

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0904
Proposed development:	Alterations & Additions to an Existing Dwelling and Construction of an Attached Dual Occupancy
Property address:	3 Valleyview Crescent, WERRINGTON DOWNS NSW 2747
Property description:	Lot 7051 DP 260932
Date received:	10 September 2018
Assessing officer	Mahbub Alam
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for alterations and additions to the existing dwelling and construction of a new dwelling to create an attached dual occupancy at 3 Valleyview Crescent Werrington Downs. The subject site is zoned R2 Low Density Residential and the proposed development falls into the category of "attached dual occupancy" which is a permissible use with the consent of council.

Key issues identified in the assessment of this application include:

- A recently constructed retaining wall with fill over a Council easement and drainage pipe, with part of the retaining wall also constructed in the Road Reserve to require removal prior to issue of a construction certificate. This issue can be dealt with by the imposition of a condition.

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 the application was notified for 14 days between 14 September and 28 September 2018. One submission was received raising concerns with respect to privacy, car parking provision and amenity impacts. Amended plans were received which have suitably addressed these concerns and a response to the submission is contained in this report.

An assessment under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for conditional consent.

Site & Surrounds

The subject site is located on the northern side of Valleyview Crescent. The lot has a total area of 806 sqm. The subject site is currently occupied by a dwelling house and is surrounded by low density residential dwellings.

Proposal

The proposed development includes the following aspects:

- Alterations and additions to the existing dwelling;
- Construction of a new dwelling to create an attached dual occupancy development; and
- Associated landscaping.

Plans that apply

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

Planning Assessment

• Section 4.15 - Evaluation

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

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment of the application has been undertaken against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

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 provision aims to ensure that the 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 control measures are provided.

The application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion

Clause 2.3 Permissibility

The subject property is zoned R2 Low Density Residential under the Penrith Local Environmental Plan 2010. The proposed development is defined as "attached dual occupancy" development. The proposed development is permissible in the zone with the consent of council.

Clause 2.3 Zone objectives

Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The surrounding area is characterised by low scale residential housing with established landscaping. The proposed development will be in keeping with the surrounding residential streetscape of the locality and is a typical form of development found in the residential environment. Accordingly, the proposed development is considered to be consistent with the objectives of the zone.

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

The minimum lot size required for a dual occupancy in an R2 zone is 650sqm. The subject site has a total area of 806sqm. Therefore the proposal is compliant with this requirement.

Clause 4.3 Height of buildings

The Height of Buildings map identifies a maximum height of 8.5m. The proposed development has a maximum height of 7.5m which complies.

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

Development Control Plan 2014

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

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

Fire safety

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary.

The proposed development is satisfactory subject to conditions to comply with the Building Code of Australia.

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 proposed dual occupancy 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 is suitable for the following reasons:

- The site is zoned to permit the proposed use and is large enough to accommodate a dual occupancy; and
- The use is compatible with the surrounding/adjoining land uses.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 the application was notified

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

Issue Raised	Comments
<i>Dwelling 2 is proposed to be built very close to the street frontage, facing our property.</i>	Dual occupancy development is permissible on the subject site. The proposal has considered the impact on visual privacy to adjoining properties, with appropriate setbacks (7.7 from primary street boundary and 3.02m from secondary street boundary line) which generally comply with Penrith Development Control Plan 2014 (DCP 2014) requirements. Furthermore, the proposed dual occupancy will have a minimum 26m separation from the objector's property. In this regard the proposed development will have a sufficient buffer distance from neighbours.
<i>We will suffer losses of privacy at our property / home, particularly with the balcony upstairs.</i>	Privacy concerns have been raised with the applicant. The balcony located on dwelling 2 has been removed to ensure the privacy of adjoining properties is maintained. The proposed dual occupancy will have a minimum 26m separation from the objector's property. In this regard the proposed development will have a sufficient buffer distance from neighbours.
<i>Traffic, noise and parking in front of our property will increase</i>	The proposed dual occupancy will have two single garages and a double driveway allowing up to 4 cars to park. Therefore a parking is compliant with the controls. There will be an increase in traffic movements to and from the site as it changes from one dwelling to two dwellings. However, the area has been zoned (R2) to allow dual occupancy development, with consideration given at the time of zoning to ensure that the streets can withstand the additional traffic.
<i>Vehicle lights facing the direction of our bedrooms entering and leaving the proposed driveway.</i>	The proposed driveway on the eastern side has been removed. The existing driveway will be used for the proposed dual occupancy.
<i>There will be three driveways for the one block/lot</i>	The proposed dual occupancy will now have only one common driveway as the previous second driveway has been removed from the proposal. The existing driveway on the southern boundary will be reused.

<i>The location for the proposed new driveways facing our side of Valleyview for dwelling 2, has a street storm water drain in place. They make note of "relocating lintels". This is major drainage for this section of the street.</i>	Relocation of the stormwater drainage lintel is not required as the location of the proposed new driveway has been amended.
<i>The size of the project will take a long period of time with a lot of noise, and construction "mess".</i>	From the date of determination, the applicant has 5 years to commence works. Upon securing the consent, there is no time frame that the applicant is required to complete works. Conditions of consent are imposed restricting hours of construction work and mitigations of constructions impacts.
<i>The proposed development is not keeping with the Werrington Downs area, from a general suburb layout and aesthetic view</i>	The Werrington Downs area has been zoned R2 with a height limit that allows a two storey form. It is acknowledge that many houses in the street are single storey. However, the height limit of 8.5m points to a desired future character of 2 storey forms. The upper floor also contains detailing and varied roof forms in order to breakup the mass of the first floor.

Referrals

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

Referral Body	Comments Received
Development Engineer	Not supported, however conditions provided

Development Engineer

Council Development Engineer has reviewed this application and the following key issue has been identified:

- A recently constructed retaining wall with fill over a Council easement and drainage pipe, with part of the retaining wall also constructed in the Road Reserve.

The above retrospective works are to require removal prior to issue of a construction certificate. This issue can be dealt with by the imposition of the following condition.

"Prior to the issue of any Construction Certificate, the following must be carried out and completed to the written satisfaction of Penrith City Council:-

- The retaining wall and fill located both within the road reserve and on the easement for drainage (in benefit of Penrith City Council) is to be wholly removed;*
- The affected area within the road reserve and easement is to be turfed once the structure and fill are removed; and*
- Evidence of the completed works is to be provided to Penrith City Council and written approval is to be obtained from the Council's Development Engineer Coordinator, prior to the issue of any Construction Certificate."*

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

The proposal is consistent with the objectives of the Local Environmental Plan 2010, Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and provisions of the DCP, the proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The following Section 7.11 Contributions plans apply to the subject proposal:

- Cultural facilities
- District open space
- Local open space

The following Section 7.11 calculations apply to the proposed development.

CALCULATION																	
<table border="1"> <tr> <td colspan="6">Proposal/ category</td></tr> <tr> <td colspan="6"><i>Dual Occupancy</i></td></tr> </table>						Proposal/ category						<i>Dual Occupancy</i>					
Proposal/ category																	
<i>Dual Occupancy</i>																	
No. of units	x	Rate	-	Credit for existing dwelling/s	Total												
2	x	3.1(Open Space)	-	3.1	3.1												
2	x	3 (Others)	-	3	3												

AMOUNT																	
<table border="1"> <tr> <td>S.7.11 Contribution Plan</td><td>Contribution Rate x Calculation rate</td><td>Total</td></tr> <tr> <td>Cultural Facilities</td><td>\$169 x 3</td><td>\$507.00</td></tr> <tr> <td>District Open Space</td><td>\$1,966 x 3.1</td><td>\$6,094.00</td></tr> <tr> <td>Local Open Space</td><td>\$711 x 3.1</td><td>\$2,204.00</td></tr> <tr> <td colspan="2">NET TOTAL</td><td>\$8,805.00</td></tr> </table>			S.7.11 Contribution Plan	Contribution Rate x Calculation rate	Total	Cultural Facilities	\$169 x 3	\$507.00	District Open Space	\$1,966 x 3.1	\$6,094.00	Local Open Space	\$711 x 3.1	\$2,204.00	NET TOTAL		\$8,805.00
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NET TOTAL		\$8,805.00															

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014 and the Sydney Regional Environmental Plan No.20 - Hawkesbury/Nepean River, the proposal satisfies the aims, objectives and provisions of these policies.

The proposal site is responsive and complies with key development standards. Furthermore 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

That DA18/0904 for an alterations and additions and construction of a new dwelling to create an attached dual occupancy at 3 Valleyview Crescent be granted conditional consent.

General

1 A001

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

Drawing Title	Drawing Reference	Prepared by	Dated
Demolition Plan	A01.01, Issue C	Nemco Design	14/12/2018
Site Plan, Site Analysis Plan and Roof Plan	A01.02, Issue C	Nemco Design	14/12/2018
Waste Management Plan	A01.03, Issue C	Nemco Design	14/12/2018
Site Calculation	A01.04, Issue C	Nemco Design	14/12/2018
Landscaping Plan	A01.05, Issue C	Nemco Design	14/12/2018
Ground Floor Demolition Plan – Dwelling 1	A02.02, Issue C	Nemco Design	14/12/2018
Proposed Ground Floor Plan – Dwelling 1	A03, Issue C	Nemco Design	14/12/2018
Proposed First Floor Plan – Dwelling 1	A04, Issue C	Nemco Design	14/12/2018
Proposed Ground Floor Plan – Dwelling 2	A05, Issue C	Nemco Design	14/12/2018
Proposed First Floor Plan – Dwelling 2	A06, Issue C	Nemco Design	14/12/2018
South (Front) Elevation	A07, Issue C	Nemco Design	14/12/2018
North Elevation	A08, Issue C	Nemco Design	14/12/2018
East Elevation	A09, Issue C	Nemco Design	14/12/2018
West Elevation	A10, Issue C	Nemco Design	14/12/2018
Section 1	A11, Issue C	Nemco Design	14/12/2018
Schedule of Finishes	A12, Issue C	Nemco Design	14/12/2018
General Notes	C00, Issue A	Nemco Design	28/08/2018
Stormwater Drainage Plan	C01, Issue C	Nemco Design	14/12/2018
Stormwater Details	C02, Issue A	Nemco Design	28/08/2018
Waste Management Plan	-	Nemco Design	30/08/2018
BASIX Certificate	990028M	-	18/01/2019

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

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

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

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

4 A046 - Obtain Construction Certificate before commencement of works

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

5 A Special (BLANK)

Prior to the issue of an Occupation Certificate, the property owner shall make provision for all required retaining walls, courtyard fencing and replacement boundary fencing with the following details:

- Timber retaining walls will not be permitted.
- All retaining walls are to be masonry construction.
- All retaining walls and fencing works shall be at full cost to the property owner.

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

Prior to the issue of any Construction Certificate, the following must be carried out and completed to the written satisfaction of Penrith City Council:-

- (a) The retaining wall and fill located both within the road reserve and on the easement for drainage (in benefit of Penrith City Council) is to be wholly removed;
- (b) The affected area within the road reserve and easement is to be turfed once the structure and fill are removed; and
- (c) Evidence of the completed works is to be provided to Penrith City Council and written approval is to be obtained from the Council's Development Engineering Coordinator, prior to the issue of any Construction Certificate.

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

No subdivision has been endorsed as a result of this development consent.

Demolition

8 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

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

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

9 [B003 - ASBESTOS](#)

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

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

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

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

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

10 [B004 - Dust](#)

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

11 [B005 - Mud/Soil](#)

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

12 [B006 - Hours of work](#)

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

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

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

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

Environmental Matters

13 **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.

14 **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 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.

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

All waste materials stored onsite 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 the areas 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.

17 **D014 - Plant and equipment noise**

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

BCA Issues

18 **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

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 **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 the dwelling can be occupied.

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.

22 **G006 -**

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

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

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

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

Construction

23 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

24 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.

25 H022 - Survey

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

26 **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.

27 **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.

28 **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.

29 **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.

30 **H041 - Hours of work (other devt)**

Construction 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

31 **K101 - Works at no cost to Council**

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

32 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

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

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

33 [K209 - Stormwater Discharge – Minor Development](#)

All Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system (kerb or kerb inlet pit only)

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

34 [K212 - No loading on easements](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

35 [K405 - Turf to Verge](#)

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

Landscaping

36 [L001 - General](#)

Landscape works are to be constructed in accordance with the stamped approved plan and Penrith Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

37 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2014.

38 [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

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$507.00** 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 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for **District Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,094.00** 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 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for **Local Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,204.00** 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 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

42 **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 1979, 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 of 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.

43 **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.

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

Development Control Plan 2014

Part C - City-wide Controls

C3 Water Management

The drainage concept plan submitted with the application indicates captured stormwater will be directed to a rainwater tank with overflow discharged into the street drainage system. Council's Engineer has reviewed the proposal and raised no objections subject to conditions.

C4 Land Management

The proposal includes minor earthworks to create a building platform which is envisioned to have negligible impacts. The site is currently occupied by a residential land use, therefore land contamination is unlikely with no evidence of historic land contaminating activities identified.

C5 Waste Management

The Waste Management Plan submitted with the application states that waste will be recycled and/or reused on and off-site with other waste material disposed of at an appropriate facility. The proposal provides opportunities for bin storage within the backyard areas catering for on-going waste management.

C6 Landscape Design

A Landscape Plan has been submitted with this application. The Landscape Plan includes deep soil tree planting along the front, side and rear setback area and shrub planting to all boundaries.

C10 Transport, Access and Parking

Suitable car parking and vehicle access arrangements have been provided for the proposal. As per the DCP 2014, 2 spaces must be provided for each dwelling. The development proposes 4 car parking spaces in the form of an enclosed single garage with stack parking. As such the proposed development complies with Council's car parking control.

C13 Infrastructure and Services

Conditions of consent will ensure adequate arrangements for infrastructure and services for the proposal.

D2 Residential Development

The proposed development has been assessed against the development controls relating to dual occupancies outlined in Chapter D2 of Penrith Development Control Plan 2014 (DCP 2014). The proposed development complies with these controls.