

**Sydney West Joint Regional Planning Panel**

**Penrith City Council**

**14 June 2012**

<b>JRPP Ref. No.</b>	2012SYW019
<b>Application Number</b>	DA12/0044
<b>Applicant</b>	Housing and Property Group (Crown Body)
<b>Proposed Development</b>	Demolition of existing structures, removal of trees and the construction of a Senior's Housing development comprising 28 units, 21 car parking spaces hardstand & landscaping and consolidation of the lots into one allotment,
<b>Property Address</b>	133-141 Parker Street and 2 Fragar Road, Penrith
<b>Property Description</b>	Lot 2-6 DP 220581 & Lot 11 DP 27993
<b>Property Owner</b>	Department of Housing (Government Body)
<b>Date Received</b>	20 January 2012
<b>Assessing Officer</b>	Pukar Pradhan
<b>Category of Development</b>	Capital Investment Value > \$5 Million = \$5.769 mill. ( <b>Crown development</b> )

**Parker Street Elevation**



**Figure 1.** Source: Quattro Design Pty Ltd

# Assessment Report

---

## Executive Summary

An application has been lodged by Housing and Property Group (Government Body) seeking Consent for the demolition of existing dwellings and structures, construction of 28 units for Seniors and People with a disability at 133-141 Parker Street and 2 Fragar Road, Penrith.

The subject site is zoned 2(b) Residential (Low Density) under the provisions of the Penrith Local Environmental Plan 1998 (Urban Land). The proposed development is defined as multi unit housing under this LEP and is prohibited in this zone. However, the proposal is for 'infill self care housing' pursuant to Clause 13 of State Environmental Planning Policy (Seniors Living or People with a Disability) 2004 and under Clause 4 this Policy the proposed development is permissible with consent.

The proposed development is Crown Development. The Capital Investment Value (CIV) of the development is \$5.769 million, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was reviewed by Council's Urban Design and Review Panel (UDRP) and requested to improve the building design to be more compatible with the existing developments in the area. The application has adequately responded to the matters raised in relation to building design and in particular to the roof design and external finish, in order to improve compatibility with the existing buildings in the area. The amended new plans have satisfactorily improved the design of the buildings.

In accordance with Section 2.7 (Notification and Advertising) of Penrith Development Control Plan 2006, the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. No submission has been received.

An assessment of the proposed development under Section 23G, Section 79C and Section 89 of the Environmental Planning and Assessment Act 1979 has been undertaken. The proposed development is in accordance with the relevant provisions of the environmental planning instruments and the relevant Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and it is in the public interest.

The following key issues have emerged as a result of this assessment process:

- Urban Design
- Accessibility

- Landscaping
- On Site Parking and Traffic

These matters are discussed in detail in this report.

Section 89(1) of the Environmental Planning and Assessment Act 1979 provides that a consent authority cannot refuse a development application without the approval of the Minister, nor impose a condition of consent without the approval of the Minister or the applicant. The conditions of consent recommended as part of this report have not yet been agreed to by the applicant.

There are four appendices to this report, as detailed below.

- Appendix No. 1 – Site Plans and Elevations
- Appendix No. 2 – SEPP Seniors Living (2004) Assessment
- Appendix No. 3 – LEP 1998 (Urban Land)
- Appendix No. 4 – DCP 2006 Assessment

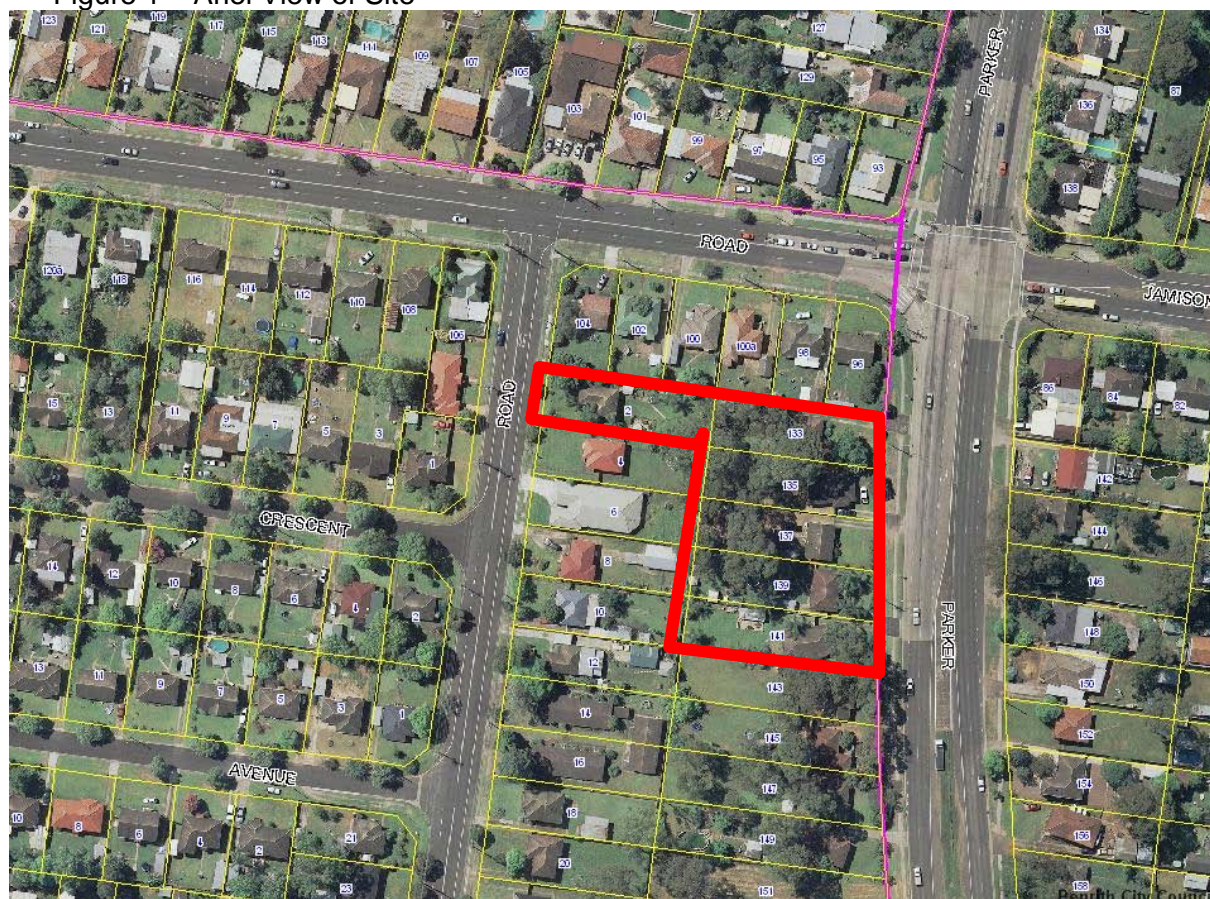
### **Site and Surrounds**

The site contains six individual lots of which five fronts Parker Street and one Fragar Road see figure 1. All existing lots contain dwellings constructed with either fibro or weatherboard with tile roofs. These dwellings appear to be constructed between 1950 and 1960.

- The site is located approximately 35m from the intersection of Jamison Road and the Parker Street.
- The site is approximately 400m to the Stafford Street neighbourhood shopping area,
- 430m from the Nepean Hospital,
- 2km from the Kingswood primary and secondary school and
- 2km from the southland shopping centre.
- 1.2km from Kingswood train station and
- 1.90km from Penrith Station and Penrith Plaza.
- The site has a frontage of 15.24m to Fragar Road and 59.48m to Parker Street. It has a total site area of 4934.20sqm. The site falls to the rear towards Fragar Road.

The adjoining properties contain mainly single storey dwelling houses. The site contains several mature trees with a mixture of native and exotic species.

Figure 1 – Ariel View of Site



Source: Penrith City Council 2010

## The Proposed Development

The key elements of the proposed development are detailed in the accompanying drawings and are summarised as follows: -

### Proposed Development

The proposal involves:

- Demolition of all existing structures on these sites.
- Construction of 28 dwellings on this development site comprising the following components:
  - 12 x 2 storey dwellings and 3 x 1 storey dwellings containing 15 x 1 bedroom units and 13 x 2 bedroom units
  - 16 Units are adaptable Units
  - 3 garbage bin storage areas
  - Removal of several trees
  - associated landscaping
  - Provision of 22 on site parking spaces including 2 accessible parking spaces and 8 adaptable garages
  - Vehicular access for 12 double storey Units is from Parker Street and or 3 single storey Units is from Fragar Road

The application was accompanied by the following reports and documentation:

- Statement of Environmental Effects
- Architectural Plans
- Site Survey
- Traffic Report
- Acoustic Report
- Arborist Report
- Engineering plans

## **Planning Assessment**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and the following relevant considerations identified:

### **1. Section 23G – Joint Regional Planning Panels**

Under Section 23G of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

The Capital Investment Value (CIV) of the development is \$ 5.769 million which is over \$5 million. Pursuant to the Planning Circular PS 09-017 by Department of Planning if the Capital investment value (CIV) of the development is over \$5.00 million and if the applicant is State Government body – Crown Development, then the approval body is Sydney West - Joint Region Planning Panel (JRPP).

Penrith City Council officers met with the Sydney West Region Joint Planning Panel on 22 March 2012. The purpose of the meeting was to present and brief the panel members on the Development Application ahead of the panel's determination of the application at a future panel meeting.

### **2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument**

#### ***State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004***

The application is for the erection of an 'in-fill self care housing development' and is subject to assessment and compliance under the provisions of SEPP 2004.

The subject site is zoned as Zone 2(b) Residential (Low- Density) under the provisions of the Penrith Local Environmental Plan 1998 (Urban Land). The application proposes 'infill self care housing' pursuant to Clause 13(2) which is defined as follows: -

*“ in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.”*

Clause 4 (1) of the SEPP 2004 states that this Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

- (a) *development for the purpose of any of the following is permitted on the land:*
- (i) **dwelling-houses,**
  - (ii) *residential flat buildings,*
  - (iii) *hospitals,*
  - (iv) *development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or*

The proposed development involves 'in-fill self-care housing' and is located on land which permits dwelling houses. Accordingly, the proposed development is permissible.

The proposed development has been assessed in detail having regard to the requirements stipulated in SEPP 2004 as shown in the table Appendix -2. The most relevant matters are detailed as follows:

#### Clause 26 Location and Access to Facilities

The site is located approximately 300 metres from the 'Stafford Street neighbourhood Centre'. The complex consists of shops such as food shop, Newspaper Agency, Medical Centre, and variety shops. The site is located approximately 490m from the Nepean Hospital.

West Bus Company operates a service along Parker Street and Jamison Road with a designated bus stop located approximately 110m along Jamison Road from the subject development site. This bus service operates return services on an hourly basis and that can take people to Centro Shopping Centre at Station Street, Penrith as well as to the Penrith Plaza and Penrith City Centre, provides access to Centro Shopping Centre and Penrith's Westfield Plaza and Penrith CBD. The residents can have access to the shops, bank service providers, other retail and commercial services, community services and recreation facilities and the practice of a general or specialist medical practitioners. Suitable access pathways with appropriate slope have been provided throughout this development site for access by wheelchair.

Overall average gradient throughout the site is 1:14 which is better than the required standard. All common areas have access that complies with AS 1428.1 from dwellings, carpark and public roads. It is noted that gradient to Northern bus stop in Jamison Road complies with the required gradient in traffic Island and pram crossing area. The applicant has indicated that this can be rectified during construction phase of the development. Accordingly a condition in No.3.9 has been recommended for the applicant to rectify this prior to the issue of an Operation Certificate.

#### Clause 18 Restriction on occupation of seniors housing

Clause 18 of the SEPP requires a consent authority not to consent to a development application unless Council imposes a condition requiring to the effect that only the kinds of people referred to in Clause 18(1) may occupy any accommodation to which this application relates to i.e.

- a) seniors or people who have a disability,
- b) people who live within the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration of and provision of services to housing provided under SEPP Seniors living 2004.

This has been recommended in special condition No.3.6.

#### Clause 32 Design of residential development

The surrounding area is zoned 2(b) Residential (Low Density) and therefore is characterised with a mixture of single detached dwellings and some 2 storey dwellings. The maximum building height of the proposed dwellings will be 7.30 metres, which will be generally consistent with the existing 2 storey residential developments in the area.

Building setbacks along both streets varies from 8.50m – 5.50m, side property boundary are a minimum of 2m and 6 metres. The rear (south) setback will be 6.0 metres. These setbacks are generally consistent with the new developments in that area.

Building treatment will be incorporated into the design of the proposed development through varied rooflines, building articulation and courtyards. These measures ensure that the approved development will be compatible with the existing and future residential character of the area.

The proposal will involve the removal of several existing trees on the site, however it is intended that the proposal would incorporate a landscape design that would implement extensive use of feature trees, shrubs, plants and groundcovers within the front and rear setbacks to provide a visually attractive development that would enhance the landscape character of the locality.

The proposed development is considered to be in keeping with the existing residential streetscape of the area and maintains a consistent bulk and scale with nearby development.

#### Car Parking

The proposal incorporates a single garage for 8 dwellings as well as a common parking area containing 14 parking spaces located at the central part of the site. 2 of which are designated as accessible parking bays and 8 of which are adaptable garages. The applicant being Crown the requirement under Clause 50(h) (ii) is for 1 space per 5 dwellings, with the total of nineteen (28) units dictating a minimum of six parking spaces. The proposal makes provision for a total of eleven (22) parking spaces which is well in excess of the SEPP requirement. Council's Transportation Officers have examined this and are satisfied with the proposed parking situation.

#### Seniors Living Policy: Urban Design Guideline for Infill Development - March 2004

Pursuant to Section 31 of SEPP, an assessment of the proposal against the provisions of the Seniors Living Policy – Urban Design Guidelines for Infill development has been undertaken as follows: -

- *Context* - The proposal has considered the street hierarchy, block patterns, built environment, trees and Council Planning Instruments through compiling a site analysis.
- *Site Planning and Design* - Site planning has been considered throughout the proposal with regard to built form and landscaping. The proposal is consistent with the development standards stipulated in Clauses 40 and 50. The built form is consistent with the provisions of the SEPP and ensures that the proposal will reflect the desired future character of the locality. Front setback areas and landscaping ensure that the existing residential amenity of the area will be enhanced and embellished. Council's Urban Design Consultant has examined their amended design of the development and is satisfied that these buildings will have positive contribution to the streetscape.

- *Impacts upon the streetscape* - have been mitigated through the use of appropriate tree and shrub species, which will further enhance the natural and built environment. Building treatment and design is compatible with recent development in the locality. Private and public domains will be clearly delineated and will be attractive places ensuring safety and security to all users.
- *Impacts upon neighbours* will be negligible. The proposal will be mainly double storey and mixed with 3 single storey in height and the buildings are setback sufficiently to minimise overlooking to adjoining properties. Visual and acoustic impacts will be mitigated through the extensive landscaping on the site, combined with building treatment, articulation, and use of finishes.
- *Internal Site Amenity* - All dwellings will have solar access. Extensive landscaping ensures the softening of hard paved surfaces and provides clear identification of public and private places through visual screening and embellishment of the residential streetscape. Three garbage storage areas are provided to all dwellings.
- It is noted that wheelchair access is provided on the driveway to maximise landscaping on the site and to ensure compatibility with the existing streetscape. There are passing opportunities within the site which will ensure that safety for residents and visitors is maintained.

Having regard to the above, the proposed development is consistent with the development standards stipulated in SEPP.

#### ***State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)***

Clause 7(1) of SEPP 55 states that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Clause 7(2) states that:

*Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

SEPP 55 requires Council to consider the issue of contamination as part of the application and requires a preliminary report to be prepared if there is a change of use involved. The application was therefore referred to Council's Environment Officer to provide comments with respect to the suitability of the site for the proposed development from site contamination view.

They have noted that these sites have been used for over 50 years as residential use and have not been changed. They have advised that the proposed use (senior residential) is the same as the current use (existing residential). There is no evidence to suggest previous activities on the site had the potential to contaminate the land and noted that the development does not involve a change of use. In view of this a contamination report is not warranted and the site in its current state is satisfactory for continuation use for residential purposes.

Considering the age of these dwelling it is recommended that a condition be imposed that requires the land to be inspected by a suitably qualified person after the demolition to ensure that all asbestos material and fibres have been removed from the subject land. This has been recommended in the conditions (Standard Conditions No. B002 & B003).

### ***Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River***

SREP No. 20 applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP 20. 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.

The proposal will have minimal impacts and is considered not to compromise the water or scenic qualities of the river environment given the satisfactory drainage plan and proposed erosion and sediment control measures to be employed during construction. Conditions have been recommended to provide soil and erosion control measures prior to and throughout the construction phase of the conditions (Condition No.D001 & K201, K301, K401).

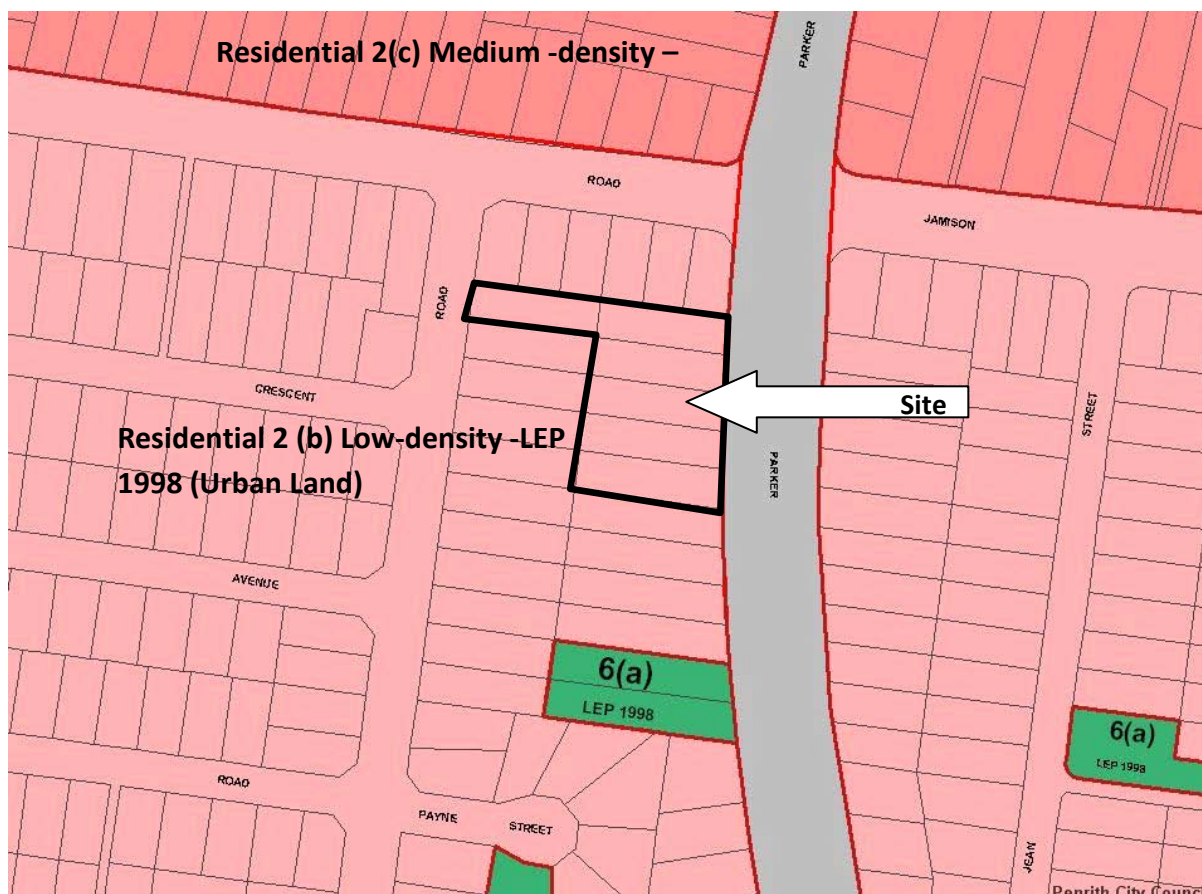
### ***Penrith Local Environmental Plan 1998 - Urban Lands***

The land is zoned 2 (b) Residential (Low- density) pursuant to LEP 2008 (Urban Land). The proposal is defined as “multi unit housing” which is not permissible in the zone. The proposal as mentioned earlier in the report is for a ‘seniors housing’ residential accommodation that is intended to be, used permanently for seniors or people with a disability. As SEPP 2004 will override LEP 1998 and by virtue of Clause 4 of the SEPP-2004 which states:

*This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:*

*(a) development for the purpose of any of the following is permitted on the land:*

- (i) dwelling-houses,*
- (ii) residential flat buildings,*
- (iii) hospitals,*
- (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries,*



The proposed development is for an 'in-fill self-care – seniors housing' and is located on land which permits dwelling houses, therefore the proposed development is permissible on this development site.

A table of compliance with relevant development standard is attached in Appendix - 3.

### **3. Section 79C (1) (b) – The Likely Impacts of the Development**

The application is for a Seniors Living that is considered to result in little, adverse impacts on the amenity of the surrounding residents, as the application proposes to establish a facility that would be utilised by the aged community. The design impacts of the proposal is considered be satisfactory. The following main issues were identified throughout the assessment process.

#### *Traffic and Access*

The application, as submitted will have one common entry/exit vehicular access to the site from the Northern Road for 25 Units and one vehicular access from Fragar Road to 3 Units. Vehicular access from the Parker Street will have access to garages and also to a common parking area located in the central part between the two storey buildings. Pedestrian access is available from both Parker Street and Fragar Road.

The application was accompanied with a Transport Report prepared by Colston Budd Hunt & Fafes Pty Ltd dated November 2010. This report concluded that that

- Parking provided is considered appropriate,

- Access, internal circulation and layout will be provided in accordance with the SEPP 2004 and AS 2890.1:2004,
- The proposed development will have a low traffic generation of only one vehicle every 10 to 12 minutes during peak hours and
- Such a low increase in traffic would not have significant effect on the operation of the surrounding road network.

This report was referred to Council's Development Engineer and Transportation Planners who have examined it and commented that the proposed new units are estimated to generate a maximum of 56 daily vehicle trips, including 6 vehicle trips during peak hours, as detailed in the RTA's Guide to Traffic Generating Developments. The proposed traffic generation from this development is minimal and is unlikely to have adverse impact on the local road network. They have further provided the comments with regard to the site access and traffic impact as follows:

*I have no objection to the proposed application subject to limiting the vehicular access from Parker Street to only one located at the southern part of Parker Street frontage. In order to maintain a sight line along Parker Street it is recommended that "No Stopping" sign be placed along Parker Street frontage. These have been reflected on the amended plan and as a condition (no. 3.11) of consent.*

As the proposed driveway access is within 70m of a signalised intersection, the application was referred to Roads and Maritime Services (RMS) for comments. They have raised no objection to the proposal subject removing of the northern vehicular access to Parker Street and limiting the vehicular access to and from Parker Street to the proposed combine entry/exit located as far away from the intersection and traffic lights preferably to the western end of the Parker Street frontage. The amended plans have amended to reflect this.

It is considered that the proposal therefore is unlikely to have significant adverse impact on the local traffic and access to and from this site.

#### *Tree Removal*

The subject site accommodates a number of trees which are all to be removed as part of the proposal. An Arborist's report accompanies the current application and identifies 27 trees on site and removal of 13 trees to cater for this development. Two trees are exotic species and 11 are locally indigenous species of which 7 trees are in poor health. TE report recommends that all trees to be retained should have tree protection measures in place before and during all construction phase of the development.

Council's Tree Management Officer has examined the Arborist's Report and has concluded that those trees of poor state or and have no long term servable and proposed to be removed can be removed. However, he has recommended that the applicant ensure that all plants, trees and vegetations proposed to be retained should be adequately safeguarded prior to and during construction phase.

In an effort to combat the reduction in canopy the applicant has provided a number of medium sized trees and plants within the site and in time, these trees will form a new canopy and eventually enhance the streetscape.

#### *Noise*

The usual construction noise during demolition and construction works has been limited to between 7am and 5pm during week days in order to minimise the potential for noise impact to adjoining properties. (Standard Condition No. H041)

An acoustic report prepared by Renzo Tonic & Associates Pty Ltd dated 15 December 2010 submitted with the application concludes that the potential for noise impact to the occupants of the development is considered to be compatible with continued residential use of the land. The potential predicted noise level and impact to the buildings along Parker Street is higher than those located further away from the street. It recommends that certain measures be taken in the construction phase of the building impacted by traffic noise like the glazing selections for facades, wall thickness of buildings, selection appropriate roof/ceiling materials and door thickness. The applicant has been required to submit a documentary evidence indicating that all construction has been completed as recommended in the recommendation of the report prior to the occupation of the buildings. These have been recommended in the special conditions No.3.1, 3.2, 3.3 & 3.4.

Council's Environment Officer have also examined this report and agrees with the recommendations and advised that with the use of recommended specified building materials for buildings located along Parker Street in the recommendation of this report it is unlikely to have adverse traffic impact on the building along Parker Street.

#### *Social Impact*

Council's Community and Cultural Development Department has reviewed the application and has provided the following comments:

*"Projected demographics from the Australian Bureau of Statistics indicate that the numbers of people aged 65 years and over are expected to double within the Penrith LGA over the next decade. An aging population will have a diversity of needs, amongst them housing needs.*

*In addition, there are a limited number of senior's living housing options currently available in the Penrith LGA.*

*The subject DA is supported for the following reasons:*

- The current and projected need for aged care services and housing in the Penrith LGA.*
- The proposed site is centrally located within the LGA and close to existing Hospital and transportation services area available to both Penrith and St Marys CBD area where all facilities are available.*

It is considered that the proposed development would have a positive social impact as it would provide much needed aged care support facilities.

#### *Density and Relationship to Surrounding Community*

The proposed building designs are considered to be generally compatible with the existing developments in the area and the development provides for a built form that is consistent with urban environments of Penrith area.

#### *Urban Design*

The *Seniors Living Policy – Urban Design Guidelines for Infill Development* provides provisions for maximum heights, number of dwellings, floor space and setbacks in accordance with the urban design principles set down in the Policy. The proposed design of the development has been examined by Council's Urban Design Consultant who has required the building roof forms to be amended to reflect the existing buildings in that area and the external finishes of buildings to be of soft earthy tones that are consistent with the

other buildings in the area. The applicant has agreed to make these amendments which they are currently incorporating into amended plans.

#### *Drainage*

The submitted drainage plans have been examined by Council's Engineer and have advised that the drainage system shown on the drainage concept plan for this proposal is satisfactory. They have raised no objection to the proposal subject to several conditions being imposed in the consent.

#### **4. Section 79C (1) (c) – The suitability of the site for the Development**

Under the present zoning provisions, the proposed development as a multi unit housing is prohibited. In this instance, the applicant is utilising the provisions of the Seniors Living Policy to facilitate the proposal. The site is largely free of constraints and is of sufficient area to provide a landscape buffer screening between the surrounding residential properties.

#### *Servicing of the Site*

The sites have been still being used as residential dwelling houses and have all necessary services for these properties. It is considered that services existing on these sites are sufficient for the proposed development.

The site is considered suitable for the senior's living, given its type, location and its relationship with the surrounding area.

#### **5. Section 79C (1) (d) – Any Submissions made in relation to the Application**

In accordance with Council's Advertising and Notification Development Control Plan, the proposed development was notified to nearby and adjoining residents, and advertised in the local paper, with an exhibition period between 24 October 2007 and 7 November 2007. No submission was received.

#### **6. Section 79C (1) (e) – Public Interest**

The proposed development will provide housing for seniors and people with a disability in Penrith area. The proposed use is consistent with the current residential use of the area.

As mentioned earlier, Council's community services have advised that the projected demographics from the Australian Bureau of Statistics indicate that the numbers of people aged 65 years and over are expected to double within the Penrith LGA over the next decade. An aging population will have a diversity of needs, amongst them housing needs. This proposal will supply/provide additional housing for seniors and people with a disability which is considered to benefit the public.

The development is located in close proximity (within 490m) from the Nepean Hospital. The site is located approximately 300 metres from the 'Stafford Street neighbourhood Centre that consists of shops such as food shop, Newspaper Agency, Medical Centre, and variety shops. Public transport is available within 110m from this site along Jamison Road to take the occupants to the town centre in Penrith CBD and St Marys CBD. The site is therefore appropriately located for such use.

The proposed design of the building is considered to be in contemporary architecture that is compatible with the existing buildings in that area. The development is envisaged to have minimal adverse impact with respect to the overlooking, overshadowing and noise to

adjoining properties. The development is therefore unlikely to have significant adverse impact to the existing amenity of the area.

The proposed development is consistent with the objectives of the Policy, providing a range of much needed accommodation for senior citizens. The proposal is therefore considered to be in the public interest.

## Section 89 – Crown Development Applications

The proposed development is Crown Development as the applicant is NSW Department of Finance and Services which is a statutory state government authority. Applicants for Crown Development are exempted from the requirement to obtain Construction and Occupation Certificates.

In accordance with Section 89(1) (b) of the Environmental Planning and Assessment Act 1979, draft conditions of consent (as documented in this report) were forwarded to the applicant for consideration and a final response to the conditions have been provided.

## Section 94 Contributions

The following Section 94 contributions plans apply to the subject site:

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

The following Section 94 calculations apply to the proposed development.

CALCULATION					
Proposal / Category					
Senior's Living					
No. of Units	X	Rate	-	Credit for Existing Dwellings	Total
28	X	1.5 = 42	-	18/18.6	24 /23.40

AMOUNT				
S.94 Contributions Plan	Contribution Calculation Rate	Rate	x	Total
Cultural Facilities	\$120 x 23.40			\$2,808.00
Penrith City District Open Space Facilities	\$1,698 x 24			\$40,752.00
Penrith City Local Open Space	\$614x 24			\$14,736.00
				NET TOTAL
				\$58,296.00

## **Conclusion**

The proposal has been assessed having regard to the matters of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Multi-unit housing is prohibited under the current zoning provisions, however the proposed development is permissible by virtue of Clause 4 of the Policy. The proposed development is consistent with the aims and objectives of the Policy and is considered satisfactory.

The applicant is currently in the process of amending the plans to satisfy Urban Design Review Panel requirements relating to roof forms and minor changes to the elevations. They are also reconfiguring the design of buildings 1 & 2 to delete the driveway access from Parker Street to meet Road and Maritime Services requirements. It is anticipated that these will be completed prior to the determination of this application. In case these amended plans are not received prior to the determination of this application it is recommended that this application be approved by way of “deferred commencement consent” in order to ensure that above matters are satisfactorily addressed.

The proposal with the recommended amendments being carried out otherwise is considered to be sympathetic to the existing residential amenity of the area, and is unlikely to generate any impacts that would adversely affect the quality of the environment of the locality. The proposal will provide needed housing for seniors and people with disability residents of Penrith area and approval of this will be in the public interest.

The draft conditions of consent have been forwarded to but not agreed to by the NSW Department of Finance and Services at the time of finalising this report. The development application is considered to be satisfactory subject to the recommended conditions and approval by way of deferred commencement consent.

## **RECOMMENDATION**

That DA12/0044 for Demolition of existing structures, removal of trees and the construction of buildings for a Senior's Housing development comprising 28 units, 21 car parking spaces hardstand & landscaping and consolidation of the lots into one allotment, on Lot 2-6 DP 220581 & Lot 11 DP 27993 at 133-141 Parker Street and 2 Fragar Road, Penrith be approved as deferred commencement consent subject to the following conditions:

### **Schedule 1 - Conditions**

- 1.1 Building numbers 1 & 2 located at the northeast corner of the site shall be redesigned to remove the driveways to Parker Street. Detailed amended plans shall be submitted to Council for consideration and approval.
- 1.2 The design of two storey buildings are to be amended as follows:
  - The proposed "mansard" roofs shall be amended to more contemporary style of roof and to include eaves and also to give consideration to using "strutted awnings and/or awnings that generate shadows in 2 storey buildings You may also consider include articulation of the buildings and pronounced windows to improve their design.
  - The design of buildings shall avoid continuous large eaves and fat lip feeling of the roof and introduce subtle change and alignment of horizontal lines and materials in the roof of the building design.
  - Proposed dark toned bricks and sombre paint scheme shall be replaced with the use of warmer colour pallet for exterior of the buildings.

Amended drawings to reflect the matter outlined above shall be submitted to Council for consideration and approval.

- 1.3 An amended drainage plan to reflect the amended design of the buildings shall be submitted to reflect the amended design of the buildings Council for consideration and approval.
- 1.4 An amended landscape plan to reflect the amended design of the buildings shall be submitted to Council for consideration and approval.

### **Schedule 2 - Standard Conditions**

- 2.1 A001 (Approved Plans)

The development must be implemented substantially in accordance with the plans numbered DA-A-051, DA-A-101 to DA-A-108 (inclusive) DA-A-200 Revision D; DA-A-260 Revision C drawn by Quattro Design Pty Ltd dated 26/6/2011; Landscape Plans No. DA-L-001, L002 & L003 Revision C prepared by Pod Landscape Architecture and dated 26/6/2011, 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.

2.2 A008 (Works to BCA requirements)

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}.

2.3 A014 (Lot Consolidation)

Lots 2 to 6 on DP 220581 & Lot 11 on DP 27993 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

2.4 A019 (Occupation Certificate)

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

2.5 A038 (Lighting Locations)

**Prior to the issue of the Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

2.6 A039 (Graffiti)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

2.7 B001 (Demolition of existing structures)

The existing structures on the subject sites are to be demolished as part of the approved work.

2.8 B002 (Demolition and disposal)

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.**

2.9 B003 (Asbestos)

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

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

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

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

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

2.10 B004 (Dust Suppression)

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

2.11 B005 (Mud/Soil)

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

2.12 B006 (Hours of demolition works)

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.

2.13 D001 (Sediment & Erosion)

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).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

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.** 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.

2.14 D005 (No filling without prior approval)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

2.15 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.

2.16 D010 (Appropriate disposal)

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.

2.17 E01A (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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

2.18 E005 (Smoke Detector)

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

2.19 E009 (Annual Fire Safety)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:
  - ☐ within 12 months after the last such statement was given, or
  - ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

2.20 E010 ( Fire Safety Statement)

A supplementary fire safety statement is to be given to Penrith City Council where a critical fire safety measure is implemented. A supplementary fire safety statement for a critical fire safety measure must be given at such

intervals (being intervals of less than 12 months) as is specified in respect of that measure in the current fire safety schedule for the building. As soon as practicable after the supplementary fire safety statement is issued, the owner of the building to which the statement relates:

- ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

#### 2.21 G002( Section 73 Certificate)

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](http://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.

#### 2.22 G004 (Integral Energy)

**Prior to the commencement of construction works**, a written clearance is to be obtained from Integral 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.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

#### 2.23 G005 (Rainwater tank-water)

A completed Permit Application - for Plumbing and Drainage Work is to be submitted to Sydney Water **at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.**

#### 2.24 H001 (Stamped Plans)

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.**

## 2.25 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 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.

#### 2.26 H003 (Traffic safety during construction)

No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council **2 days before any work is to commence on site.**

#### 2.27 H18F ( Timber frame works)

All timber framework shall comply with AS1684-1999 "Residential Timber-Framed Construction."

#### 2.28 H022 (Survey)

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 to ground floor slab level.

#### 2.29 H024 (Glass Installation)

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

#### 2.30 H041 (Hours of operation for construction)

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.

2.31 H036 (Rain water tank)

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:

- ☐ 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**.

2.32 H037 (Safe supply of water)

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,
- ☐ gutter guard must be installed in roof gutters to prevent foreign materials

from contaminating the water which enters the rainwater tank.

2.33 H038 (Connection of rainwater)

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

2.34 H039 (Rainwater tank Pump)

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

2.35 K101 (works at no cost to Council)

All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

2.36 K201 (Sediment and Erosion Control)

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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).

2.37 K202 (Roads Act)

**Prior to the issue of an Occupation 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) Provision of private drainage connections to Council's road drainage system.
- c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.
- d) Opening the road reserve for the provision of services including stormwater.
- e) Placing of hoardings, containers, waste skips, etc. in the road reserve.
- f) Replacement of damaged kerb and gutter for the full property frontage.
- i) Erection of an awning.
- j) Utility lead in works.

2.38 K203 (S138 Roads Act – roadworks requiring approval of civil drawings)

Prior to the issue of a Construction Certificate for building or subdivision works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works.

a) Provision of stormwater drainage in Fragar Road.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's Development Engineering Unit

2.39 K209 (Stormwater Concept Plan)

The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Glenn Haig & Associates, reference number H-000, H-001 & H-002, revision B, dated 09/07/10 but any amendments to the drainage plan to reflect the amended design of the buildings shall be further submitted to Council for consideration and approval in accordance with Schedule 1 conditions.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

2.40 K221 (Access Car Park)

**Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

2.41 K223 (Performance Bond)

Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for drainage work on Fragar Road.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

2.42 K301 (Sediment Control)

**Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed 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.

2.43 K302 (Traffic management)

**Prior to commencement of works** a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

2.44 K401 (Erosion Sediment control)

Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

2.45 K404 (Services – Underground)

All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.

2.46 K405 (Street Lighting)

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

2.47 K406 (Drainage Connection)

**Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

2.48 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.

2.49 K502 (Works as Executed)

After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

2.50 K513 (Drainage works in Fragar Road)

Prior to the issue of nominate (an Occupation Certificate/ a Subdivision Certificate) a maintenance bond is to be lodged with Penrith City Council for Drainage works in Fragar Road.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

2.51 K041 (Infrastructure Restoration Bond)

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 \$ 28,845.00 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.

2.52 L001 (General Landscaping)

All landscape works are to be constructed in accordance with the stamped-approved Landscape Plans No. DA-L-001, L002 & L003 Revision C prepared by Pod Landscape Architecture and dated 26/6/2011 except as amended by Schedule 1 conditions, 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.

2.53 L002 (Landscape Construction)

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category [3] landscape works.

2.54 L003 (Report Requirement)

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

- ☐ Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (3) landscape works.

- ☐ An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.
- ii. Maintenance Report
  - ☐ On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.
  - ☐ This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.
  - ☐ The landscaping on site has matured and is in accordance with:
    - i. The original landscape approval.
    - ii. The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

2.55 L005 (Planting)

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.

2.56 L007 (Tree protection)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.

2.57 L008 (Tree preservation)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within 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.

2.58 N001 (S94 Contributions)

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, \$2,808.00 is to be paid to Council prior to a Construction Certificate being issued for this development (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.

2.59 N001 (S94 Contributions)

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, \$14,736.00 is to be paid to Council prior to a Construction Certificate being issued for this development (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.

2.60 (S94 Contributions)

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, \$40,752.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (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.

2.61 Q01F (Notice of Commencement)

**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.

#### 2.62 Q006 (Occupation Certificate)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

**Before the Occupation Certificate can be issued for the development**, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades. In addition, Certification or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- ☐ The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Certification (or other documentation) is to be prepared by an accredited access consultant.
- ☐ Condition 2.37 & 2.38 whereupon Council has certified that the works approved under the Roads Act 1993 are satisfactorily completed.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

#### 2.63 Q010 (Basix requirements.)

The commitments listed in the BASIX Certificate for the dwelling, and forms part of the development consent, is to be maintained during the life of the dwelling. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

### 3. Special Conditions

3.1 (Noise criteria)

Noise levels within the premises shall not exceed the relevant noise criteria detailed in "Road Traffic Noise Impact Assessment: 131-141 Parker Street, Penrith" (Report No. TF076-01F02) prepared by Renzo Tonin and Associates dated 15 December 2011. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application**. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

3.2 (Noise construction guideline)

Construction works shall be carried out in accordance with the NSW Department of Environment and Heritages (2009) "Construction Noise Guideline". A detailed Construction Management Plan including provisions for noise and dust control and sediment and erosion control is to be prepared prior to the commencement of the construction of the development.

3.3 (air conditioning)

Where air conditioning units are proposed or installed, these are to be certified by a qualified acoustic consultant that the noise generated by the air conditioning units do not exceed 5dB(a) when measured at the property boundary or within 1 metre from the façade of an adjoining dwelling. Suitable mitigation measures are to be employed when any air conditioning unit exceeds the above mentioned noise criteria.

3.4 (Acoustics)

All recommendations made in the acoustic report in "Road Traffic Noise Impact Assessment: 131-141 Parker Street, Penrith" (Report No. TF076-01F02) prepared by Renzo Tonin and Associates dated 15 December 2011 shall be implemented and documentary evidence prepared by a qualified person shall be submitted to Council to indicate that all works have been satisfactorily completed **prior to the issue of Occupation Certificate**.

3.5 (Landscaping)

All trees indicated on the landscape plan shall be planted and all recommendations made in the Arborist's Report prepared by Urban Forestry Australia dated June 2009 to ensure protection of all trees recommended for retention **shall be carried out prior to the commencement of any works on site**.

3.6 (Restriction as to Users)

The applicant is to register a restriction as to user under section 88E of the Conveyancing Act 1919, limiting the use of any accommodation for only the following to occupants as outlined in Clause 18 of the SEPP (Seniors Living)

2004 below.

- a. seniors or people who have a disability,
- b. people who live within the same household with seniors or people who have a disability,
- c. staff employed to assist in the administration of and provision of services to housing provided under SEPP Seniors living 2004.

The restriction as to user shall be registered **prior to the Occupation Certificate is issued.**

3.7 (Gradient rectification)

The applicant shall rectify the gradients for all footpath area to the Northern bus stop area in Jamison Road and in particular to the Traffic Island and Pram crossing area shall comply with the gradient outlined in Clause 26 (2) (a) ( i, ii & iii). These works are to be completed **prior to the issue of an Occupation Certificate.**

3.8 (Gradient)

The traffic Island and Pram crossing area along Jamison Road located outside house No.95 shall be reconstructed to comply with the gradient (less than 1:12 requirements stipulated in Clause 26 (2) (a) of SEPP (senior's living) 2004. These works are to be **completed prior to the issue of an Occupation Certificate.**

3.9 (peep holes)

The applicant shall provide each building with a peep hole or other means to allow surveillance without the need to open the front door. These shall be provided prior to the issue of an Occupation Certificate.

3.10 (Parking area compliance)

All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.

3.11 (sight lines)

The required sight lines around the driveway entrances are not to be compromised by street trees, landscaping or fencing.

3.12 (Visitor Parking Sign)

The applicant shall provide Signage indicating location of visitor parking at the Parker Street driveway entrance. **The sign shall be installed prior to the issue of an Occupation Certificate.**

3.13 (No Stopping Sign)

Prior to occupation, the applicant shall provide a "No Stopping" zone across the Parker Street development frontage, and the sign shall be subject to the approval of the Roads and Maritime Services.

3.14 (On site Detention)

The “On-Site Detention” system as detailed on plans prepared by Glenn Haig & Associates reference number H-000, H-001 & H-002, revision B, dated 09/07/10 is **not required**.

3.15 (retaining walls)

All proposed retaining walls shall be located wholly within the property boundary, including footings and subsoil drainage.

3.16 (Subsoil drainage)

All subsoil drainage associated with the proposed retaining walls shall be connected to the proposed stormwater system.

3.17 (Drainage easement)

**Prior to the issue of an Occupation Certificate** the proposed 2.0m wide drainage easement over Lot 13 DP220581 shall be registered with the LPI – Land & Property Information (Department of Lands).

## APPENDIX – 1: Site plans, floor plans and Elevations

Plans to be provided under separate cover.

## APPENDIX – 2: SEPP (Seniors Living) 2004 Assessment Check List

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES
<b>CI 4 &amp; 17 – Application of Policy</b>	Zoned or adjoins land zoned for urban purpose: -	The subject property is zoned 2(b) Residential pursuant to Penrith LEP 1998 (Urban Land). Residential dwellings/uses are permissible within the zone and where dwellings are permissible this type of proposal is a permissible use in the zone - Clause 4 of the SEPP.	YES
<b>CI 10– Seniors housing</b>	In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) a residential care facility, or (b) a hostel, or (c) a group of self-contained dwellings, or (d) a combination of	The proposed development is for 'infill self care housing' – Senior's Living pursuant to Clause 13(2) of the SEPP.	YES



			is rectified.
<b>Cl. 27 -Bushfire prone land</b>	<p>(1). A consent authority must not consent to a development application unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>,</p> <p>(2). must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters</p>	Land not identified as bushfire prone land	NA
<b>Cl. 28 – Water and sewer</b>	Written evidence of connection to reticulated water and sewerage systems.	The buildings previously located on site were connected to existing water and sewer services. The proposed development can be connected to the existing water supply and sewer.	YES
<b>(Part 3 – Design Requirements)</b>  <b>Cl.29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply</b>	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing</p> <p>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</p> <p>Cl.25(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</p>	<p>The bulk, scale, built form and character of the proposed development is likely to have a positive impact on the surrounding locality. The design features modern contemporary architectural elements that are in keeping with the existing approved uses, and future desired character of the area.</p>	YES

	<p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	<p>The proposed development is located within an established urban area and there are no known natural environmental considerations affecting the subject land (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development are for residential purposes.</p> <p>The proposal complies with Clause 26(2) (b) as there is a bus stop approximately 110m from the subject site, located on Forbes Street. There is an existing suitable footpath linking the development site to the bus stop. The bus route provides access in accordance with 26(1).</p>	<p>Yes</p> <p>Yes</p>
<b>Cl.30 Site analysis</b>	<p>1. Consent authority must not grant consent unless the consent authority has taken into account a site analysis prepared by the applicant.</p> <p>2. Site Analysis must:</p> <p>(a) contain information about the site and it's surrounds;</p> <p>(b) be accompanied by a written statement explaining how the design of the development has regard to the site analysis and design principles set out in cl.30 to 37.</p>	<p>A site analysis has been included in the statement of environmental effects and incorporated into the site plan as amended and is considered to be satisfactory.</p>	<p>Yes.</p>

	2. Site analysis must identify site dimension, topography, services, existing vegetation, micro-climate, location of buildings etc.		
<b>CI 31. Design of in-fill self-care housing</b>	For the purpose of in-fill self-care housing, a consent authority must take into consideration the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development.	The subject application has been designed accordance with the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> . See discussion in this report	YES
<b>CI. 32 – Design of Residential Development</b>	Consent authority must not consent to an application unless the consent authority is satisfied that the proposed development has demonstrated adequate regard to Division 2- Design Principles	The proposed development has demonstrated adequate regard to Division 2-Design Principles	YES
<b>CI. 33 – Neighbourhood amenity and streetscape</b>	<p>The proposed development should:</p> <p>(a) recognise desirable elements of the location's current character; and</p> <p>(b) retain heritage conservation areas and heritage items; and</p> <p>(c) maintain reasonable neighbourhood amenity and appropriate residential character by;</p> <p>(d) setback in sympathy with existing building line; and</p> <p>(e) embody planting; and</p>	<p>The proposal seeks to provide a built form that will contribute to the existing character of the streetscape and neighbourhood.</p> <p>The immediate area contains a variety of housing forms. These ranges from mainly single storey and some 2 storey dwellings in the vicinity of the development site.</p> <p>The development proposes dwellings with a setback sympathetic to other similar developments in the locality, and a consistent streetscape with neighbouring properties.</p> <p>There are no heritage items in the vicinity of the proposal.</p> <p>Minimal overshadowing to</p>	<p>YES</p> <p>Yes.</p>

	<p>(f) retain existing trees where possible; and</p> <p>(g) no building within a riparian zone</p>	<p>adjacent properties would arise from the proposal.</p> <p>The buildings have been provided with a 5.6 metre and higher setback along the Parker Street and Fragar Road.</p> <p>The applicant has submitted an arborist report relating to the removal of several medium sized trees located on the site. See discussion in this report.</p> <p>Several trees are being retained.</p>	
<b>Cl. 34 – Visual and Acoustic Amenity</b>	<p>The proposed development must consider:</p> <p>(a). appropriate site planning, location and design of windows, balconies, screening devices &amp; landscaping; and</p> <p>(b). ensuring acceptable noise levels for bedrooms</p>	<p>The proposed dwellings have been designed and orientated in such a way so to reduce building bulk and length. The exterior of buildings are building has been separated with landscaped zones and adequate setbacks to the street as well as the rear and side boundaries.</p> <p>Appropriated building materials are recommended by Acoustic consultant which will need to be implemented and document submitted to demonstrate that they have been used in this development.</p>	<p>YES</p> <p>Yes</p>
<b>Cl. 35 – Solar access and design for climate</b>	<p>The proposed development should:</p> <p>(a). Ensure adequate daylight to main living areas of neighbours and sunlight to private open space; and</p> <p>(b). Reduces energy use and makes best use of natural ventilation, solar heating and lighting.</p>	<p>The dwellings have been designed so that living areas and courtyards have an orientation that provide at least 3 hours of accessible sunlight to living and/or dining areas and courtyard areas.</p>	YES
<b>Cl. 36 - Stormwater</b>	<p>The proposed development should:</p> <p>(a) control &amp; minimise the</p>	<p>Stormwater and Drainage details submitted with the application. Council's Development Engineers have reviewed these details and</p>	YES

	<p>disturbance and impacts of stormwater run-off; and</p> <p>(b) include where practicable, on site detention or reuse of quality water.</p>	raised no objection subject to conditions.	
<b>Cl. 37 – Crime Prevention</b>	<p>The proposed development should provide personal property security by:</p> <p>(a) site planning; and</p> <p>(b) shared entries which are able to be locked; and</p> <p>(c) casual surveillance from units without the need to open the front door.</p>	<p>Each of the dwellings have their living areas and their entries facing the street or common driveway which allows for passive surveillance of common open space areas in the immediate vicinity of each of the dwellings.</p> <p>Each building will be conditioned to ensure that a peep hole is provided to allow surveillance without the need to open the front door.</p>	<p>YES</p> <p>Yes . It has been conditioned No 3.9</p>
<b>Cl. 38 - Accessibility</b>	<p>The proposed development should:</p> <p>(a) have obvious and safe pedestrian links; and</p> <p>(b) safe &amp; convenient access to parking for residents and visitors.</p>	<p>The subject site has gentle fall towards Fragar Road. The proposal will provide footpaths connecting to existing public transport networks.</p> <p>The development proposes main access off Parker Street and Fragar Road and provides parking areas and generous open space areas which allow access to private garages, common parking areas and visitor parking within the site.</p>	<p>YES</p> <p>Yes</p>
<b>Cl. 39 – Waste Management</b>	The proposed development should be provided with waste facilities which maximise recycling	The proposed development provides three garbage storage areas to each unit in accordance with Council's Waste Management requirements.	YES
<b>(Part 4 – Development Standards to be complied with)</b>	<p>(2) Site size must be at least 1,000m<sup>2</sup>.</p> <p>(3) Site frontage must be at least 20m measured at the building line.</p>	<p>Subject site will have a total area of 4934.158sqm.</p> <p>Parker Street- 76.651m</p> <p>Fragar Road 15.24m</p>	<p>YES</p> <p>Not applicable for Gov</p>

<b>Cl. 40 – Development standards</b>	<p>4)(a) Height of all buildings must be 8m or less; and</p> <p>(4)(b) buildings adjacent to a boundary of the site must be not more than 2 storeys in height; and</p> <p>(4)(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>5.7 metres maximum</p> <p>Most dwellings are 2 storey except for 3 single storey.</p> <p>N/A for crown developments.</p>	<p>body.</p> <p>YES</p> <p>YES</p> <p>N/A</p>
<p><b>41 Standards for hostels and self-contained dwellings</b></p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.</p> <p>(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a</p>	<p><b>1 Application of standards in this Part</b></p> <p><b>2 Siting standards</b></p> <p>(1) <b>Wheelchair access</b> If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</p> <p>(3) <b>Common areas</b> Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</p> <p><b>3 Security</b> Pathway lighting:</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p> <p><b>4 Letterboxes</b> Letterboxes:</p> <p>(a) must be situated on a hard standing area</p>	<p>Each dwelling will have a continuous path of travel to the road.</p> <p>common areas have access by wheel chairs.</p> <p>Post collection box is provided at the front of the site in accordance with the requirements.</p> <p>All light fittings and fixtures will be provided in a manner that satisfies these provisions and a condition will be placed on the development consent.</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

<p>dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.</p> <p><b>Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings</b></p>	<p>and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.</p>	development Engineers-Condition	YES
	<p><b>5 Private car accommodation</b></p> <p>If car parking (not being car parking for employees) is provided:</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</p>		YES
	<p>(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p>	Each parking space will either meet or exceed dimensions as required.	YES
	<p>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</p>	Provided	YES
	<p><b>6 Accessible entry</b></p> <p>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</p>	Provided	YES
		Entry to all proposed units can be provided at-grade.	YES

	<b>7 Interior: general</b> Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.	The width of external corridors complies with AS 1428.1	YES
	<b>8 Bedroom</b>	All fixtures and fittings will be provided in manner which satisfies this clause.	Yes
	<b>9 Bathroom</b>	All fixtures and fittings will be provided in manner which satisfies this clause and conditioned accordingly.	
	<b>10 Toilet</b>	All fixtures and fittings will be provided in manner which satisfies this clause and conditioned accordingly	
	<b>11 Surface finishes</b>	All fixtures and fittings will be provided in manner which satisfies this clause and conditioned accordingly	
	<b>12 Door hardware</b>	All fixtures and fittings will be provided in manner which satisfies this clause and conditioned accordingly	
	<b>13 Ancillary items</b>	All fixtures and fittings will be provided in manner which satisfies this clause and conditioned accordingly	
<b>50 Standards that cannot be used to refuse development consent for self-contained dwellings</b>	<p>(a) <b>building height:</b> all buildings are 8m or less in height,</p> <p>(b) <b>density and scale:</b> if FSR is 0.5:1 or less,</p> <p>(c) <b>landscaped area:</b> if:</p> <p>(ii) a minimum of 30% of the area of the site is to be landscaped,</p> <p>(d) <b>Deep soil zones:</b> applying to land, which has not been built upon, soil of a sufficient depth to an area of not less than 15%. 2/3 of the zone should preferably be to the rear of the site with minimum dimension of 3m.</p> <p>(e) <b>solar access:</b> living rooms &amp; private open space for a minimum</p>	<p>Maximum height of buildings will be 7.6m to the ridge 5.7m external wall height</p> <p>= 0.45:1</p> <p>= 48% = 2,387sqm</p> <p>Approximately 1587m<sup>2</sup> of DSZ is provided and exceeds 32.16% of landscaped area.</p> <p>The proposal provides all living areas within the dwellings to</p>	<p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p> <p>YES</p>

	<p>of 70% of the dwellings receive a minimum of 3 hours direct sunlight access between 9am – 3pm in mid-winter</p> <p>(f) <b>private open space for in-fill self-care housing:</b> if:</p> <p>(i) ground floor– 15m<sup>2</sup> &amp; 3m x 3m provided &amp; accessible from living area.</p> <p>(ii) balcony- 10m<sup>2</sup> &amp; not less than 2 metres in width &amp; depth.</p> <p>(h) <b>parking:</b> if at least the following is provided:</p> <p>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider (Housing NSW).</p>	<p>receive a minimum 3 hours of sunlight between 9am – 3pm in mid winter. The living areas will receive the minimum 3 hours of sunlight as required. The proposal satisfies the 70% requirement.</p> <p>Landscape courtyards are provided for each ground floor dwelling are all greater than 15m<sup>2</sup> and all exceed 3m x 3m.</p> <p>Are all within this requirements</p> <p>The applicant being Crown the requirement under Clause 50(h) (ii) is for 1 space per 5 dwellings, with the total of nineteen (28) units dictating a minimum of six parking spaces. The proposal makes provision for a total of twenty two (22) parking spaces which is well in excess of the SEPP requirement.</p>	<p>YES</p> <p>Yes</p> <p>yes</p>
<p><b>Part 2 Additional standards for self-contained dwellings</b></p> <p><b>Clause 14 -20-</b> clauses concerning internal amenity will be complied with during construction where applicable. This will be conditioned.</p>			
<b>Cl. 21 Garbage</b>	<b>An outside garbage storage area must be provided in an accessible location</b>	Each dwelling will have appropriate access areas for garbage storage. 3 garbage storage areas have been provided for the development.	YES

### APPENDIX -3 –LEP 1998 (Urban Land) Residential – Check list

Penrith LEP 1998: Urban Land.			
Multi Unit Housing Development is prohibited in the zone but SEPP 2004 (Senior's Living) 2004 overrides this LEP and hence permissible			
Item	Required	Proposed	Complies
Minimum Area	800sqm	4934.20sqm	Yes
Minimum Lot Width			
Building envelope	1.8m	1.80m complies	Yes
Max external wall height	6.50m	5.70m maximum proposed.	Yes
Min landscaped area	40%	48%	yes

Min rear setback	6m / 4m	6m	yes
Solar Access	3hrs direct sun to living areas		
	3hrs direct sun to neighbouring living areas	Baxis Provided	Yes
	Ceiling insulated to R2		
	Walls insulated to R1.5		
	Shading devices		

#### APPENDIX 4 - Penrith Residential DCP 2006 (land): 4.5 Town house-style development –Check List

<b>3</b>	<i>Major Constraints to Development</i> What are the constraints relevant to the development?	
	<p>The site has several shrubs and trees scattered within the site. An arborist report has been submitted with the application which indicates that these trees are of poor conditions and a SULE rating of 4B which means that they are dangerous trees through structural faults and should be removed within 5 years.</p> <p>Council's Tree Preservation Officer has examined the trees by having a site inspection and advised that that these trees are of poor conditions and that removal of these is unlikely to have significant impact. Additional trees proposed would later provide sufficient canopy to maintain and improve the streetscape of the area,</p>	
<b>4</b>	<i>Residential Character</i>	
	<b>Item</b>	<b>Complies? / Comments</b>
4.4	Does the development adopt elements of the preferred configuration for townhouse developments?	The design of the development is of preferred configuration and compatible with the existing developments in the area.

<b>5</b>	<i>How much floor space is appropriate to your site?</i>		
	<b>Item</b>	<b>Required</b>	<b>Complies ?</b>
5.2	Urban Form	All buildings are generally consistent with the building existing in the area.	<b>Yes</b>
5.3	Front and rear setbacks	Front 6.0m to 7m and some to 10m and the rear 6.0m	<b>Yes</b>
5.4	Driveways and Parking	Provides satisfactory vehicular accesses to the site. Provides 22 spaces. SEPP5 prevails over DCP and this amount is greater than required by the SEPP.	<b>Yes</b>
5.5	Landscaped Area	40.0% provides 48%	<b>Yes</b>
5.6	Building Envelope and side setbacks	complies	<b>Yes</b>
5.7	Solar planning	All living areas have access to the courtyards, which has northerly access. The development achieves 3.5 star NatHERs energy efficiency rating. Basix provided.	<b>Yes</b>
<b>6</b>	<i>Urban Design – important details</i>		
	<b>Item</b>	<b>Required</b>	<b>Complies ?</b>
6.1	Significant townscapes and landscapes	Some shrubs and 13 trees to be removed and will be replaced with several additional vegetations. Council's Tree preservation officer has examined this and is satisfied that in time the streetscape will be improved.	<b>Yes</b>
6.2	Corner Sites and park Frontages	N/A	
6.3	Building design	The building has been design in a contemporary architecture and complements the existing streetscape.	<b>Yes</b>
6.4	Energy Efficiency	Baxis provided to confirm the energy rating compliance.	<b>Yes</b>
6.5	Design of dwellings and private courtyards	Satisfactorily designed to have living and courtyard relationship for ground floor units.	<b>Yes</b>

6.6	Garage design	The applicant has indicated on the plans that the garage width to comply with the relevant AS.	<b>Yes</b>
6.7	Garden Design	Satisfactory.	<b>Yes</b>
6.8	Paving design	satisfactory	
6.9	Fences and retaining walls	All front fences have been required to be of open type. For security and passive surveillance.	<b>Yes</b>
6.10	Visual and acoustic privacy	Satisfactory,	<b>Yes</b>
6.11	Safety and security	Provides living area facing the internal driveway and frontage of the street thus providing passive surveillance of the development.	<b>Yes</b>
6.12	Accessibility and adaptability	All ground floor units are accessible.	<b>Yes</b>
6.13	Storage and services	Sufficient areas provided.	<b>Yes</b>