

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA21/0280
Proposed development:	Demolition of Existing Dwelling and Construction of a Single Storey Dwelling
Property address:	4 Stein Place, GLENMORE PARK NSW 2745
Property description:	Lot 4501 DP 819170
Date received:	27 April 2021
Assessing officer	Louis Tuma
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 1a
Recommendation:	Approve

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The subject site is situated on the southern side of Stein Place GLENMORE PARK. It is 864m² in area, is orientated in an northern direction and has fall to the street.

An inspection of the site was undertaken on 18/05/2021 and the site is currently occupied by a single storey dwelling and associated structures.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves:

- Demolition of existing dwelling;
- Construction of a new single storey dwelling including parking, landscaping and associated drainage works

Plans that apply

BUSHFIRE PRONE LAND (ENTIRELY)
1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
GENERAL LIST
EASEMENT DRAINAGE 2 METRES
FEN - 88B FRONT FENCING RESTRICTIONS
SOIL - M CLASSIF.
DCP 2014 - Tree Preservation Controls
DCP 2014 - General Information
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
Local Environmental Plan 2010
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE
STATE ENV PLANNING POLICIES - GENERAL LIST
SEPP WSA - Affected by Obstacle Limitation
SEPP WSA - Affected by Wildlife Buffer Zone
SOUTH WARD
Zone R2 Low Density Residential - LEP 2010
LEP 2010 - Additional Land Use Notes

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

- The property is identified as being entirely bushfire prone.
- Council undertook an inspection of the site and surrounding land on 18/05/2021.
- A Self Assessment Bushfire Report was submitted and considered with the application.
- The nearest vegetation (woodland) to the east is approximately 54m away with a 0-5 degree downslope under the hazard.

In conclusion, construction standards for building within bushfire-prone areas are set out in Australian Standard AS3959-2018: Construction of Buildings in Bushfire Prone Areas. Planning for Bushfire Protection (November 2019) provides a procedure for determining the category of bushfire attack and the appropriate level of construction. It was determined that under AS3959-2018, the proposed dwelling requires BAL-19 rating and will be conditioned accordingly.

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

Is the development permissible in the zone?

Complies

Is the development consistent with any requirements of environmental planning instruments relevant to this proposal (including any applicable SEPP's, SREP's and LEP's)?

Complies

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

Is the development consistent with any draft planning instruments relevant to this proposal

N/A

Section 4.15(1)(a)(iii) Any development control plan

Is the development consistent with the provisions of any development control plan relevant to this proposal?

Complies - See discussion

Section 4.15(1)(a)(iv) Any applicable regulations

Is the development consistent the provisions of any regulations relevant to this proposal?

Complies

Section 4.15(1)(b) The likely impacts of the development

Context and setting

Is the development consistent with the bulk, scale colour and design of other development in the locality? **Complies - See discussion**

Will the development have only a minor impact of the amenity of the area and the streetscape? **Complies - See discussion**

Is the development compatible with surrounding and adjacent land uses **Complies - See discussion**

Will the development have no or minimal impact on the amenity of the area in terms of:

Sunlight (overshadowing): **Complies**

Visual and acoustic privacy: **Complies - See discussion**

Views or vista: **Complies - See discussion**

Access and Transport

Will the development have no or minimal impact on the local road system **Complies**

Is the existing and any proposed access arrangements and car parking on site adequate for the development? **Complies**

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument. **N/A**

Soil

The development will have minimal impact on soil erosion and sedimentation **Complies - See discussion**

Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip **Complies**

Land is not considered to be contaminated: **Complies**

Bushfire requirements provided for the development **Complies - See discussion**

Acoustic requirements provided for the development **Complies**

Site design

The development is sensitive to environmental conditions and site attributes. **Complies - See discussion**

Does the development safe guard the health and safety of the occupants **Complies**

Section 4.15(1)(c) The suitability of the site for development

Was the site inspected?	Yes
Does the proposal fit locality?	Yes
Are the site attributes conducive to development?	Yes
Will the proposal have minimal social and economic impacts on the locality?	Yes
Has any applicable 88b instrument been considered?	Yes
Does the development propose the removal of trees?	Yes
Have the plans been checked by any relevant developer groups?	N/A
Has a BASIX certificate been provided?	Yes

Section 4.15(1)(d) Any submissions made in accordance with the EPA Act and Regulations?

Was the application required to be publicly notified?	N/A
Were any submissions received during the public notification period?	N/A

Section 4.15(1)(e)Public Interest

The application will have minimal impacts on public interest	Complies
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Conclusion/Summary

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA21/0280 for a new single storey dwelling at 4 Stein Place GLENMORE PARK, be approved subject to the attached conditions.

General

1 A001 - Approved plans that are architecturally drawn

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

Plan Type	Page	Rev	Drawn By	Date
Site Plan	3	F	G.j Gardner	02/06/2021
Ground Floor Plan	4			
Elevations	5			
Elevations	6			
Roof Plan	8			
Sections	10			
Erosion & Sediment Plan	11			
Landscape Plan	13			
Shadow Diagram	15			

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

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

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

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

4 A046 - Obtain Construction Certificate before commencement of works

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

5 A special - Containment of Fill

Prior to the issue of a **Construction Certificate**, the Principal Certifier is to ensure that all slab constructions (as marked on the stamped approved plans) that are above natural ground level are constructed using dropped edge beams to retain fill. Retaining walls for fill are not to be constructed.

6 A special - Driveway

The driveway must comply with AS 2890.1.

Stencil-crete on driveways is not permitted.

7 A special - Landscaping/Vegetation

(a) The applicant is to plant a minimum of five (5) replacement trees as outlined below:

- 2 x trees within the front setback (replacement trees are to be a minimum container size of 25 litres).
- 3 x trees within the rear setback (x1 replacement tree to be a minimum container size of 25 litres and x2 replacement trees are to be a minimum container size of 45 litres).

(b) Tree species used are not to include any of the exempted plant species listed under Penrith Council Development Control Plan 2014, C2 Vegetation Management.

(c) They shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use.

(d) The trees are to be planted no closer than 3.5 metres from the wall of any approved dwelling on the property.

(e) All new plantings shall be located so future growth will not be in conflict with electricity wires.

(f) The replacement trees are to be planted prior to the issue of an **Occupation Certificate**.

(g) The trees shall be maintained for the life of the development.

8 [A special - Retaining Wall Finish](#)

All retaining walls shall be of masonry construction and applied with a colour that will compliment the dwelling.

9 [A special - Retaining Walls](#)

Any retaining wall which does not form part of this approval or cannot be constructed under the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as being Exempt Development, will require separate approval with Council.

10 [A special - Sydney Water Approval](#)

Prior to the issue of an **Construction Certificate**, written approval for the development is to be obtained from Sydney Water and be provided to the Principal Certifying Authority.

11 [A special \(A041\) - CONSTRUCTION IN BUSHFIRE AREAS](#)

The building shall be constructed in accordance with the provisions of "Planning for Bushfire Protection" November 2019, and to BAL-19 construction under AS3959-2018 "Construction of buildings in bushfire-prone areas".

Demolition

12 [B001 - Demolition of existing structures](#)

The existing single storey dwelling is to be demolished as part of the approved work.

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

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

All demolition and excavated material shall be disposed of at a Council approved site or waste facility.

14 [B003 - ASBESTOS \(as amended from Council's adopted condition\)](#)

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

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

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

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

15 [B004 - Dust](#)

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

16 [B005 - Mud/Soil](#)

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

Environmental Matters

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

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

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

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development and the land, that was subject to the works, have been stabilised and grass cover established**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

18 **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.”}

19 **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.

BCA Issues

20 **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

21 **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.

Construction

22 **H001 - Stamped plans and erection of site notice**

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

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

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

Signage but no more than 2 signs stating the above details 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.

23 **H002 - All forms of construction**

Prior to the commencement of construction works:

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

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

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

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

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

24 **H022 - Survey (as amended)**

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

25 **H030 – External finishes**

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the dwelling are to be in accordance with the stamped approved colour schedule.

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

The rainwater tank(s) is to be:

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

Additionally, the following are to be provided:

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

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

- the manufacturer's specifications, and
- Sydney Water and NSW Health requirements

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

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

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

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

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

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

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

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

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

Construction works 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.

31 [H Special - Retaining walls](#)

All retaining walls are to be located wholly within the property boundaries.

Engineering

32 [K016 - Stormwater](#)

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

Gutters and Downpipes are to comply with the Building Code of Australia Part 3.5.3.

The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. The design shall ensure that the development has no 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 or Subdivision Works Certificate issued by the Certifier.

33 [K026 - Stabilised access](#)

All land required for vehicular access within the site is to be stabilised.

34 [K041 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

35 **K202 - Roads Act (Minor Roadworks)**

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

- a) Provision of a vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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

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

All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

36 **K501 Roads Authority clearance**

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

37 **K Special - Apply if there is an EASEMENT on the site**

Unless permitted by the applicable Section 88B Instrument, no earthworks including cut and fill or building works including a retaining wall, garden shed or other structures of the like are permitted within the easement. The easement is to remain at natural ground level at all times.

38 **K Special - Drainage and Retaining Walls**

All associated drainage for retaining walls, including ag lines located behind the retaining wall, shall be connected to the approved stormwater disposal system.

Landscaping

39 **L001 - General landscaping (applies to most building works)**

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

40 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those shown on the stamped approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy. The trees must be protected in accordance with Australian Standards, Protection of Trees on Development Sites, AS4970 -2009.

Payment of Fees

41 **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

42 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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

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

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

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

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

D2	Residential Development Single Storey Dwelling 4 Stein Place Glenmore Park	Complies Y/N	Comments
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2.1.2	Front setback – Minimum 5.5m or average of adjoining properties.	N	6.30m front setback proposed but does not meet the average adjoining properties setback control. The proposed front setback will encroach an additional 5.8m approx. from the neighbouring property to the immediate west building line. The proposed setback of 6.3m and encroachment of 5.8m is consistent with the surrounding locality on Stein Place including properties 1,3 and 5. The proposal will allow an increased floor plan as well as the properties private open space for the use and enjoyment of the occupants of the site, whilst still being considerate to the streetscape and adjoining neighbours. The requested variation will not impact upon the adjoining properties in way of loss of privacy or amenity and with the reduced single storey level. The proposal embraces a reduced bulk and scale and will provide for a positive impact upon the streetscape and visual interest of Stein Place including the retention of mature vegetation to the front boundary area and extensive landscaping proposed to the front, side and rear setback areas. It is also noted the variation has been addressed in detail in an amended Statement of Environmental Effects. The proposal does not have any likely significant adverse impacts upon the site or adjoining properties and is considered to be in keeping with the objectives of the zone and DCP and is therefore supported in this instance.
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	Secondary Street (where applicable) – Minimum 3m to external walls and minimum 5.5m to garage entrances	N/A	
	Encroachments - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback	Y	Porch – 0.800m encroachment
	Side setback – minimum 900mm	Y	East: 2.78m West: 1m
	Rear setback – minimum 4m for single storey component or 6m for 2 storey component	Y	7.09m
	(non-habitable building or structure can be closer if minimal adverse impact on the subject property or any adjoining property)	Y	
	Building envelope compliance (encroachments permitted if improved design, appearance or utility and minimal impact)	Y	Complies The ridge level of the dwelling complies with the Penrith Local Environmental Plan 2010.
2.1.3	Cut and fill does not exceed 600mm measured from NGL	N	The development is designed to mostly comply with the max cut and fill of 600mm. The excavation proposed is considered site responsive with the view of responding to the natural topography of the site. The earthworks are a response to the steep and awkward site topography to create a level building platform and usable Private Open Space. Extensive landscaping is proposed to address visual impacts in areas of both cut and fill. It is also noted the variation has been addressed in detail in an amended Statement of Environmental Effects. The proposal is not considered to have any likely adverse impacts upon the site, adjoining properties or the surrounding environment.

Ground floor levels max 800mm above NGL	N	Obscure glazing and various windows sizes are incorporated. Bedrooms are considered low daytime use rooms having no impact upon adjoining properties. The lounge room and family/dining room are positioned > 2m from the side property boundaries and the ground level is less than 800mm above natural ground level. Due to the natural topography of the site, a minor variation of the F.F.L to the front of the proposed dwelling will exceed the maximum 800mm ground floor level. The windows to the front rooms are proposed on the front façade of the proposed dwelling, thereby not unduly impacting upon the privacy and amenity of the adjoining properties. These rooms ensure surveillance of the streetscape can occur. No adverse impacts are likely to occur upon adjoining properties or the surrounding environment.
Retaining wall forward of garage are masonry	Y	Condition to apply
Lots with a side cross slope exceeding 5%, must respond to the slope of the land with either split level, drop edge beam, or bearer and joist design (or a combination of these)	Y	Drop edge beams on the northern, eastern and western elevation of the dwelling integrated to the development. No adverse impacts are likely to occur upon adjoining properties or the surrounding environment.
Where front to back slopes are steep (i.e. approximately greater than 9%) house designs must respond to the topography of the land with either split level, dropped edge beam, or timber frame floor (bearer and joist) design - or a combination of these.	N/A	
Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.	N/A	
Driveway gradient to not exceed 20%	Y	12.5% - Complies with the Australian Standards

	On lots sloping downhill from the street, the privacy of adjoining dwellings down slope should be preserved by providing screening vegetation between observable platforms and adjoining private open space areas, or integrating features such as timber screens to decks, or partially opaque windows where privacy is essential and screening vegetation is impractical.	N/A	
2.1.4	The minimum landscaped area of a site is of a site is Zone R2 Low Density Residential Minimum landscaped area of the site 50%	Y	Required: 432m2 (50%) Provided: 450m2 (53%) approx. A landscape plan has been provided which is designed to enhance the street appeal of the development and reduce the visual impact of the development on the street.
2.1.5	Articulate all building forms and facades	Y	A high architectural innovation is incorporated including a mixture of colours to the development.
	Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries	N/A	
	External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.	N	Any changes to the positioning of the structure will result in the loss of usable floor space and smaller room sizes. A mix of building materials and various windows sizes has been incorporated into the design of the single-storey dwelling and considered acceptable in this instance.
	All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.	Y	Alfresco < 800mm
	Garage setback at least 1m behind the building line of the dwelling	Y	2.32m
	Total width of all garage doors facing a primary or secondary road frontage must not exceed; i) If the lot has a width less than 15m measured at the building line – 4.8m ii) If the lot has a width of more than 15m measured at the building line – 6m.	Y	Lot Width – 22.5m approx. Height: 2.4m Width: 4.8m The materials and colours incorporated to the dwelling design blends with the proposed garage door.

	Corner lot is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation	N/A	
	Parking is to be provided at the rate of: i) A minimum of one space behind the building alignment ii) Two spaces for each dwelling with two or more bedrooms, at least one of which is located behind the building alignment. Stacked parking is acceptable for additional spaces.	Y	Double Garage + Stacked Parking
2.1.6	Ensure that the proposed development provides a minimum of 3 hours' sunlight between 9am and 3pm on 21 June, to living Zones of the dwelling, and the living zones of any adjoining dwellings;	Y	Single Storey Dwelling
	Ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings	Y	Single Storey Dwelling The proposed development and adjoining properties POS to receive sunlight between 9am & 3pm.
	Where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%.	N/A	
2.1.7	Retaining walls: a) generally, should be no taller than 600mm; b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing; c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles.	N	The development proposes a maximum high 900mm retaining wall on the western rear side of the lot. The retaining walls required for the excavation are site responsive with the view of responding to the natural topography. The proposed excavation decreases toward the front boundary due to the significant slope of the existing driveway. It is also noted the variation has been addressed in detail in an amended Statement of Environmental Effects. The retaining walls are unlikely to cause negative impacts on surrounding properties due to the retention of existing vegetation within the front setback and additional vegetation proposed.

	Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.	N/A	Existing
	Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction.	N/A	
2.1.8	This Section only applies only to: a) frontages to the Nepean River; b) escarpment foot slopes in Leonay and Emu Heights; c) the Cranebrook escarpment; d) Glenmore Park, adjacent to the Mulgoa Nature Reserve; e) wooded hillsides in South St Marys; f) individual street blocks identified by Council's Register of Significant Trees and Gardens; and g) in Kingswood: Werrington Creek. Development must: 1) maintain natural topography and features such as rock outcrops; 2) preserve established trees, preferably as blocks or corridors of several trees; 3) ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works; 4) preserve clusters of established trees as blocks or corridors; 5) consider a wider side boundary setback as landscaped corridor to preserve trees and provide vistas between neighbouring buildings; 6) on sloping sites garages may be located at street-level within the front set-back, subject to an "open" design similar to a screened carport; 7) on sloping sites dwellings should be split-level designs, with the lowest floor level no higher than 1m above natural ground level; 8) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.	N/A	

2.6	Principles of urban form and urban design that apply to permissible residential development should be adopted for non-residential development. The development site including front setbacks, rear setbacks dual frontage situations. a) Urban form including: i) traditional building design features; ii) traditional garden frontages; iii) orientation of building entrances; iv) continuously occupied rooms facing the street; v) detailed consideration of significant townscapes or landscapes; vi) signs. vii) driveways and parking including: · provision of on-site parking appropriate to the proposed use, and in accordance with the parking requirements of this DCP; · minimise site coverage by paved areas; · conceal garages from views available from public parks and streets; · locate driveways and parking areas away from any neighbouring residential development b) landscaped area- provision and design of the required minimum area with detailed design of gardens and paving; c) side setbacks to provide for effective landscaped separation from adjacent developments; d) solar planning and energy efficiency - minimised overshadowing of adjacent properties and minimise requirements for mechanical heating and cooling of interiors; e) privacy - protect the amenity of adjacent properties; f) storage and building services - sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent developments. g) privacy – protect the amenity of adjacent properties; h) storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent residents.	N/A	
Additional Comments Tree Preservation/Removal: There will be a requirement to plant additional trees to compensate for the tree removal proposed as part of this application. The proposed vegetation to be removed is not mapped on the Biodiversity Value Map.			