

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1229
Proposed development:	Attached Dwellings x 12 & Detached Dwellings x 2 (Proposed Lots 152-165 Simmons Lane)
Property address:	Coreen Avenue, PENRITH NSW 2750
Property description:	Lot 1197 DP 1171491
Date received:	1 October 2014
Assessing officer	Emma Elkadi
Zoning:	ZONE R1 GEN RES - PT 7 NTH PEN PCCLEP 2008 ZONE RE1 PUB REC - PT 7 NTH PEN PCCLEP2008
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for 12 attached dwellings and 2 detached dwellings on proposed Lots 152 - 165 Simmons Lane in Thornton. Lots 154 - 163 have rear access via Simmons Lane. Lots 152 and 153 have a primary street frontage to William Hart Crescent, and Lots 164 and 165 have a primary street frontage to Empire Circuit. Under Penrith City Centre Local Environment Plan 2008, the proposal is defined as Residential Accommodation. The subject site is zoned R1 and the proposal is a permissible land use in the zoning with Council's consent.

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

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

The greater locality is characterised by a mixutre of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west side of the site with the residential suburb of Penrith located further to the east. Future development of the site will consist of medium density dwellings to the north, east and west while to the south is the proposed North Penrith village centre.

The proposed housing will front a public reserve located on Hudson Street and directly adjoins Empire Circuit and William Hart Crescent. Lots 154 - 163 have rear access provided via Simmons Lane. The subdivision pattern has been approved under DA14/0934 and is yet to be registered. The overall site area is 2406.5m² and it is currently vacant.

Proposal

The proposed development seeks approval for the construction of 12 attached terrace dwellings and 2 dettached dwellings on separate torrens title lots (created via DA14/0934). The development also includes landscaping, parking and stormwater drainage across all sites.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, 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 applicants.

Proposed Lot	BASIX Certificate No.
152	575218S
153	571978S
154	574860S
155	574865S
156	574867S
157	574869S
158	574904S
159	572289S
160	574855S
161	574845S
162	574839S
163	571989S
164	574915S
165	575133S

The above BASIX Certificates were submitted with the Development Application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	N/A

Clause 13 - Zone objectives	N/A
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	N/A
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 -Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A
Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	Complies
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	Complies
Clause 50 - zone objectives and land use table	Complies

Clause 51 - Height of buildings	Complies
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

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

The Stage 2 Penrith Planning Proposal was placed on public exhibition on 13 May 2014. The relevant sections of the Planning Proposal have been reviewed and there are no proposed changes to the controls relating to development within the North Penrith Precinct.

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

Development Control Plan 2006

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

North Penrith Design Guidelines

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

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

There are no planning agreements applying to this application.

Section 79C(1)(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 regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

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

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

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

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

Section 79C(1)(d) Any Submissions

Community Consultation

The application was not required to be notified as all adjoining lots remain under the ownership of Urban Growth, who are facilitating the subdivision. The '*Thornton Design Review Panel*' has stamped the plans for approval.

Referrals

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

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

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

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

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities

The following Section 94 calculations apply to the proposed development.

CALCULATION					
Proposal/Category					
Dwellings					
No. of units	x	Rate	-	Credit for existing dwelling/s	Total
<i>14 (Detached)</i>	<i>x</i>	<i>\$2,719</i>	<i>-</i>	<i>0</i>	<i>\$38,066.00</i>
					<i>\$38,066.00</i>

Conclusion

In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies. In its current form, the proposal will have a positive impact on the surrounding character of the area. The proposed design is site responsive, complies with key development standards and is in the public interest. The site is suitable for the proposed development, 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 DA14/1229 for 12 x Two Storey Attached Dwellings and 2 x Detached Dwellings at proposed Lots 152 - 165 Simmons Lane, Penrith, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Plan	Numbered	Drawn By	Dated
Site Plan Lots 152 - 165	2 of 49	Firststyle Homes	24 September 2014
Waste Management Plan Lots 152 - 165	3 of 49	Firststyle Homes	24 September 2014
Stormwater Concept Plan Lots 152, 154, 155	4 of 49	Firststyle Homes	24 September 2014
Ground Floor Plan Lots 152, 154, 155	5 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lots 152, 154, 155	6 of 49	Firststyle Homes	24 September 2014
Elevations Plan Lots 152, 154, 155	7 of 49	Firststyle Homes	24 September 2014
Elevations Plan Lots 152, 154, 155	8 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lots 154,155	9 of 49	Firststyle Homes	24 September 2014
ABSA Section Plan Lots 152, 154, 155	10 of 49	Firststyle Homes	24 September 2014
Site Plan & Stormwater Concept Plan Lot 153	11 of 49	Firststyle Homes	24 September 2014
Ground Floor Plan Lot 153	12 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lot 153	13 of 49	Firststyle Homes	24 September 2014
Elevation Plans Lot 153	14 of 49	Firststyle Homes	24 September 2014
Elevation Plans Lot 153	15 of 49	Firststyle Homes	24 September 2014
ABSA Section Plan	16 of 49	Firststyle Homes	24 September 2014
Stormwater Concept Plan Lots 156, 157, 158	17 of 49	Firststyle Homes	24 September 2014
Ground Floor Plan Lots 156, 157, 158	18 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lot 156, 157, 158	19 of 49	Firststyle Homes	24 September 2014
Elevation Plan Lots 156, 157, 158	20 of 49	Firststyle Homes	24 September 2014
Elevation Plan Lots 156, 157, 158	21 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lots 156,157	22 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lot 158	23 of 49	Firststyle Homes	24 September 2014
ABSA Section Plan Lots 156, 157, 158	24 of 49	Firststyle Homes	24 September 2014
Stormwater Concept Plan Lots 159, 160, 161	25 of 49	Firststyle Homes	24 September 2014

Ground Floor Plan Lots 159, 160, 161	26 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lots 159, 160, 161	27 of 49	Firststyle Homes	24 September 2014
Elevation Plan Lots 159, 160, 161	28 of 49	Firststyle Homes	24 September 2014
Elevation Plan Lots 159, 160, 161	29 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lot 159	30 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lots 160, 161	31 of 49	Firststyle Homes	24 September 2014
ABSA Section Lots 159, 160, 161	32 of 49	Firststyle Homes	24 September 2014
Site Plan & Stormwater Concept Plan Lots 162, 163, 165	33 of 49	Firststyle Homes	24 September 2014
Ground Floor Plan Lots 162, 163, 165	34 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lots 162, 163, 165	35 of 49	Firststyle Homes	24 September 2014
Elevations Plan Lot 162, 163, 165	36 of 49	Firststyle Homes	24 September 2014
Elevations Plan Lot 162, 163, 165	37 of 49	Firststyle Homes	24 September 2014
Elevations, Section and Garage Floor Plan Lots 162, 163, 165	38 of 49	Firststyle Homes	24 September 2014
ABSA Section Lots 162, 163, 165	39 of 49	Firststyle Homes	24 September 2014
Stormwater Concept Plan Lot 164	40 of 49	Firststyle Homes	24 September 2014
Ground Floor Plan Lot 164	41 of 49	Firststyle Homes	24 September 2014
First Floor Plan Lots 164	42 of 49	Firststyle Homes	24 September 2014
Elevation Plan Lot 164	43 of 49	Firststyle Homes	15 September 2014
Elevation Plan Lot 164	44 of 49	Firststyle Homes	24 September 2014
ABSA Section Plan Lot 164	45 of 49	Firststyle Homes	24 September 2014
Shadow Diagram Lots 162 - 165	46 of 49	Firststyle Homes	24 September 2014
Notification Plan Lots 162 - 165	47 of 49 (Sheet A)	Firststyle Homes	24 September 2014
Street Elevation Plan Lots 162 - 165	48 of 49	Firststyle Homes	24 September 2014
Fire Rated Wall System	49 of 49	Firststyle Homes	24 September 2014
Landscape Plans Lots 152 - 165	L01 - L03 (Revision F)	EcoDesign	10 September 2014

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

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

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

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

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

4 **A015 - SITE TO BE REGISTERED ALLOTMENT**

Prior to the issue of a Construction Certificate, each lot to which the development consent relates shall be registered at the Land and Property Information division of the Department of Lands as a separate lot in accordance with consent number DA14/0934 and documentary evidence provided to Penrith City Council.

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

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

6 **A038 - LIGHTING LOCATIONS**

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding 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).

7 **A039 - Graffiti**

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

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

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

9 **A Special (BLANK)**

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

10 **A Special (BLANK)**

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

11 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate, an easement for access and maintenance 900mm wide shall be registered adjacent to the zero lot line walls on Lots 154 and 163. The easement shall burden Lots 152-153 and Lots 164-165 and provide for access from the street.

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.

13 **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."}

14 **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.

15 **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

16 **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).

Health Matters and OSSM installations

17 **F006 - Water tank & nuisance**

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

Utility Services

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

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

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

19 **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.

20 **G005 - Rainwater tank- Plumbing**

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

Construction

21 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

22 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

23 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS 2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

24 **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.

25 **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.

26 **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.

27 **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.

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

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

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

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

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

Engineering

29 [K016 - Stormwater](#)

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

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

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

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

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

31 [K202 - Roads Act \(Minor Roadworks\)](#)

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

- a) Provision of a vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.

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

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

32 [K501 Roads Authority clearance](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

Landscaping

33 [L001 - General](#)

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

Landscaping shall be maintained:

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

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

34 L003 - Report requirement

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

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.

35 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.

36 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.

Development Contributions

37 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, \$38,066.00 is to be paid to Council by Urban Growth prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Payment of Fees

38 P001 - Costs

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

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

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

Certification

40 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:

- 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
- 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.

41 [Q05F - Occupation Certificate for Class10](#)

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

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

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

Appendix - Development Control Plan Compliance

North Penrith Design Guidelines

North Penrith Design Guidelines

<i>Design Guidelines</i>			
<i>Section</i>	<i>Requirement</i>	<i>Proposal</i>	<i>Comment</i>
3.3 Building Envelopes	1. The maximum number of storeys for residential development is shown at Figure 8.	The development proposes 2 storeys on each lot.	Complies.
	2. For all residential development, the floor area of the third storey is to be no more than 60% of the second storey.	No third storey proposed.	n/a
	3. The location and siting of the third storey is to ensure adequate solar access and privacy for the lot and adjacent residential lots.	No third storey proposed.	n/a
	4. Development adjacent to a laneway (i.e. ancillary dwelling) is to be no more than 2 storeys.	Garages single storey.	Complies.
	5. A minimum floor to ceiling height of 2.7m is to be provided for all ground floor living spaces.	2.74m proposed.	Complies.
	6. The maximum depth of a dwelling (exclusive of roofs and privacy screens, etc) from the front boundary is: § 15m for the second storey (identified as L2 on Figures 9-10), § 12m for any third storey component of a dwelling.	None of the dwellings exceed 15m for the second storey.	Complies.
	7. The maximum depth of an ancillary dwelling (exclusive of roofs and privacy screens, etc) from the rear boundary is 8m.	No ancillary dwellings proposed.	Complies.
	8. Front setbacks for residential development within the R1 Zone (except for residential flat buildings) are: § between 3m and 4.5m (to the front facade line), except on the western side of H1 (Thornton Hall heritage carriageway) where the front setback from the boundary line is to accommodate tree retention and access driveway, § a minimum 5.5m (and a minimum 1m behind the front facade line) for the garage, and § 0m to the secondary street (for a corner allotment) except for the first 7m of the allotment which is to be setback at 2m to accommodate the articulation zone requirements at Section 3.4.	The proposed dwellings on Lots 153 - 165 are setback between 3.05m and 4.2m from the front boundary. The proposed dwelling for Lot 152 is setback 5.39m from the front boundary. Although this front setback is non-compliant with the control, is it considered acceptable and will have a minimal impact on the overall street scape. Lots 153 - 164 all have rear loaded garages. Lots 152 & 165 achieve minimum garage setback of 5.5m. Lots 152 - 153 & Lots 164 - 165 are corner allotments and achieve a minimum secondary street setback of 3m.	Complies.

	<p>9. The rear setback for the ground floor level of a dwelling is 0.9m. This does not apply to garages and ancillary dwellings adjacent to a rear lane which may be built to the rear boundary.</p>	<p>Rear loaded garages are 0.180m from the rear boundary.</p> <p>All other rear setbacks comply.</p>	Complies.
	<p>10. The minimum side setback requirements for residential development within the R1 Zone (except for residential flat buildings) is to be consistent with the table.</p>	<p>Development is consistent with the table.</p> <p>(Multi-unit housing, attached dwellings, 0m on both sides).</p>	Complies.
	<p>11. Despite 3.3.10, zero setbacks on both side boundaries for ancillary dwellings and dwelling houses are permitted where certain conditions apply.</p>	<p>Dwellings proposed either side will be built concurrently.</p>	Complies.
	<p>12. Where a studio loft above a garage straddles a property boundary, the central maintenance setback is not required. Appropriate arrangements for maintenance are to be included within the stratum lot title for the studio loft.</p>		n/a
	<p>13. Variations to the building envelope controls contained within Section 3.3 are permitted where it is part of an 'Integrated Development Application' and the applicant can demonstrate that a good level of residential amenity can be achieved to both the proposed dwellings and adjacent properties.</p>		n/a
3.4 Building Design and Articulation	<p>1. Particular attention is to be paid to the design quality of the front facade of a dwelling. An articulation zone is to be provided in front of the front facade line as illustrated at Figures 9 and 10. The articulation zone:</p> <p>§ is to be setback at least 1 metre from the front boundary,</p> <p>§ must extend at least 7m from the front boundary line along the secondary street frontage (for corner allotments), and</p> <p>§ may extend over 2 storeys (for 2 and 3 storey development).</p>	<p>Articulation zones have been included to the front and side facades. Articulation zones are setback at least 1 metre from the front boundary.</p>	Complies.
	<p>2. The front articulation zone should include at least 1 primary element or 2 secondary elements.</p>	<p>Primary and secondary elements utilised.</p>	Complies.
	<p>3. For corner allotments the articulation zone is to be a minimum depth of 2m from the primary and secondary frontages and may include either primary and/or secondary elements as listed above.</p>	<p>Corner allotments have provided primary elements and are setback a minimum of 2 meters.</p>	Complies.
	<p>4. For allotments located on the southern, eastern and western side of a street, the articulation zone may be designed to incorporate private open space, including principal private open space.</p>		n/a

	5. Consideration should be given to expressing the third storey of a dwelling in a lighter weight manner than the structure below, through the use of materials and colours and the like.		n/a
	6. Eaves are to provide sun shading, to protect windows and doors and provide aesthetic interest. Subject to 3.2.3, eaves should have a minimum of 600mm overhang (measured to the fascia board). Council will consider alternative solutions to eaves so long as they provide appropriate sun shading to windows and display a high level of architectural merit.	Eaves are not proposed for attached dwellings. The 2 detached dwellings have proposed 450mm eaves, which has been acceptable for two storey dwellings, as indicated in correspondence from Urban Growth dated 7 January 2013.	Complies.
	7. Building colours, materials and finishes are to be consistent with the Residential Design Palette included at Appendix C.	Colours and materials consistent.	Complies.
	8. Multicoloured roof tiles are not permitted.	Not proposed.	Complies.
3.5 Private Open Space and	1. Each dwelling is required to be provided with an area of POS and PPOS consistent. The ancillary dwelling complies with the numerical requirements.		Complies.

<p>Landscaping <i>“Private open space” (POS) means the portion of private space which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It may include a balcony, terrace, verandah and an outdoor room / ‘alfresco room’.</i> <i>“Principal private open space” (PPOS) means the portion of private open space which is conveniently accessible from a living area of the dwelling, and which receives the required amount of solar access.</i></p>	<p>2. The location of PPOS is to be determined having regard to allotment orientation, dwelling layout, adjoining dwellings, landscape features, and the preferred locations of PPOS illustrated at Figure 11.</p>	<p>PPOS provided at the rear consistent with Figure 11.</p>	<p>Complies.</p>
	<p>3. Where the PPOS is a balcony or roof top area, it must be provided with a fence or landscaped screen at least 1m in height, and be directly accessible from a habitable room.</p>	<p>PPOS is not provided as a balcony or roof top area.</p>	<p>n/a</p>
	<p>4. The POS of the studio loft is to be located and designed so as to minimise visual and acoustic privacy impacts upon the principal dwelling and its associated POS.</p>		<p>n/a</p>
	<p>5. Fifty per cent of the area of the required PPOS (of both the proposed development and the adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).</p>	<p>The POS of the dwellings is slightly over shadowed but all units are able to achieve solar access requirements. It is noted that a determination by the Department of Planning acknowledges that some sites within the subdivision will not be able to receive the required solar access due to lot configuration (refer to Major Projects MP100075 and MP100078).</p>	<p>Complies.</p>
	<p>6. The first 1m of a site, measured from the front boundary (excluding driveways, footpaths, etc), is to be soft landscaped. Landscaping within the front yard is to comprise species from the Residential Design Palette included at Appendix C.</p>	<p>All plants are as per the residential design palette.</p>	<p>Complies.</p>
<p>3.6 Fencing</p>	<p>1. Front fencing is required for all residential allotments. Front fencing is to: § be between 700mm and 1.2m high (including feature elements), § be generally open in design and may comprise a solid component that is no higher than 700mm, § extend along the side boundaries to the front facade line (or at least 1m behind the front façade line for dwelling houses), § extend along the secondary street frontage to match the length of the articulation zone, and § not to impede safe sight lines for pedestrians and / or traffic.</p>	<p>Fencing hierarchy provided.</p>	<p>Complies.</p>
	<p>2. The design, materials and colour of front fencing is to be consistent with the Residential Design Palette included at Appendix C.</p>	<p>Colours in accordance with Design Palette.</p>	<p>Complies.</p>

	3. Where a dwelling is located adjacent to open space, boundary fencing is to be of a high quality material and finish. Articulated post and paling fences (with exposed posts) are preferred in these locations.	Fencing proposed is considered high quality.	Complies.
	4. Timber paling or lapped/capped fencing only can be used internally between allotments. No sheet metal fencing is permitted within the project.	Timber fencing used internally. Developer approved.	Complies.
3.7 Garages, Site Access and Parking	1. The maximum parking rates for multi-unit housing, attached and semi-detached dwellings and dwelling houses are: § 1-2 bedroom: 1 space per dwelling, and § 3+ bedroom: 2 spaces per dwelling.	Parking provided includes double garage spaces for dwellings with 3 bedrooms and a single garage space for all other dwellings. Dwellings on Lots 152 and 165 have stacked driveway parking.	Complies.
	2. All visitor parking is to be provided on-street.	Parking available on the street.	Complies.
	3. Parking for affordable housing and seniors housing is to be in accordance with SEPP (Affordable Rental Housing) 2009 and SEPP (Housing for Seniors or People with a Disability) 2004.		n/a
	4. The garage arrangement is to be consistent with Figures 12 and 13 in that: § for lots less than 8m wide, all garaging is to be accessed from the rear lane (if rear loaded). If there is no rear laneway, a single / tandem garage is permitted at the front, § for lots between 8m and 12m wide, garaging may comprise a single / tandem front loaded garage or a rear loaded, double / tandem garage, and § for lots greater than 12m wide, garaging may either comprise a double front loaded garage or a rear loaded, double / tandem garage.	Garages are in accordance with Figures 12 and 13 and are provided with access to the rear laneway.	Complies.
	5. The maximum width of a garage door is 3.2m and 6m for single / tandem and double garages respectively. Where a studio loft is included, its own garage or carport requires access from the rear lane.	Garages meet maximum width requirements.	Complies.
	6. Carports and garages are to be treated as an important element of the dwelling facade and interface with the public domain. They are to be integrated with and complementary, in terms of design and material, to the dwelling design. Garage doors are to be visually recessive through the use of materials, colours, overhangs and the like.	Garages designed to complement housing design and materials. Paving treatment complements overall housing designs.	Complies.

	7. The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and tree bays and is to maximise the availability of on-street parking.	Driveways to garages are provided to the rear laneway. Driveways to detached dwellings are provided on primary street frontages, maximising the availability of on-street parking.	Complies.
	8. All parking and driveway access is to comply with AS 2890.1 - 2004.		Condition.
3.8 Visual and Acoustic Amenity	1. Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.	Designed to minimise overlooking. Developer approved.	Complies.
	2. Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to: § be obscured by fencing, screens or appropriate landscaping, or § be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, or § have sill heights of 1.5m above floor level, or § have fixed opaque glazing in any part of the window below 1.5m above floor level.	The development is provided with limited opportunities for direct sightlines into adjacent dwellings.	Complies.
	3. A screening device is to have a maximum of 25% permeability to be considered effective.		n/a
	4. The design of attached dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.	Internal designs generally mirror where dwellings are attached and all adjoining walls are shared with like rooms.	Complies.
	5. In attached dwellings, bedrooms of one dwelling are not to share walls with living spaces or garages of adjoining dwellings, unless it is demonstrated that the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia.	Bedrooms attach to bedrooms.	Complies.

	<p>6. Residential development in close proximity to the railway corridor, Coreen Avenue, the east and west sides of the Boulevard, the upgraded commuter car park and those flanking the entry road from Coreen Avenue to the commuter car park, are to include design measures so as to achieve the following internal noise levels at these residences:</p> <p>§ a target internal noise level of 35 dB(A) LAeq is to apply in the sleeping areas, and</p> <p>§ a target internal noise level of 40 dB(A) LAeq in other living areas.</p> <p>To achieve these target levels, the acoustic performance of the most exposed facades of these residences are recommended to provide an Rw (weighted sound reduction index) + Ctr (spectrum adaptation factor) of not less than 50 dB(A) for the composite wall area. Reference can be made to the BCA for details on deemed-to-satisfy construction.</p>	<p>In accordance with the email advice from Michael Gange (Senior Engineer Team Leader from Renzo Tonin & Associates) dated 27 May 2014, the conclusion is that any property in Stage 2 that is north of Empire Circuit will require further assessment. The site is located to the south of Empire Circuit and as such, no further acoustic assessment or treatment is required.</p>	Complies.
	<p>7. Residential buildings further within the development (and not affected by heavy vehicle noise along the Boulevard) may achieve a construction of 10 dB less than the above specified targets.</p>		n/a
3.10 Specific Provisions - Key Sites	Dress Circle Park Lots		n/a
3.12 Specific Provisions - Ancillary Dwellings <i>Note: Ancillary dwellings includes 'Secondary Dwellings', as defined by the Standard Instrument (i.e. a self contained dwelling that is used in conjunction with a principal dwelling and is on the same title), and</i>	<p>1. Subdivision applications that involve the creation of a laneway are to nominate the preferred location of an ancillary dwelling so as to achieve an acceptable degree of passive surveillance within the laneway. The preferred locations for ancillary dwellings are shown at Figure 17.</p>		n/a
	<p>1. Ancillary dwelling development is to be consistent with the controls.</p>		n/a
	<p>2. The design and layout of studio lofts is to minimise overlooking and overshadowing of the private space of the principal dwelling and any adjacent dwellings.</p>		n/a

<p><i>'Studio Lofts' which are also self-contained dwellings that may be occupied separately from the principal dwelling and are on a separate title from the principal dwelling.</i></p>	<p>3. Strata title subdivision of a studio loft into a separate allotment will be permissible only where the following are provided:</p> <ul style="list-style-type: none"> § appropriate private open space, § separate pedestrian access, § one on-site car parking space, § separate services for mail delivery and waste collection, and an on-site garbage storage area which is not visible from public street, § separate connections and metering for utilities, and § compliance with the Building Code of Australia. 		<p>n/a</p>
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