

PENRITH CITY COUNCIL

FAST TRACK ASSESSMENT REPORT

Application number:	DA14/1017
Proposed development:	Front and Rear Awning
Property address:	160 River Road, LEONAY NSW 2750
Property description:	Lot 4 DP 240624
Date received:	14 August 2014
Assessing officer	Damien Saaghy
Zoning:	ZONE NO 2(A) RES (URB/LSCAPE PROT) LEP 1998 URB L
Class of building:	Class 10a
Recommendations:	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 north-western side of the River Road. The site has two road frontages on River Road to the east and Nepean Street South to the west. It is 822m² in area and is orientated in a westerly direction. The site is relatively flat but slopes toward River Road along the eastern boundary.

An inspection of the site was undertaken on 7 October 2014 and the site currently contains a single storey dwelling and swimming pool.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves the construction of a pergola and awning.

Plans that apply

- Penrith Local Environmental Plan No.258 - Consent for dwelling houses and other development
- Penrith Local Environmental Plan 1998 (Urban Land)
- Development Control Plan 2006
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **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.

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

Penrith Local Environmental Plan No.258 - Consent for dwelling houses and other development

Provision	Compliance
All Clauses - Consent for dwelling houses and other development	Complies

Consent is required for dwelling houses and consideration has been given to this policy and the objectives have been satisfied.

Penrith Local Environmental Plan 1998 (Urban Land)

Provision	Compliance
Clause 7 - Aims and Objectives of the Plan	Complies
Clause 9 - Zone Objectives	Complies
Clause 9 - Zone Permissible	Complies
Clause 12 - Maximum External Wall Height	Complies
Clause 12 - Building Envelope	Complies - See discussion
Clause 12 - Minimum Landscape	Complies - See discussion
Clause 14 - for Design Principles	Complies
Clause 20 - Acquisition of Land reserved for roads	N/A
Clause 21 - Development of land reserved for roads	N/A
Clause 22 - Acquisition of Land within Zone 5(B), 6(B) or 7(A)	N/A
Clause 23 - Development of Land within Zone 5(B), 6(B)	N/A
Clause 28 - Tree Preservation	N/A
Clause 29 - Prohibited access	N/A
Clause 30 - Development on contaminated land	N/A
Clause 32 - Flood Liable Land	Complies - See discussion
Clause 35 - Development of land at North Penrith	N/A
Clause 36 - Thornton Hall and land in the vicinity	N/A
Clause 37 - Land in the vicinity of Combewood	N/A
Clause 37A and Schedule 5 - Claremont Meadows Stage 2	N/A
Clause 38 - Development of the Werrington Mixed Use Area	N/A

The existing landscaping on the site is approximately 34% where the required landscape area for the 2(a) zone is 50%. Clause 12(7) permits a variation to the development controls for non-habitable structures ordinarily associated with a dwelling-house where it is considered the proposal will have minimal adverse impact on the subject and adjoining sites. The proposed pergola and awning will be located over already paved areas and will control stormwater more effectively as the structures will be connected to the existing stormwater system thereby reducing potential nuisance to neighbouring properties. The proposed pergola and awning are non-habitable structures ordinarily associated with a dwelling-house and are considered to be suitable development for the site despite the non-compliance with the landscaped area. The application otherwise complies with all other relevant clauses of the instrument.

Upon lodgement a referral was made to council's Development Engineers as the subject site is identified as being impacted by Flood Related Development Controls. Development Services advised that in this instance a referral was not required and as such no conditions apply.

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.

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 Local Environment Plan 2010 Stage 2 - ZONE R2 Low Density Residential
 The proposal is consistent with the aims and objectives of this draft plan

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	N/A
Chapter 2.3 - Engineering works	N/A
Chapter 2.4 - Erosion and sediment control	N/A
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	N/A
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

Section 79C(1)(a)(iia) 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

The regulations do not present any further restrictions or requirements for the proposed development on the subject site.

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

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

Impact raised in submissions

N/A

Impacts raised in referral comments

N/A

Other impacts identified in assessment

(i) Context and Setting (environmental impacts and impacts on built environment)

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

The development will have only minor impact on the amenity of the area and the streetscape.

The development is compatible with the surrounding and adjacent land uses.

It is considered the development will have no / or minimal impact on the amenity of the area in terms of Sunlight Access (overshadowing) / visual and acoustic privacy / views or vistas

The development will have no impacts on natural environment.

(ii) Access and transport

The development will have no or minimal impact on the local road system.

The existing / proposed access arrangements and car parking on site will be adequate for the development.

(iii) Heritage

The property is not subject to any Heritage Order or identified as a heritage item under a planning instrument.

(iv) Soil

The proposed development will have no impact on soil erosion and sedimentation:

Adequate sedimentation and erosion controls are proposed as part of the development.

(v) Natural and Technological Hazards

The development is identified as being impacted by Flood Related Development Controls. Advice was received from Development Services that in this instance a referral was not required and as such no conditions apply.

(vi) Site Design

The proposed development is sensitive to environmental conditions and site attributes:

The proposed development safeguards the health and safety of the occupants

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

The site is suitable for the following reasons:

Examples:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed
- The site is able to drain to Council's satisfaction

Section 79C 1(d) Any submission made in accordance with this Act or the regulations

In accordance with Chapter 2.7 of the Penrith Development Control Plan for the City of Penrith 2006 – Notification and Advertising, the proposed development was not required to be notified.

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

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

Conclusion

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 DA14/1017 for a pergola and awning at Lot 4 DP 240624, 160 River Road, Leonay, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 **A001 - Approved plans that are architecturally drawn**

The development must be implemented substantially in accordance with the plans prepared by All In One Drafting, Pages 1 to 2, Drawing No. 96, dated 7/8/2014 and stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions

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.

Environmental Matters

5 **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

6 **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).

Construction

7 [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.

8 [H030 – Roof finishes \(rural property\)](#)

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the development is to compliment and blend with the established development on the subject lot.

9 [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

10 [K016 - Stormwater](#)

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

Landscaping

11 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

Payment of Fees

12 [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

13 **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.

14 **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 _____.

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.