

# PENRITH CITY COUNCIL

## FAST TRACK ASSESSMENT REPORT

<b>Application number:</b>	DA13/1062
<b>Proposed development:</b>	Residential-Single New Dwelling - Two Storey
<b>Property address:</b>	16 Ghera Road, CADDENS NSW 2747
<b>Property description:</b>	Lot 11 DP 1166546
<b>Date received:</b>	19 September 2013
<b>Assessing officer</b>	Rebecca Larcombe
<b>Zoning:</b>	ZONE R1 GENERAL RESIDENTIAL LEP 2009 (CADDENS)
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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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

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The subject site is situated on the corner of Caddens Road and Ghera Road Caddens. It is 602m<sup>2</sup> in area, is orientated in an eastern direction and has slopes to the rear, An inspection of the site was undertaken on 3 October 2013 and the site is currently vacant.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of two storey dwelling including parking, landscaping and associated drainage works

### Plans that apply

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- Penrith Local Environmental Plan 2009 (Caddens)
- Development Control Plan 2006
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

### Planning Assessment

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#### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of

the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

(a) (i) The provisions of any environmental planning instrument

PENRITH LOCAL ENVIRONMENTAL PLAN 2009 (CADDENS)

**Permissibility**

The subject site is zoned R1 General Residential. The proposed development is defined as a dwelling house, which is permissible with the consent of Council.

**LEP and Zone Objectives**

The proposed development is consistent with the aims and objectives of both the LEP and the zone itself.

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

This section is not applicable for the subject application.

(a) (iii) The provisions of any development control plan

The proposed dwelling is consistent with the provisions of the relevant development control plan.

**CHECKLIST**

4.2	Streetscape, Feature Elements and Roof Design	Complies Y/N	Comments
4.2.1	The primary street facade must incorporate an entry feature/portico and two other design features eg balcony to any first floor element; a variation in scale to adjoining properties; architectural elements which recess or project by at least 600mm; open verandah; mix of building materials or finishes; bay windows or similar features; pergola or similar feature above garage doors	Yes	
4.2.2	The secondary street facade on a dwelling on a corner lot must incorporate a window from a habitable room and at least two other design features eg verandah; vertical architectural elements to reduce the horizontal emphasis of the façade; balcony; an architectural element which recesses or projects from the façade by at least 600mm; landscaping and/or fencing compatible with the treatments that have or will occur on neighbouring sites.	Yes	Window from bedroom and vertical architectural elements
4.2.3	Eaves minimum 450 mm (except on zero lot)	Y	

4.2.4	Roof clutter such as satellite dishes, water tanks, air conditioning units etc should not be prominent when viewed from any street.	Y	
4.2.5	colours, materials and finishes are to be from a predominantly neutral palette (bright colours considered for architectural features.)	Y	
4.2.6	Exact mirror-imaging of dwelling facades to form semidetached (duplex) housing is not permitted.	N/A	
4.3	Dwelling Height, Massing and Siting	Complies Y/N	Comments
4.3.2	Single and attached housing is to be 2 storeys. may permit a third storey if it is satisfied that it is on a prominent street corner and is not likely to impact adversely on the amenity of any adjoining land in terms of overshadowing and visual privacy.	Y	2 Storey Dwelling
4.3.3	50% of Principal Private Open receive at least 3 hours of sunlight between 9am and 3pm on property and adjoining property	Y	
4.3.4	lots >450m <sup>2</sup> , the second level of a dwelling is to be no more than 30% of the lot area.	Y	
4.4	Building Setbacks	Complies Y/N	Comments
4.4.1	<b>Detached (frontage: &gt;18)</b> Front: 4.5m Side: 1.5m Rear: 6m	Y Y Y	
4.4.2	corner lots secondary frontage: - 2 metres lots <18 metres wide - 3 metres lots >18 metres wide	Y	
4.4.3	-Corner lots are to be splayed with the indent on both streets 5 metres. -setback from the splayed corner minimum of 2 metres.	Y	
4.4.4	Any building contiguous with Caddens Road is to be set back 6 metres from the boundary to Caddens Road.	Y	6060mm

4.4.6	Garages are to be set back a minimum of 1 metre behind the front building facade (including secondary street, excluding rear lane)	Y	
4.4.9	Projections permitted into side and rear setback areas include eaves, sun hoods, gutters, down pipes flues, light fittings and electricity or gas meters, rainwater tanks and hot water units.	Y	
4.4.10	The side setbacks of second storeys: - detached dwelling – 1.2 metres on both sides; - semi detached dwelling – 1.2 metres on the unattached side; - built to boundary lots – 2.4 metres from the adjoining built to boundary side boundary.	Y N/A N/A	
4.4.11	Architectural elements may extend beyond the front façade by a maximum of 1 metre.	Y	
4.4.12	Side walls should be staggered/ indented to avoid an unduly long and blank appearance.	Y	
4.5	Development on Sloping Land	Complies Y/N	Comments
4.5.1	Preliminary building pads on lots with a front to back slope should provide a minimum floor level split of 1 metre or as appropriate to facilitate split level house designs.	N/A	
4.5.2	The side boundary retaining walls for development on cross slopes should retain a cut no higher than 1 metre.	N/A	
4.5.3	All retaining walls forward of the garage line must be constructed with masonry materials and finished to complement the house design.	N/A	
4.5.6	On front to back slopes, rear boundary retaining walls should be a maximum 1.8 metres in height and retain a maximum cut of 1.5 metres in height, provided that there is a minimum one (1) metre wide terrace between the face of the wall and the fence line.	N/A	

4.5.7	With the exception of corner lots, where slopes exceed 10%, retaining walls may exceed 1 metre in height for a side boundary and 1.8 metres in height for a rear boundary	N/A	No retaining wall is proposed along the rear boundary
4.5.8	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).	N/A	
4.5.10	Garden retaining walls within lots are not to exceed 0.9 metres in height. Any remaining slope is to be graded out.	N/A	

4.6	Private Open Space	Complies Y/N	Comments
	<b>Lot width &gt;17.5m</b> POS: 20% (Min Dimension – 3m) PPOS: 40m2 (Min Dimension – 4m)	Y Y	
4.6.3	50% of the area of the required PPOS (of both the proposed development and the adjoining properties) must receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).	Y	
4.6.4	The PPOS must interface directly with the main living area of a dwelling or alfresco room. Where the PPOS is a semiprivate patio, balcony or roof top area, it must be provided with a fence or landscaped screen at least 1 metre in height, and be directly accessible from a living area.	Y	
4.7	Site Cover and Landscaped Areas	Complies Y/N	Comments
4.7.1	lots >450m2 maximum site cover: (a) 50% of total lot area; with (b) 10% higher for single storey dwellings.	Y	
4.7.2	lots <450m2 is to be no greater than 70%	N/A	
4.7.4	Minimum Landscaped area– - 35% of the lot area.	Y	
4.7.5	A Landscape Plan is to be submitted with all DAs for residential development.	Y	

4.7.6	<p>The front setback is to be landscaped with the treatment to clearly delineate between the private and public domain.</p> <p>-The front setback is to incorporate two trees.</p> <p>-The rear garden must include at least one tree (may include existing trees that are to be retained.)</p>	N	A condition will be placed on the consent
4.7.7	To prevent accumulation of water and concentration of salts, subsoil drains are to be installed around the perimeter of residences and connected to the stormwater system.	Y	
4.8	Fencing	Complies Y/N	Comments
	Except for dwellings contiguous with Caddens Road, front and side fencing must be constructed with masonry piers that complement the streetscape. Infill panels are to consist of open slats, palisades or pickets.	Y	
	The fencing on the secondary street of a lot >17.5m set back 0.9 metres from secondary street boundary and incorporate landscaped vegetation between the fence and the boundary.	Y	
	Metal sheet style fencing is not permitted anywhere.	Y	
	Dwellings located adjacent to open space, fencing is to be of a high quality material permit casual surveillance of the open space.	N/A	
4.9	Garages and Access	Complies Y/N	Comments
	Minimum of 5.5m from the front boundary and at least 1m behind the building façade	Y	
	Front loaded double garages only permissible on lots >12.5m	Y	Double garage proposed
	<p>Double garages</p> <p>-max 50% of the front façade</p> <p>-6 m in width</p> <p>-2.4 m in height.</p> <p>-Triple fronted garages are not permitted.</p>	Y	

	Garages are to comply with AS 2890.1 minimum internal width: -3m for a single garage; -5.5m for a double garage.	Y	
	Driveways max 4.5m at the front boundary and min of 1.5m from street trees.	Y	
	Where possible garage for a corner lot should be accessed from the secondary street, unless the secondary street is Caddens Road.	N/A	
5.3	Sustainable Building Design	Complies Y/N	Comments
	Minimum dwelling floor to ceiling heights shall be as follows:  (a) ground floor habitable rooms of two storey single dwellings - 2.65 metres;  (b) upper floors and all non habitable rooms – 2.4 metres;	Y  Y	2550mm complies with objectives of DCP and is considered a minimal variation
	The building envelope, depth, location of doors and windows, and internal layout of all residential development is to facilitate cross -ventilation.	Y	
	The main living area of all dwellings is to open directly onto the private open space via either glazed sliding bi-fold or French doors, or similar, to allow for adequate solar access.	Y	
	North and west facing windows are to be provided with appropriate external shading.	Y	Shading provided by eaves
	All dwellings are to incorporate an outdoor clothes line/drying area in a sunny location not visible from a street or public place.	Y	
	A BASIX certificate is required for all new residential dwellings, including the residential component of a mixed use building.	Y	Basix certificate provided

(a) iv) The Regulations

This section is not applicable for the subject application.

(b) The likely impacts of the development

(i) Context and Setting

- 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 complimentary with the surrounding and adjacent land uses.
- It is considered the development will have no impact on the amenity of the area in terms of sunlight access nor any visual and acoustic privacy / views or vistas.
- The development will have no impacts on the natural environment.

(ii) Access and Transport

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

(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 not subject to subsidence or slip.

(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.

(c) The suitability of the site for development

The site is suitable for the proposed residential development.

(d) Any submissions made in accordance with the EPA Act and Regs

In accordance with Council's Notification policy, the proposal was publically notified and no submissions were received.

**(e) The public interest**

The proposal is not likely to generate any issues of public interest.

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

**Penrith Local Environmental Plan 2009 (Caddens)**



Provision	Compliance
Detailed Assessment - Appendix - Variation to Development Standard (This text will show in Appendix of your report)	
Schedule 1 Additional permitted uses	Complies
Clause 1.2 Aims of Plan	Complies
Clause 2.2 Zoning of land to which Plan applies	Complies
Clause 2.3 Zone of objectives and land use table	Complies
Clause 2.5 Additional permitted uses for particular land	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 2.6A Demolition requires consent	Complies
Clause 2.6B Temporary use of land	Complies
Clause 4.1 Minimum subdivision lot size	Complies
Clause 4.3 Height of buildings	Complies
Clause 4.6 Exceptions to development standards	Complies
Clause 5.1 Relevant acquisition authority	Complies
Clause 5.10 Heritage conservation	Complies
Clause 5.11 Bush fire hazard reduction	Complies
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	Complies
Clause 5.2 Classification and reclassification of public land	Complies
Clause 5.3 Development near zone boundaries	Complies
Clause 5.4 Controls relating to miscellaneous permissible uses	Complies
Clause 5.8 Conversion of fire alarms	Complies
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 6.1 Arrangements for designated State public infrastructure	Complies
Clause 6.2 Public utility infrastructure	Complies
Clause 6.3 Development control plan	Complies
Clause 6.4 Relationship between Part and remainder of Plan	Complies
Clause 7.1 Sustainable development	Complies
Clause 7.2 Flood planning land	Complies
Clause 7.3 Zone B2 Local Centre - floor area restrictions	Complies
Clause 7.4 Exhibition homes limited to 2 years	Complies

### **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)(iii) The provisions of any development control plan**

## Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	Complies
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	Complies
Chapter 2.11 - Car parking	Complies
Chapter 2.12 - On-site sewage management	Complies
Chapter 2.13 - Tree preservation	Complies

## Referrals

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

Referral Body	Comments Received
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## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being Penrith Local Environment Plan 2009 (Caddens), the proposal satisfies the aims, objectives and provisions of these policies.

In its current form, the proposal will have a positive impact on the surrounding character of the area as a residential subdivision.

Support for this application would set a favourable standard given it complies with all the applicable policies.

The proposed design is site responsive, complies with key development standards and is in the public interest.

The site is suitable for the proposed development 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**

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1. That DA13/1062 for a two storey dwelling at Lot 11 DP 1166546 16 Ghera Road Caddens, be approved subject to the attached conditions (Development Assessment Report Part B)

# CONDITIONS

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## General

1 [A001 - Approved plans that are architecturally drawn](#)

The development must be implemented substantially in accordance with the plans numbered 655302 drawn by Metricon and dated 17.07.13 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.

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 carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

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

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

5 [A special Blank](#)

Prior to the issue of a construction certificate details of the front setback incorporating one tree and the rear setback incorporating two trees shall be submitted to the Principal Certifying Authority.

## Environmental Matters

6 [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.

7 [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."}

#### 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.

### Construction

#### 12 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.

13 [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).

14 [H009 - Cut / fill details \(amended from adopted Council version\)](#)

Cut and fill is limited to a maximum of 1 metre, in accordance with Penrith Residential Construction Works Development Control Plan.

15 [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.

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

The external finishes of the dwelling are to be in accordance with the approved colour schedule.

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 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 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.

#### 22 [H special Blank](#)

**Prior to the issue of a Construction Certificate** the a Stormwater Management Plan is to be submitted to the Principal Certifying Authority which includes subsoil drains around the perimeter of residences and connected to the stormwater system as per the Penrith Development Control Plan 2006 (6.21 Caddens).

## Engineering

#### 23 [K016 - Stormwater](#)

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

#### 24 [K026 - Stabilised access](#)

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

#### 25 [K041](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$500 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works. Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

#### 26 [K202 - Roads Act \(Minor Roadworks\)](#)

Prior to the issue of a Construction Certificate a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- 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).

#### 27 [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.

#### 28 [K Special - Apply if there is an EASEMENT on the site](#)

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.

## Landscaping



29 **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.

30 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of the proposed building footprint or as shown on the approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Payment of Fees

31 **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

32 **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:

- 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
- 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.

33 **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 dwelling.

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.