

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0868
Proposed development:	Detached Dual Occupancy
Property address:	4 Macadamia Court, KINGSWOOD NSW 2747
Property description:	Lot 8 DP 1194171
Date received:	4 August 2015
Assessing officer	Hannah Gilvear
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a developments application for the construction of a detached dual occupancy at Lot 8 DP 1194171, 4 Macadamia Court, Kingswood 2747. Under the provisions of the Penrith Local Environmental Plan 2010 the proposal is defined as detached dual occupancy and is a permissible land use within the zone.

The lot size does not comply with Clause 4.1A of LEP 2010 and a Clause 4.6 variation has been submitted to support the variation. The lot size requirements is 750sqm for a detached dual occupancy development and the proposal is on a lot which is 747.5sqm.

The original design as lodged was not supported due to dwelling orientation, driveway locations, solar access and streetscape presentation. Amended plans were submitted in response to the concerns raised which adequately address the DCP and are supportable.

The application was notified for fourteen (14) days and no submissions were received.

The application is recommended for approval having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 as outlined within the body of this report.

Site & Surrounds

The subject site is located on the bend of Macadamia Court, Kingswood 2749. The site is 757.5m² in area with a rectangular shaped allotment. With a frontage of both 14.79m and 25m onto Macadamia Court, the site has a total depth of 35m. The land falls from the southern corner of the subject site towards the northern corner.

Under the provisions of the Penrith Local Environmental Plan 2010, the subject site is zoned R2 Low Density Residential and dual occupancy is a permissible land use. The surrounding locality is characterised by established residential development to the west and newly established residential development to the east. The subject site forms a part of the Caddens Knoll Development.

A site inspection was undertaken on 7 October 2015 and the site is currently vacant.

Proposal

The proposal is as following:

- Two detached dual occupancy dwellings, comprising of two separate units with own private courtyard;
- 2 parking spaces per unit;

Unit One	Unit Two
Ground Floor	Ground Floor
<ul style="list-style-type: none">• Kitchen;• Living Room• Additional Living Area• Laundry• Powder Room with Toilet Facilities• Double Garage• Alfresco Area	<ul style="list-style-type: none">• Kitchen• Living Room• Additional Living Area• Laundry• Powder Room with Toilet Facilities• Double Garage• Alfresco Area
First Floor	First Floor
<ul style="list-style-type: none">• 4 X Bedrooms• Ensuite to Master Bedroom• Bathroom• Storage Facilities	<ul style="list-style-type: none">• 4 X Bedrooms• Ensuite to Master Bedroom• Bathroom• Storage Facilities

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

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

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

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

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

This Policy ensures the implementation of BASIX scheme that encourage 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 Certificate No. 651928M_02 has been submitted with the development application. A standard condition will ensure the commitments in the Certificate are maintained during the life of the proposed dwellings.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 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	Does not comply - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	Complies - See discussion
Clause 4.5 Calculation of floor space ratio and site area	Complies
Clause 4.6 Exceptions to development standards	Complies - See discussion

Clause 2.3 Permissibility

Penrith Local Environmental Plan 2010

Permissibility

The subject property is zoned R2 Low Density Residential under the Penrith Local Environmental Plan 2010. The proposed development is defined as a "dual occupancy" development. A dual occupancy 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 with a mix of low 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 for a detached dual occupancy in an R2 Low Density Residential Zone is 750sqm. The proposed subject site is 747.2sqm. Therefore it is non compliant and the applicant requests a variation to clause 4.1A.

Clause 4.3 Height of buildings

The maximum height of buildings is 9m. The proposal does not exceed 5.05m. Therefore is compliant.

Clause 4.4 Floor Space Ratio

The FSR of the proposed subject site is 0.5 which is 373.75sqm. The calculated gross floor area for the proposal is 346sqm. This has been achieved.

Clause 4.6 Exceptions to development standards

Under Clause 4.1A of the LEP 2010, the minimum lot size for dual occupancy developments for land zoned R2 must be 650sqm for attached and 750sqm for detached dual occupancy.

The proposed development is for a detached dual occupancy. The subject site has an area of 747.5sqm with a primary frontage of 14.795m and secondary frontage of 18.78m. The applicant seeks a variation of 2.5m which is 0.4%.

The subject site is located on a corner block that has two street frontages. Due to the nature of the site, it was recommended that the applicant have a pre-lodgment meeting and regular correspondence with Council to discuss the proposal and matters raised in the preliminary assessment of the application. These issues have been addressed accordingly in this application and the applicant has designed the proposed dual occupancy in a manner that achieves compliance with the LEP and DCP principles. In addition the 0.4% variation does not affect the amenity and character of the surrounding area.

The applicant has provided a strong justification in their application and the design ensures that the objective of the zones and standards can be achieved. Therefore a variation to Clause 4.1A is supportable.

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

Development Control Plan 2010

Provision	Compliance
Part D2 - Residential development	Complies - see Appendix - Development Control Plan Compliance

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
E8 Kingswood controls	Complies - see Appendix - Development Control Plan Compliance

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

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

- ***The character of the place and its local and regional context***

The proposal is consistent with the bulk, scale, colour and design of other development in the locality, with appropriate selection of building materials and urban design which will enhance and complement the existing character of the locality.

The development is unlikely to significantly impact on the amenity of the area and the streetscape, as appropriate urban design considerations have been applied to the overall aesthetic appearance of the proposal to ensure that it complements the existing and proposed surrounding character of the locality.

The development is compatible with the surrounding and adjacent land use as it complements already established residential development to the West and newer residential development to the East.

The development is unlikely to significantly impact the amenity of the area in terms of solar access, visual and acoustic privacy, access to views or vistas.

- ***Access, traffic and transportation impacts***

The development is unlikely to significantly impact on the local road system, the current road infrastructure is suitable to the nature of the development proposed.

The proposed access arrangements and car parking on site will be adequate for the nature of this development. Providing two allocated spaces for each unit which will provide for sufficient off street car parking for residents.

- ***Social and economic impacts***

Considering the nature of the proposal it is unlikely that it would cause any negative social or economic impacts. The development will encourage greater housing diversity and stock for the local region and immediate locality.

- ***Will the proposal threaten the local community's desired future character of the area***

The proposal is in line with the local community's desired future character and is reflective of desired land use and type of development.

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, as the development will complement the existing locality;
- The use is compatible with the surrounding/adjoining land uses;
- The grade of the site is suitable for the design proposed.

Section 79C(1)(d) Any Submissions

Community Consultation

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to 7 adjoining and surrounding properties from 10 August 2015 to 24 August 2015. Council received no submissions for the subject proposal.

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

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

Conclusion

In assessing the application against the relevant environmental planning policy, being the Penrith Local Environmental Plan 2010, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is site responsive, complies with the majority of 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 worth for support of approval, subject to the recommended conditions.

Recommendation

1. That DA15/0868 for the construction of detached dual occupancies at Lot 8 DP 119471, 4 Macadamia Court, Kingswood 2747 be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Drawing Title	Plan No.	Issue	Prepared By	Date
Site plan and Shadow Diagram	1A	A	Cynstate Building Solutions	15/09/2015
Unit 2 – Ground Floor and Upper Floor Plan	2A	A	Cynstate Building Solutions	15/09/2015
Northwest/ South West Elevation Unit 2	3A	A	Cynstate Building Solutions	15/09/2015
Unit 1 – Ground Floor and Upper Floor Plan	4A	A	Cynstate Building Solutions	15/09/2015
Northeast/ Southeast Elevation Unit 1	5A	A	Cynstate Building Solutions	15/09/2015
Drainage Plan	6A	A	Cynstate Building Solutions	15/09/2015
Amended Landscape Plans Sheet 1 of 2	4231	-	Monaco Designs	22/09/2015
Amended Landscape Plans Sheet 2 of 2	4231	-	Monaco Designs	22/09/2015
Nationwide House Energy Rating Scheme* — Class 2 summary	VIC/BDAV/13/1516	Sheet 1	Nationwide House Energy Rating Scheme	23/09/2015
Nationwide House Energy Rating Scheme* — Class 2 summary	VIC/BDAV/13/1516	Sheet 2	Nationwide House Energy Rating Scheme	23/09/2015

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 **A039 - Graffiti**

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

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

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

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 **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.

9 **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

10 **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

11 **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

12 **G002 - Section 73 (not for**

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

13 G004 - Integral Energy

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

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

Construction

14 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.

15 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.

16 [H033 – Clothes line](#)

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

17 [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.

18 [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.

19 [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.

20 [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.

21 [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.

Landscaping

22 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plan DA Landscape Concept Plan Number 4231 dated 21 July 2015 Sheet 1 and 2 of 2. 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.

23 [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.

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Cultural Facilities**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$429.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

25 [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, **\$5,711.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for **Local Open Space**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,064.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

27 **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 **Kingswood Neighbourhood Centre**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$435.00** is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

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

Payment of Fees

28 **P001 - Costs**

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

Appendix - Development Control Plan Compliance

Development Control Plan 2010

D2 - Residential development

D2 Residential Development (2.2 Dual Occupancies)			
2.2.1 Residential Character	Determined by location, density, landscape, planning patterns and design	The proposal site is zoned R2 Low Density residential is for dual occupancy development. The height, bulk and scale of the proposal are consistent with developments within the surrounding area.	Yes
2.2.2 Configuration of Dual Occupancy	1. Adopt key features of established suburban design 2. Two dwellings fronting the street, with their entrances, the windows to principal living rooms and private gardens facing the street or rear boundary	The subject site is located on a corner block, there are two site frontages. Unit 2 fronts the primary frontage and Unit 1 fronts the secondary frontage. Both units have private courtyards and gardens to the rear of the site and have windows located within principal living areas.	Yes
2.2.4 Urban Form	New buildings should show characteristics of traditional suburban development: dwellings oriented to face the street, building forms stepped or articulated, and integrated with the shape of surrounding garden areas.	Both dwellings have been oriented to face the street; the building form typically illustrates a traditional suburban design that is complemented by surrounding green areas.	Yes
2.2.9 Solar Planning	Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions	Shadow diagrams have been provided.	Yes

2.2.10 Significant Landscapes & Townscapes	New development should demonstrate detailed design measures that protect and complement heritage significance or character	N/A.	N/A
2.2.11 Corner Sites and Park Frontages	<p>1) minimum setbacks from the secondary street frontage to external walls is to be no less than 3m</p> <p>2) minimum setbacks from the secondary street frontage to garage entrances is to be 5.5m;</p> <p>3) minimum setbacks from the secondary street frontage to veranda's is to be 3m;</p>	The site is located on a corner block. The required setback have been achieved (see E8 Kingswood compliance table)	Yes
2.2.12 Building Design	New developments should appear as individual dwellings surrounded by gardens, with facades that incorporate a variety of materials and shading structures	The proposal is for a detached dual occupancy dwelling. The materials used are consistent with the surrounding streetscape, a proposed porch, private courtyard and surrounded gardens have been designed to improve the overall design.	Yes
2.2.13 Energy Efficiency	Dwellings shall be configured and constructed to minimize the energy required for space heating, cooling or lighting	Applicant has provided a BASIX Certificate for Multi dwelling.	Yes
2.2.14 Design of Dwellings and Private Courtyards	A minimum of 30m ² of private open space.	<p>Both dwellings provide over private open space (courtyard and alfresco)</p> <p>Unit 1 = 46sqm</p> <p>Unit 2 = 50sqm</p>	Yes

2.2.15 Garage Design	Garages should be designed to serve a variety of purposes, and their appearance should contribute to the overall diversity of building form and design	The proposed garages are integrated into the design of the house and located behind the building line.	Yes
2.2.16 Garden Design	Gardens should be landscaped according to the function of each area, and should provide a backdrop that is appropriate to each adjacent room	Refer to landscape design.	Yes
2.2.17 Paving Design	Design driveways and paved areas as attractive and functional components of development, complementing the designs of garden areas and buildings, and providing effective management for stormwater run-off.	The proposal will include a new driveway for both dwellings which will connect to the proposed garages.	Yes
2.2.18 Fences and Retaining Walls	Fences should be no taller than: a) 1.8m generally; and b) 2.4m on sloping sites, including the height of any retaining wall	1.8m boundary fence is provided.	Yes
2.2.19 Visual and Acoustic Privacy and Outlook	Provide an outlook from dwellings and their private open space, and achieve levels of acoustic and visual privacy that is reasonable for a residential neighbourhood.	The proposed dwelling has been designed with appropriate setbacks to the site boundaries to protect the amenity of the neighbouring properties and provision of private open space with the character of the area.	Yes

2.2.20 Safety and Security	Achieve a high level of passive security within and surrounding dwellings.	The proposed development is two storey in height and incorporates a 1.8m high fence, living areas that front the development and extensive landscape that will achieve a high degree of passive security.	Yes
2.2.21 Accessibility and Adaptability	Ensure that dwellings are accessible to persons with impaired sight or partial mobility.	The development has minimal steps at the front of the house.	Yes
2.2.22 Storage and Services	Ensure that each dwelling has reasonable private storage space and waste management areas/facilities, and that meters, service cupboards and aerials are integrated with the Design of buildings.	Designated storage space under the stairs, deep garages, pantry and linen closets. All services such as water, sewer, and electricity currently service this site.	Yes

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E8 Kingswood

E8 Kingswood – Residential Development			
DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLI
8.3.4.2 Streetscape, Feature Elements and Roof Design	1) Primary street façade of a dwelling to incorporate at least one of the following building elements to articulate its presentation to the street: <ul style="list-style-type: none"> a) an entry feature b) awnings or louvres or other sunshade devices over windows c) open verandah d) bay windows e) balcony at first floor f) other decorative architectural features 	The proposed unit 2 has incorporated a front porch, and extensive landscaping in the primary street façade; in additions the great room and study have been designed to have awning windows that face the street.	Yes

	2) Secondary street façade on corner lots include at least a window off a habitable room and particular design features (e.g. verandah, balcony or landscaping).	The proposed unit 1 has Living room and bedrooms that overlook the secondary street; this is complimented by landscaping that is provided along the secondary street façade.	Yes
	3) Eaves to be provided to all roofs with a minimum overhang of 400mm.	Minimum 400mm eaves provided.	Yes
	4) Garages and parking spaces are to be sited behind the front building line of dwelling or integrated into the façade of the dwelling for garages that are situated at basement or sub-ground floor level.	The proposed garages are integrated into the design of the house and located behind the building line	Yes
8.3.4.3 Dwelling Height, Massing and Siting	1) Dwellings are to be a maximum of two storeys in height	The proposed dual occupancies are 2 storey in height.	Yes
	2) Maximum external wall height for all dwellings is 7m from the natural ground level.	External wall height for unit 1 and 2 is 5.05m.	Yes
	3) At least 3 hours of direct sun between 9am and 3pm onto 50% of principal private open space should be achieved for new dwellings and their adjoining properties.	A shadow diagram has been submitted as part of the application. The alfresco and courtyards have been positioned at the rear of the proposed dwellings. The design ensures that these areas received over 50% of direct sunlight.	Yes
8.3.4.4 Building Setbacks	1) Dwellings are to be sited in conformity with the numeric controls specified in Table E8.1. Frontage with 15 and less (Front 4.5m, Side 0.9m and Rear 4m)	Front Setback – 5.3m Side Setback – 5m Rear Setback – 6m	Yes
	2) Secondary frontages for all corner sites are to be provided in accordance as follows: (2m for dwellings on lots 18m and wider)	3.5m provided	Yes
8.3.4.7 Private Open Space	1) Each dwelling must be provided with an area of private open space.	Both dwellings provide over private open space (courtyard and alfresco) Unit 1 = 46sqm Unit 2 = 50sqm	Yes

8.3.4.8 Site Coverage and Landscaped Area	1) A 3m landscaped setback will be provided at the rear of properties which are adjacent to existing residents (as illustrated in Figure E8.5). This will be provided in addition to standard building setbacks detailed in section E8.3.4.4 Building Setbacks.	N/A	N/A
	2) Landscaped area in any part of a site, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like. On lots 450m ² and greater, 35% of the lot area must be landscaped.	Landscape area provided is 390sqm (53.3%)	Yes
	3) A landscape plan is to be submitted with all development applications for residential development. The development application must indicate the location and other requirements for landscaping contained in this DCP.	Landscape plan has been submitted as part of the development application.	Yes
	4) The front setback area of a dwelling is to be landscaped with the treatment to clearly delineate between the private and public domain. The front setback is to incorporate two trees. The rear garden must include at least one tree that will achieve a height of 6m at maturity. These may include existing trees that are to be retained.	Landscape plan has been submitted as part of the development application. The landscape plan ensures that the setback area of each dwelling includes extensive landscaping which separates the existing road from the proposed dwelling.	Yes
	5) Garbage bin storage and clothes drying areas are to be concealed from view and shown on site plans	The garbage bin storage and clothes drying areas are located behind the dwelling.	Yes
8.3.4.9 Fencing	1) The design of front fences is to take reference from, and complement, the architectural style of the dwelling on the site and dwellings on adjacent sites in terms of style, height and materials	The proposed fences use colours and materials that complement the existing character of the area.	Yes

	2) Maximum height of 1.2m for front fences	A 1.8m masonry wall has been proposed.	Non-Corr applicant proposed masonry of the bui which wil 5.6m alor boundary variation is suppor the mater will be sk and the fi screened extensive that will p natural sc The fence interfere views or character therefore acceptab
	3) Maximum height of 1.8m for side and rear boundary fences.	A 1.8m high lapped and capped fencing has been proposed along the side and rear boundary.	Yes
8.3.4.10 Garages and Access	1) Off-street parking spaces should be provided in accordance with within the Transport, Access and Parking Section of this DCP.	Dual occupancy developments required 2 spots per dwelling. Each dwelling has been designed to include a double garage.	Yes
	2) All car accommodation including garages must be sympathetic in architectural character to the dwelling and not visually dominate or adversely impact on the existing built or landscape character of the street.	The proposed garages have been incorporated in the overall building design of the proposed dwelling. The building materials and colours proposed are consistent with the surrounding streetscape and character of the area.	Yes
	3) Where a carport or garage entry forms part of the front façade of a dwelling, it is to be set back a minimum of 5.5m from the front boundary and at least 1m behind the building façade.	The proposed garages have a setback of 5.5m from the front boundary.	Yes
	4) Parking spaces are to comply with AS 2890.1 off street parking, including: a) Minimum internal width between main walls of 5.5m for a double garage.	The proposed garages have an internal width of 5.5m.	Yes
	5) Where practical driveways and car parking facilities for corner lots are to be accessed off a secondary street	The proposed driveways have been positioned facing the secondary street.	Yes

8.3.5.1 Visual and Acoustic Privacy	a) Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.	A BASIX certificate has been provided for Multi Dwelling. In additional extensive landscaping and fencing has provided along the boundaries of the proposed development. The landscape screening minimises surrounding noise impact and enhances the surrounding visual amenity.	Yes
8.3.5.2 Safety and Surveillance	a) Dwelling design should encourage overlooking of primary and secondary streets as well as other public or communal areas, including the Hill Top Park. This is to be achieved by siting at least one living room to the front of the dwelling (which has an aspect to a primary street) and at least one habitable room to the side or rear (which has an aspect to a secondary street or public open space).	Living room and bedrooms have been designed to overlook the street and secondary street. They provide passive surveillance.	Yes