

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA21/0359
Proposed development:	First Floor Addition
Property address:	30 Alinta Promenade, JORDAN SPRINGS NSW 2747
Property description:	Lot 2088 DP 1168991
Date received:	26 May 2021
Assessing officer	Louis Tuma
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
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 eastern side of Alinta Promenade JORDAN SPRINGS. It is 304m² in area, is orientated in a western direction and has gentle fall to the rear.

An inspection of the site was undertaken on 01/06/2021 and the site is currently occupied by a single storey dwelling.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves the construction of a first floor addition to the existing dwelling.

Plans that apply

1996 CENSUS COLLECTORS DISTRICT
CLM ACT 1997 - ADI SITE
PENRITH DCP 2014
GENERAL LIST
EASEMENT ACCESS AND MAINTENANCE 0.9 M
EASEMENT DRAINAGE 1.5 METRES
MISC - STUDIES FOR ADI LAND
DEV/BLD - RATU - SEE 88B
DCP 2014 - Tree Preservation Controls
DCP 2014 - General Information
PLAN INST LEP 255 AS AMENDED
PLAN INST LEP 258
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
PLAN INST - SREP NO 30 - ST MARYS AA
LEP 258 - CONSENT FOR DWELLING HOUSES ETC
COPY OF LEP 258
Asbestos & Contam Land Policies
PRECINCT 030
URBAN ZONE (SREP30 - ST MARYS)
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
NORTH WARD

Planning Assessment

• 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 - See discussion

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

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

N/A

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?	No
Have the plans been checked by any relevant developer groups?	Yes
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?	Yes
Were any submissions received during the public notification period?	No

Section 4.15(1)(e)Public Interest

The application will have minimal impacts on public interest	Complies
--	-----------------

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 DA21/0359 for a first floor addition at 30 Alinta Promenade JORDAN SPRINGS, be approved subject to the attached conditions.

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, the developers approval 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	Sheet No	Issue	Drawn By	Date
Site Plan	1	01	Apex Alterations & Additions	15/06/2021
Ground Floor Plan	2			
Upper Floor Plan	3			
Elevations	5			
Section	7			
Material/Colour Schedule	12			

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 - Beveridge Williams Approval](#)

All conditions forming part of the Beveridge Williams approval dated 08 June 2021 are to be complied with at all times.

6 [A special - Stairwell Window](#)

The stairwell window is to be of obscure glazing.

Demolition

7 [B004 - Dust](#)

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

8 [B005 - Mud/Soil](#)

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

Environmental Matters

9 [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 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.

10 **D009 - Covering of waste storage area (Add if more than 40%)**

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

11 **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)

12 **E Special - hard wired smoke alarms**

In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.5 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Construction

13 **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.

14 **H017 - Loads on existing buildings (if first floor addition)**

A certificate from a qualified practising Structural Engineer attesting to the adequacy of the structure to support the anticipated loads is to be submitted for consideration and approval prior to the issue of a Construction Certificate.

15 **H030 – External finishes**

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 and amenity of the area.

16 [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

17 [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 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.

18 [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.

19 [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.

Landscaping

20 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or willfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy. All existing tree/s must be protected in accordance with Australian Standards, Protection of Trees on Development Sites, AS4970 -2009.

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

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

Payment of Fees

22 **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

23 **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.

24 **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

Control	Requirements	Complies	Measurements
Front setback	4.5m	Y	4.62m
Garage setback	5.5m	N/A	Existing
Articulation Setback	3.5m	Y	0.460m
Secondary setback	1.5m	N/A	
Garage Frontage	2.5m	N/A	
Articulation Zone	1m	N/A	
Side setback	Zero/0.9m	Y	First Floor North: 1.4m First Floor South: 1.5m
Rear Setback	3m	Y	First Floor: 13.89m
Garage (rear Loaded)	0.9m	N/A	
Private Open Space	20% - min width: 3m	N/A	Existing
Height	Maximum 2 storeys	Y	Two Storey Dwelling Overall Height: 7.06m approx. Potential overshadowing impact upon the property to the south, however, it is consistent with existing development due to the orientation of the lots in the surrounding subdivision. The proposed development and adjoining properties POS to receive sunlight between 9am & 3pm. Furthermore, the proposed first floor design is artistic to the amenity of the area. It is also noted no objections were received during the neighbour notification period.
Parking	1-2 Parking Space	N/A	Existing
Landscaping	Urban Zone (SREP30 – St Marys)	N/A	First Floor Addition – No changes to existing landscaping. All existing turf and vegetation are to be retained.
Cut and Fill	Max cut/fill 600mm	N/A	First Floor Addition. No cut or fill required
External Walls	8m long	N	A mix of building materials and various windows sizes has been incorporated into the design of the first floor addition and considered acceptable in this instance. It is also noted the proposal complies with the Jordan Springs Design requirements and has been approved by the Design Assessment Panel administered by Beveridge Williams.
Height of Balcony and Decks above existing ground level	800mm	N/A	

Articulation and Colour		Y	<p>Mixture of colours, materials and finishes are incorporated. The proposed colour schedule compliments and blends with the amenity of the area.</p> <p>It is also noted the proposal complies with the Jordan Springs Design requirements and has been approved by the Design Assessment Panel administered by Beveridge Williams.</p>
Garage		N/A	Existing
Residential Activity (Safety)		Y	<p>Obscure glazing and various windows sizes are incorporated to the dwelling.</p> <p>Amended plans were requested and received showing the relocation of Bed 2 window to the rear façade, a reduction to Bed 3 window and obscure glazing to the stairwell window. Most first floor rooms are considered low daytime use rooms.</p> <p>The children activities room on the first floor is to incorporate a window on the front façade of the dwelling. The rooms along the front elevation of the dwelling overlooks the front setback area, ensuring surveillance of the streetscape can occur.</p> <p>This design is considered acceptable in this instance due to the large expanse of glass in the windows servicing these rooms.</p> <p>No adverse impacts are likely to occur upon adjoining properties or the surrounding environment.</p> <p>It is also noted no objections were received during the neighbour notification period.</p>