

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0490
Proposed development:	Relocate Existing Dwelling from 43 College Street to Rear of 47 College Street to Create a Detached Dual Occupancy
Property address:	47 College Street, CAMBRIDGE PARK NSW 2747
Property description:	Lot A DP 394842
Date received:	24 July 2019
Assessing officer	Kathryn Sprang
Zoning:	Zone R3 Medium Density Residential - LEP 2010
Class of building:	Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the Installation of a re-sited dwelling and construction of associated car ports to create a detached dual occupancy at 47 College Street, Cambridge Park NSW 2747. Under the Penrith Local Environmental Plan 2010, the proposal is defined as a dual occupancy. The subject site is zoned R3 Medium Density Residential and the proposal is a permitted land use in the zone with consent of Council.

As per the Environmental Planning and Assessment Act 1979 No 203 erection of a building includes:

erection of a building includes—

- (a) the rebuilding of, the making of alterations to, or the enlargement or extension of, a building, or*
 - (b) the placing or relocating of a building on land, or***
 - (c) enclosing a public place in connection with the construction of a building, or*
 - (d) erecting an advertising structure over a public road, or*
 - (e) extending a balcony, awning, sunshade or similar structure or an essential service pipe beyond the alignment of a public road,*
- but does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).*

The proposal is best described as the erection of a building by relocating of a building on land, rather than a moveable/relocatable dwelling as defined under the Local Government Act 1993 No 30.

The dwelling is to be cut into two sections for transportation and re-attached on the subject site. The construction of the footings for the re-sited dwelling, the reattachment of the two sections and the two carports will require a Construction Certificate and Occupation Certificate, as such conditions of consent are recommended.

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 - Notification and Advertising, this application was notified to neighbouring properties who were invited to review the proposal from the 31 July to 14 August 2019. Council received one submission in response.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to conditions.

Site & Surrounds

The subject site is located on the western side of College Street, approximately 100m south of its intersection with Oxford Street. The site has an area of 923 square metres, with a 15.24m frontage to College Street. The site currently contains a single storey dwelling and a number of ancillary structures (shed, carport, etc.). The surrounding area is characterised by medium- low residential development.

Proposal

- Installation of a re-sited dwelling to form a detached dual occupancy;
- Demolition of existing carport on site;
- Construction of two car ports; and
- Ancillary works; drainage and landscaping.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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, and having regard to those matters, the following issues have been identified for further consideration:

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) applies to the subject land and stipulates that the consent authority shall not grant consent to the application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of the plan.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality.

An assessment has been undertaken of the application against criteria with Sydney Regional Environmental Plan No 20 and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Complies

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

Development Control Plan 2014

Provision	Compliance
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	Complies
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A

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

Context and Setting

The proposed development will be located within an established residential area. The development will not impact upon the established character of the residential area, and has been designed so as to be largely unseen from the street..

Setbacks and Streetscape

The application present compliant setbacks. As such, the proposal adopts appropriate setbacks that will not negatively impact on the streetscape presentation , or result in reduced privacy between properties.

Access, Traffic and Parking

The dwelling is afforded with its own car port and parking space, which connects to the existing driveway . It is not anticipated that traffic generated from development will impact adversely on the local road network.

Utilities / Water and Energy

The standard conditions for obtaining a Section 73 Certificate from Sydney Water and written clearance from Endeavour Energy are recommended.

Noise and Vibration

To maintain the acoustic privacy and amenity of surrounding developments, the standard condition restricting work hours is recommended.

Socioeconomic Impacts

The proposal provides for increased housing in the area and would not result in any negative socioeconomic impacts.

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

The site is suitable for the following reasons:

- The subject site is suitably zoned for dual occupancy rural-residential development.
- The design and siting of the re-sited dwelling is considered responsive to the site attributes.
- The use is compatible with surrounding/adjoining land uses.
- The grade of the site is suitable for the design proposed.

Council may be satisfied that the site is suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

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

Community consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development was notified to nearby and adjoining residents.

Council notified 19 residences in the area and the exhibition period between 31 July and 14 August 2019. Council has received 1 submission in response.

Submissions

The following issues were raised in the submissions received and have formed part of the assessment.

Issue Raised	Comments
<i>Query how the relocated dwelling is to be moved and placed on the subject site without adverse impacts on adjoining properties.</i>	<i>An engineers certificate has been provided confirming that the dwelling is suitable for transportation. Additionally a Safe Work Method Statement has been provided that also details the equipment used and how the dwelling is to be re-located on to the site (primarily by truck and the use of hydraulic jacking plants).</i>

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions

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

The proposed development is not expected to generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

The following Section 7.11 plans apply to the site:

- District Open Space Facilities
- Cultural Facilities
- Penrith City Local Open Space

The following Section 7.11 calculations apply to the proposed development.

Calculation for Dual Occupancy					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	6.2	-	3.1	3.1
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	6.0	-	3.0	3.0
AMOUNT					
S.94 Contribution Plan		Contribution Rate x Calculation rate			Total
District Open Space		3.1 x \$1,994.00			\$6,181.00
Local Open Space		3.1 x \$721.00			\$2,235.00
Cultural facilities		3 x \$175.00			\$525.00
		NET TOTAL			\$8,942.00

Conclusion

In assessing this application against the relevant environmental planning policies, being Sydney Regional Environmental Plan No.20 - Hawkesbury-Nepean River, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is responsive, generally complies with key development standards and generates no significant issues of public interest. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA18/0490 for the installation of a re-sited dwelling to create a detached dual occupancy at 47 College Street, Cambridge Park NSW 2747, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Description	Prepared By	Date	Revision
Site Plan	Casson Planning & Development Services	23/09/2019	-
Floor Plan, 3D and Section	Casson Planning & Development Services	18/07/2019	-
Elevations	Casson Planning & Development Services	01/07/2019	-
Landscape Plan	Bloom Design & Landscaping	09/10/2019	C
Plant Schedule & Details	Bloom Design & Landscaping	09/10/2019	C

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 including, but not limited to:

- Footings for the re-sited dwelling
- Re-joining of the re-sited dwelling on the subject site
- Carports

5 A Special (Notice of Completion of Installation)

A certificate prepared by a qualified practising structural engineer shall be submitted to the principal certifying authority attesting to the structural adequacy of the building prior to the issue of an occupation certificate.

Demolition

6 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. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

7 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before the dwelling is cut for transportation and any demolition works commence on the site.**

Prior to the dwelling being cut for transportation and prior to commencement of demolition works, a portaloos with appropriate washing facilities shall be located on the site and the project manager and/or 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 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.

8 B004 - Dust

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

9 B005 - Mud/Soil

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

10 B006 - Hours of work

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

11 D014 - Plant and equipment noise

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

12 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).

13 E005 - Smoke detectors-interconnect

The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.

Utility Services

14 [G003 - Section 73 Certificate for single rural dwellings & dual occs only](#)

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued for the development.

15 [G004 - Integral Energy](#)

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

16 [G006 -](#)

Prior to the issue of a Occupation Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

17 [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 are 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.

18 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

19 H014 - Slabs/ footings

Residential slabs and footings shall be designed and certified by a qualified practising Structural Engineer or a suitably qualified person in accordance with the requirements of AS2870-1996 "Residential Slabs and Footings". Details are to be provided for consideration and approval prior to the issue of a Construction Certificate.

20 H033 – Clothes line

Prior to the issue of an Occupation Certificate, clothes drying facilities are to be installed, positioned and screened from public view.

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.

Engineering

22 [K201 - 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.

23 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

Landscaping

24 [L001 - General](#)

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

25 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

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

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

27 [L Special \(BLANK\)](#)

Prior to the use/occupation of the dwelling all landscaping is to be carried out as per the stamped approved plans.

Development Contributions

28 [N001 - Section 94 contribution \(Cultural Facilities\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$525.00 is to be paid to Council prior to the commencement of works (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

29 [N001 - Section 94 contribution \(District Open Space\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$6,181.00 is to be paid to Council prior to the commencement of works (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

30 **N001 - Section 94 contribution (Local Open Space)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,235.00 is to be paid to Council prior to the commencement of works (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

31 **P001 - Costs**

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

32 **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

33 **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.

34 **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.