcony.

<p><i>Access to the studio or dual occupancy is to be separate from the principal dwelling and is to front a public street, lane or shared private access way, either at or above ground level.</i></p>	<p>No - however, acceptable as the development is only 60m<sup>2</sup> secondary dwelling which is attached with principal dwelling. The secondary dwelling frontage would be clearly visible upon approach for visitors and occupants alike.</p>
<p><i>Strata title subdivision into a separate allotment will be permissible only where the following are provided:</i></p> <p><i>(a) The studio or dual occupancy comprises one dwelling located substantially above the other dwelling;</i></p> <p><i>(b) One of the dwellings has a floor area that does not exceed 60m<sup>2</sup> and is located above the garage, carport or similar structure of the principal dwelling; and</i></p> <p><i>(c) private open space of 8 square metres with a minimum dimension of 2 metres; and</i></p> <p><i>(d) separate access; and</i></p> <p><i>(e) separate access; and</i></p> <p><i>(f) separate services for mail delivery and waste collection, and an on-site garbage storage area which is not visible from public street; and</i></p> <p><i>(g) Separate connections and metering for utilities (electricity, water, gas, telecommunications etc.).</i></p>	<p>N/A</p> <p>Yes - although being single storey cannot be above ground structure</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**Clause 4.6: Private Open Space:**

For the lot width >10-15m the private open space provided should be minimum 20% of lot area and principal private open space is to be 24 sqm. The development is compliant with this clause and provides for total private open space of about 145 sqm and 24 sqm of principal private open space for each dwelling.

**Clause 4.7: Site Cover and Landscaped Areas:**

Site coverage on lots smaller than 450 square metres will be treated on merit but is to be no greater than 70% and is to demonstrate compliance with the private open space and solar access requirements of this DCP.

The development achieves site coverage of 45% and is also compliant with private open space and solar access requirements as discussed above.

**Clause 4.9: Garages and Access:**

*Where a carport or garage entry forms part of the front facade of a dwelling, it is to be set back a minimum of 5.5m from the front boundary and at least 1 m behind the building facade (as set out in Section 4.4).*

The garages in the development are set back 5.5 m from the front boundary and achieve the minimum dimensions as per AS2890.1. Thus the development is compliant with this clause.