

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/1152
<b>Proposed development:</b>	Attached Dwellings x 9 (Proposed Lot 2391 Hudson Street)
<b>Property address:</b>	Coreen Avenue, PENRITH NSW 2750
<b>Property description:</b>	Lot 1197 DP 1171491
<b>Date received:</b>	10 September 2014
<b>Assessing officer</b>	Clare Aslanis
<b>Zoning:</b>	ZONE R1 GEN RES - PT 7 NTH PEN PCCLEP 2008 ZONE RE1 PUB REC - PT 7 NTH PEN PCCLEP2008
<b>Class of building:</b>	Class 1a , Class 7a , Class 10a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for the construction of 9 attached dwellings at North Penrith. The subject site is zoned R1 General Residential and the proposed subdivision is permissible with Council consent under Clause 16 of the Penrith City Centre Local Environmental Plan 2008.

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

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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.

A Project Approval for the Stage 2D SSSA was approved by the Minister for Planning and Infrastructure's delegate on 28th June 2013, which created proposed Lot 2391 and included bulk earthworks, remediation, roads and infrastructure that will service this proposed subdivision.

This part of the North Penrith site is vacant with medium density development and Smith's Paddock to the east of the subject site. However, the future development will consist of medium and high density development to the south and the east, while further to the south is the proposed North Penrith village centre. The site has a frontage to new roads within the North Penrith site including Empire Circuit, Hudson Street and William Hart Crescent. The Torrens title subdivision was previously approved through DA14/0923.

## Proposal

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The proposed subdivision involves:

- construction of 9 attached dwellings
- associated landscaping and drainage works across all lots.

Subsequent development applications will follow for dwellings on the proposed allotments.

## Plans that apply

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- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- Development Control Plan 2007 (City Centre)
- North Penrith Design Guidelines
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

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

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

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

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

BASIX Certificates No. 562591S, 562590S, 562589S, 562585S, 562584S, 562583S, 562582S, 561993S and 561988S 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	Complies
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	Complies
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 following draft Environmental Planning Instruments (EPI's) apply to the site:

#### **Penrith Planning Proposal**

*The Stage 2 Penrith Planning Proposal was placed on public exhibition on 13 May 2013. The relevant sections of the Planning Proposal have been reviewed and there are no proposed changes to the controls relating to development within North Penrith.*

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

#### **Development Control Plan 2006**

Provision	Compliance
Chapter 2.1 - Contaminated land	N/A
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	N/A
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

#### **Development Control Plan 2007 (City Centre)**

Provision	Compliance
Part 4 - Accessing, parking and servicing	Complies

#### **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

### **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 application has been referred to Council's Building Surveyors for assessment with the following comments being provided:

The proposed development complies with the requirements of the Regulations.

### **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 subdivision will have no 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 area and for the intended development of the sites for terrace housing.

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

#### **Community Consultation**

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006 – Notification and Advertising, the proposed development would normally be notified, however all adjoining land is currently under the ownership of Urban Growth, who is the applicant for this application. There is an approved concept plan that includes the intended subdivision layout that is consistent with this application and therefore notification was considered unnecessary.

#### **Referrals**

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

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest given the nature and scale of the proposal.

### **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.

<b>Calculation for 9 dwellings</b>					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
<u>9</u>	x	\$2,719.00	-	0	\$24,471.00

  

<b>AMOUNT</b>		
S.94 Contribution Plan	Contribution Rate x Calculation rate	Total
District Open Space	9 X \$2,719.00	\$24,471.00
	<b>NET TOTAL</b>	<b>\$24,471.00</b>

## 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 DA14/1152 for the construction of 9 attached dwellings at proposed Lot 2391, be approved subject to the attached conditions.

# CONDITIONS

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

Plan	Numbered	Drawn By	Dated
Group Plans	DA01 to DA10 (Rev A)	DKO Architecture	21 July 2014
Lot 169 Plans	DA-D00-169 to DA-D05-169 (Rev A)	DKO Architecture	21 July 2014
Lot 170 Plans	DA-C00-170 to DA-C04-170 (Rev A)	DKO Architecture	21 July 2014
Lot 171 Plans	DA-A00-171 to DA-A04-171 (Rev A)	DKO Architecture	21 July 2014
Lot 172 Plans	DA-A00-172 to DA-A04-172 (Rev A)	DKO Architecture	21 July 2014
Lot 173 Plans	DA-C00-173 to DA-C04-173 (Rev A)	DKO Architecture	21 July 2014
Lot 174 Plans	DA-C00-174 to DA-C04-174 (Rev A)	DKO Architecture	21 July 2014
Lot 175 Plans	DA-A00-175 to DA-A04-175 (Rev A)	DKO Architecture	21 July 2014
Lot 176 Plans	DA-A00-176 to DA-A04-176 (Rev A)	DKO Architecture	21 July 2014
Lot 177 Plans	DA-E00-177 to DA-E04-177 (Rev A)	DKO Architecture	21 July 2014
Landscape Plan Lot 169	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 170	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 171	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 172	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 173	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 174	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 175	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 176	DA 01 to DA 04 Rev C	Ecodesign	22 July 2014
Landscape Plan Lot 177	DA 01 to DA 04 Rev C	Ecodesign	22 July 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 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

### 5 [A046 - Obtain Construction Certificate before commencement of works](#)

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

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

Prior to the issue of Construction Certificate the land to which the development consent relates shall be registered at Land and Property Information division of the Department of Lands.

Following registration of the subdivision the applicant is to demonstrate compliance with any restrictions on the use of the land arising from the 88b instrument/s that impact on the approved plans. The documentation shall be submitted to the Principal Certifying Authority for consideration and approval prior to the issue of a Construction Certificate.

## Environmental Matters

7 **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.

8 **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."}

9 **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.

10 **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**

11 **E005 - Smoke detectors-interconnect**

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

12 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

13 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

14 [E01A - BCA compliance for Class 2-9](#)

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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

## Utility Services

15 [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](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

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

16 [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.

17 [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

## 18 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.

## 19 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.

## 20 H009 - Cut / fill details

Details of all excavations for the proposed building works, indicating the maximum cut and fill levels shall be provided for consideration and approval prior to the issue of a Construction Certificate. Cut and fill is limited to a maximum of 1 metre, in accordance with Penrith Residential Construction Works Development Control Plan.

## 21 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

## 22 H014 - Slabs/ footings

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

## 23 H015 - Termites

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

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

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

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

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)

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. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

### 31 [K208 - Stormwater Discharge \(Minor Development\)](#)

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

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.

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

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

## Landscaping

### 33 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan [redacted] Plan Number dated [redacted] and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", 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 L001 - General

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

### 35 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.

### 36 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.

### 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 Landscape Development Control Plan.

### 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.

### 39 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

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- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

## Development Contributions

40 **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, \$24,471.00 is to be paid to Council by Urban Growth NSW 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

41 **P001 - Costs**

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

42 **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

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

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

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

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

### Information to accompany the Notice of Commencement

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

44 **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

### Concept Plan & North Penrith Design Guidelines 2012

The proposed development is subject to North Penrith Design Guidelines 2012. A check list has been completed as part of the assessment:

	Complies			
	Y	N	NA	C
<b>3.3 Building Envelopes (Fig. 9 &amp; 10)</b>				
· Max 2 – 3 storeys	Y			Two S
· 3 <sup>rd</sup> storey max 60% of 2 <sup>nd</sup> storey			NA	Only T
· Location / siting of 3 <sup>rd</sup> storey to enable adequate solar access & privacy			NA	Only T
· Development adjacent to laneway no more than 2 storey	Y			Develc adjace
· Min 2700 floor-ceiling height to GF	Y			Floor t Height dwellir
<b>Max depth of development</b>				
· 15m length of 2 <sup>nd</sup> storey of dwelling		N		The ur range 13.72r with th propos 169 be This v: consid minor have a appea the art walls f Hart C steppi walls f the vis length and is accepti
· 12m to 3 <sup>rd</sup> storey of dwelling from front boundary			NA	Only 2
· Max depth of ancillary development from rear lane is 8m	Y			The de on pro is 7.01
<b>Front setbacks</b>				

<ul style="list-style-type: none"> <li>· 3 – 4.5m to front façade (except W side of H1 Thornton Hall)</li> </ul>	Y			The driveway setback 4.24m from the boundary the driveway the maximum setback contribution articulated appearance building has been enforced within development ensure streets minor considerations accept part of development adjacent reserve no impact overall
<ul style="list-style-type: none"> <li>· W side of H1 Thornton hall to accommodate tree retention/driveway</li> </ul>			NA	
<ul style="list-style-type: none"> <li>· 0m secondary street setback – 2m secondary street setback for first 7m from front boundary for articulation</li> </ul>	Y			Proposed and 17 with the
<b>Garage</b>				
<ul style="list-style-type: none"> <li>· 5.5m from front boundary</li> <li>· 1m behind Façade</li> </ul>		N		All garage setback 5.5m (minimum) this may exceed considerations accept part of development adjacent reserve no impact overall
<b>Rear setbacks</b>				
<ul style="list-style-type: none"> <li>· 0.9m to GF level</li> </ul>	Y			All rear compli
<ul style="list-style-type: none"> <li>· 0m to garages/ancillary dwellings adjacent to rear lane</li> </ul>			NA	No ancillary dwellings
<ul style="list-style-type: none"> <li>· 3m for allotments backing onto Lemongrove Rd and C3</li> </ul>			NA	

<b>Side setbacks</b>				
· 0m to both sides to garages/ancillary dwellings			NA	
· 0m to dwelling house on 2 sides on lots less than 8m wide	Y			All lots width & sides.
· 0m to dwelling house on 1 side, 0.9m on 1 side on lots 8m wide and greater (for allotments backing onto Lemongrove Rd )	Y			Propo: and 17 one side 0.9m c side.
· 4m to GF and 6m to upper levels for allotments backing onto Lemongrove Rd			NA	
<b>3.4 Building Design and Articulation (Fig. 9 &amp; 10)</b>				
<b>Articulation</b>				
1 Primary element	Y			Each c front p
2 Secondary elements – min depth 0.5m				
· Setback 1m from front boundary	Y			All dw compli
· May extend over 2 storeys (2 & 3 storey development)			NA	
· Corner lots – min 2m from primary & secondary street and include primary &/or secondary elements	Y			Propo: and 17 minimi the se
· Lots on S, E or W side of street – articulation zone may incorporate POS including PPOS			NA	
· Third storey to be varied in light weight construction through use of materials/colours etc.			NA	
· Eaves overhang - 600mm min (to fascia)			NA	No eav propos
<b>3.5 Private Open Space and Landscaping (Fig. 11)</b>				
<b>Private Open Space</b>				
· 20% site area with min. dimension of 2m	Y			All dw minimi open s require
<b>Principal Private Open Space</b>				
· Lot frontage <6m – 16m <sup>2</sup> min. dimension 3m			NA	
· Lot frontage 6m to 10m – 18m <sup>2</sup> min. dimension 3m			NA	
· Lot frontage >10m – 24m <sup>2</sup> min. dimension 4m	Y			All dw minimi private require

· Lots on S, E or W side of street must not provide PPOS exclusively to front setback	Y			PPOS front s is in re dwellir
· PPOS in front setback must be adjacent to living space of dwelling and useable			NA	
· PPOS to balcony/rooftop: o min. 1m height fence/landscape screening o immediately adjacent to habitable room			NA	
<b>Solar Access</b>				
· Provide min. 2 hours sunlight to 50% of POS between 9am – 3pm on 21 June.	Y			The Pr efficient private
<b>Landscaping</b>				
· Area inside 1m setback from front boundary to be soft landscape with species specified in Residential Design Palette Appendix C	Y			Shrubs within Develc
<b>Front Fences</b>				
· 0.7m to 1.2m in height	Y			Develc
· Solid components max 0.7m height and generally open style	Y			Develc
· 1m behind front façade line	Y			Develc
· Match the length of the articulation zone on the secondary frontage	Y			Develc
· Not impede safe sight lines for pedestrians/traffic	Y			Develc
· Allotments adjacent to open space to provide: o Articulated post and paling fences (w/ exposed posts) preferred o Provide passive surveillance of open space	Y			Develc
<b>Dividing Fences</b>				
· Timber paling or lapped and capped fencing between allotments. No metal fencing permitted.	Y			Marke plan.
<b>3.7 Garages, Site Access &amp; Parking (Fig. 12 &amp; 13)</b>				
<b>Dwelling House Parking Rate</b>				
· 1-2 bedrooms: 1 space/ dwelling			NA	

· 3+ bedrooms: 2 spaces/dwelling	Y			Compl space: single parkin provid drivew propos 177. Propo: a doub
<b>Garages (width at 3m from front street boundary)</b>				
· Lots less than 8m wide				
o Rear loaded garage - if laneway access o Single / tandem front loaded garage - if no laneway	Y			Single provid wide. (rear l garage lot 169
· Lots 8m to 12m wide				
o Single / tandem front loaded garage or o Double / tandem rear loaded garage			NA	
· Lots greater than 12m wide				
o Double / tandem front loaded garage or o Double / tandem rear loaded garage			NA	
· Carports/garages to be integrated with façade with setbacks overshadowing recess design to minimize impact	Y			
<b>Site Access</b>				
· Driveway location determined by house design and location of infrastructure.	Y			
· Compliance with 2890.1 – 2004	Y			
<b>Visual Amenity</b>				
Windows to habitable rooms within 3m of an adjacent dwelling to provide: · Obscured by fencing/screens/landscaping · Offset windows to limit views to adjacent windows · 1.5m sill height above floor level · fixed opaque glazing below 1.5m above floor level			NA	
· Screening to provide max 25% permeability			NA	
<b>Acoustic Amenity</b>				

<ul style="list-style-type: none"> <li>· Generally development is to provide construction which achieves internal noise levels of: <ul style="list-style-type: none"> <li>o 25dB to sleeping areas</li> <li>o 30dB to other living areas</li> </ul> </li> </ul>			NA	
<ul style="list-style-type: none"> <li>· Residential development in close proximity to: <ul style="list-style-type: none"> <li>o The rail corridor</li> <li>o Coreen Avenue</li> <li>o E &amp; W sides of the Boulevard</li> <li>o The upgrade commuter carpark</li> <li>o Flanking Coreen Ave to the commuter carpark</li> </ul> </li> <li>· Are to provide construction (refer BCA) which achieves internal noise levels of: <ul style="list-style-type: none"> <li>o 35dB to sleeping areas</li> <li>o 40dB to other living areas</li> </ul> </li> </ul>			NA	In acco the em Micha (Senio Team Renzo Assoc May 2 conclu any pr 2 that Empire require asses: propos locate of Emj as suc acous or trea require
<b>3.9 Development in Proximity of a Rail Corridor</b>				
<ul style="list-style-type: none"> <li>· Residential development within 60m of the rail corridor to consider: <ul style="list-style-type: none"> <li>o Interim Guidelines for Councils</li> <li>o Any matters raised by Rail Corporation NSW</li> </ul> </li> </ul>			NA	
<b>Entry Boulevarde Lots</b>				
<ul style="list-style-type: none"> <li>· Min 2 storey on all lots – 3 storey preferred on corner lots</li> <li>· Materials/finishes to be consistent with Residential Design Palette</li> <li>· All garaging to be rear lane</li> <li>· Front fencing to be consistent – unify streetscape</li> </ul>			NA	
<b>'Dress Circle' Park Lots</b>				
<ul style="list-style-type: none"> <li>· 3 storey encouraged (except ancillary dwellings)</li> <li>· Consistent built form/massing required to unify streetscape strong urban edge to oval</li> <li>· Balconies/terraces to overlook the oval</li> <li>· Materials/finishes to be consistent with Residential Design Palette</li> <li>· Identical facades – no more than 4 in a row</li> <li>· All garaging to be rear lane</li> </ul>			NA	

<b>Innovation Lots</b>				
<ul style="list-style-type: none"> <li>· Demonstrate high level internal amenity to affordable dwellings</li> <li>· Max 2 storey with 0m side and rear setbacks permissible</li> </ul>			NA	
<b>Canal Edge Lots</b>				
<ul style="list-style-type: none"> <li>· Min. 3 storey encouraged (except ancillary dwellings)</li> <li>· Create strong consistent edge to canal</li> <li>· Dwelling entrance stairs off canal walk to be paired together</li> <li>· GF level &amp; front yard/POS to be raised above level of pedestrian boardwalk</li> <li>· Front fencing/landscaping for lots fronting canal to balance privacy and surveillance and to be consistent</li> <li>· Balconies/terraces to overlook the canal</li> <li>· Materials/finishes to be consistent with Residential Design Palette</li> <li>· All garaging to be rear lane</li> </ul>			NA	
<b>Other Considerations</b>				
<ul style="list-style-type: none"> <li>· Developer stamp of approval?</li> </ul>	Y			Develo