

PENRITH CITY COUNCIL

FAST TRACK ASSESSMENT REPORT

Application number:	DA14/0350
Proposed development:	Residential-Two Storey Dwelling
Property address:	58 Twin Creeks Drive, LUDDENHAM NSW 2745
Property description:	Lot 282 DP 270417
Date received:	1 April 2014
Assessing officer	Alicia Hunter
Zoning:	E4 Environmental Living - LEP 2010
Class of building:	Class 1a
Recommendations:	

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent.

Site & Surrounds

The subject site is 4473m² in area, is orientated in a north east direction and has a slope from the rear to the front boundary.

An inspection of the site was undertaken on 14 April 2014 and the site is currently vacant.

The surrounding area is characterised by rural residential development.

Proposal

The proposed development involves:

- Construction of Two Storey Dwelling including parking, landscaping and associated drainage works

Plans that apply

- Local Environmental Plan 2010 (Stage 1 LEP)
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Detailed Assessment - Appendix - Variation to Development Standard (This text will show in Appendix of your report)	
Additional permitted uses for particular land	Complies
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 4.5 Calculation of floor space ratio and site area	
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	Complies
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.9AA Trees or vegetation not prescribed by development control plan	Complies
Clause 6.1 Earthworks	Complies
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	Complies
Clause 6.13 Waterside Corporate	N/A

Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	Complies
Clause 6.2 Salinity	Complies
Clause 6.3 Flood Planning	N/A
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	Complies
Clause 6.6 Servicing	Complies
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.9 Mulgoa Valley	N/A

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

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

The following draft Environmental Planning Instruments (EPI's) apply to the site:

Draft Penrith Local Environmental Plan 2010 (Stage 2)

The proposed development complies with the provisions of the Draft Penrith Local Environmental Plan 2010 (Stage 2).

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

Development Control Plan 2010

Provision	Compliance
Part B - DCP Principles	Complies
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	Complies
Part C3 - Water management	Complies
Part C4 - Land management	Complies
Part C5 - Waste management	Complies
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	Complies
Part C8 - Public domain	N/A
Part C9 - Advertising and signage	N/A
Part C10 - Transport, access and parking	Complies
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies
Part C13 - Infrastructure and services	Complies
Part D1, Chapter 1.1 - Rural character	Complies - see Appendix - Development Control Plan Compliance
Part D1, Chapter 1.2 - Rural dwellings and outbuildings	Complies
Part D1, Chapter 1.3 - Farm buildings	N/A
Part D1, Chapter 1.4 - Agricultural development	N/A
Part D1, Chapter 1.5 - Non-agricultural development	Complies
Part D2 - Residential development	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

The proposed development complies with the requirements of the Regulations.

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

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

Impact raised in submissions

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

Community consultation

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

Council notified 7 residences in the area and the exhibition period was between 9/4/2014 and 25/4/2014. Council has received no submissions in response.

Impacts raised in referral comments

The Development Application did not have to be referred.

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

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

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

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

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

The development will have no impacts on natural environment.

(ii) Access and transport

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

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

(iii) Heritage

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

(iv) Soil

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

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

(v) Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip.

(vi) Site Design

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

The proposed development safeguards the health and safety of the occupants:

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses

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

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

Community consultation

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

Council notified 7 residences in the area and the exhibition period was between 9/4/2014 and 25/4/2014. Council has received no submissions in response.

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

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

Conclusion

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA14/0350 for Residential - Single New Dwelling at Lot 282 DP 270417 58 Twin Creeks Drive LUDDENHAM be approved subject to the attached conditions (Development Assessment Report Part B)

General

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

The development must be implemented substantially in accordance with the plans numbered # 2008041 drawn by Masterton Homes and dated 14/3/2014 and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A002 - Approved plans-not for planners use](#)

The dwelling shall not be occupied until such time as it is connected to the Twin Creeks Sewerage Treatment Plant to the satisfaction of Council.

3 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as carport, garage, shed, rural shed, swimming pool and the like}.

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

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

5 [A028 - Rural Fencing](#)

All boundary fences are to be open in style and rural in character and comply with the requirements of the Twin Creeks Building Siting and Design Code.

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

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

Environmental Matters

7 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development and the land, that was subject to the works, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

8 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

9 **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.

10 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

11 **E001 - BCA compliance**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Health Matters and OSSM installations

12 **F006 - Water tank & nuisance**

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

13 F Special Blank

All house sewer and plumbing work shall be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993.

i. Penrith City Council is both the consent authority and certifying authority for the connection of the development to the Twin Creeks Sewerage Treatment Plant. It is your responsibility to contact Council's Building Approvals and Environment Protection Department to organise all inspections required for the installation of the system. In this regard, the following will require inspection:

- All internal and external drainage lines before they are backfilled/covered.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

Construction

14 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

15 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

17 [H022 - Survey \(as amended\)](#)

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed.

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

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

19 [H036 - Rainwater Tank \(Also impose H037, H038, H039, G005 & Q010\)](#)

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the manufacturer's specifications, and
- Sydney Water and NSW Health requirements

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

20 [H037 - Safe supply of water from catchment areas \(Also impose H036, H038 & H039\)](#)

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

21 [H038 - Connection of rainwater tank supply \(Also impose H036, H037 & H039\)](#)

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

22 [H039 - Rainwater tank pumps \(Also impose H036, H037 & H038\)](#)

The pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

23 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

24 [K016 - Stormwater](#)

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

25 [K026 - Stabilised access](#)

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

26 [K041](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$ 4904.00 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.

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

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

- a) Provision of a vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

28 [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.

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

No earthworks including cut and fill or building works including a retaining wall, garden shed or other structures of the like are permitted within the easement. The easement is to remain at natural ground level at all times.

Landscaping

30 [L008 - Tree Preservation Order](#)

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

Payment of Fees

31 **P002 - Fees associated with Council land (Applies to all works & add K019)**

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

32 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (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.

33 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the dwelling.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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

Appendix - Development Control Plan Compliance

Development Control Plan 2010

Part B - Principles

Compliance with the principles of DCP 2010 is generally achieved.

Part C - Controls applying to all land uses

C1 - Site Planning & Design Principles

Clause	Not Applicable	Complies	Does Not Comply	Comments
1.1. Site Planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1.1. Site Analysis	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.1.2. Key Areas with Scenic and Landscape Values	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2. Design Principles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.2.1. Application of Certification System	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.2. Built Form - Energy Efficiency & Conservation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.3. Building Form - Height, Bulk & Scale	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.4. Responding to Site's Topography and Landform	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.5. Safety and Security (Principles of Crime Prevention Through Environmental Design)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.2.6. Maximising Access & Adaptability	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
1.3. Fencing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C2 - Vegetation Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
2.1 Preservation of Trees and Vegetation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
2.2 Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
2.3 Bushfire Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C3 – Water Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
3.1. The Water Cycle / Water Conservation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.2. Catchment Management and Water Quality	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.3. Watercourses, Wetlands and Riparian Corridors	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.4. Groundwater	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.5. Flood Liable Lands	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

3.6. Stormwater Management and Drainage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.7. Water Retention Basins/Dams	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.8. Rainwater/Storage Tanks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
3.9. Water Sensitive Urban Design	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C4 Land Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
4.1 Site Stability, Excavation and Filling	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.2 Landfill	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.3 Erosion and Sedimentation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4 Contaminated Lands	<input type="checkbox"/>			
4.4.1. Preventing Contamination	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.2. Triggers for Contamination Investigation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.3. Stages of Contamination Investigation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.4. Site Audit	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.5. Remediation Procedures	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.6. Clean Up Notices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.4.7. Council Records and Community Information	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
4.5 Salinity	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

C5 Waste Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
5.1 Waste Management Plans	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2 General Controls	<input type="checkbox"/>			
5.2.1. Controls - Site Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.2. Controls - Selection of Building Materials	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.3. Controls - Designing for Waste Minimisation	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.4. Controls - Siting & Design of Waste Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.2.5. Management of Waste Facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.3 Development Specific Controls	<input type="checkbox"/>			
5.3.1. Residential Development Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
5.3.2. Mixed Use Development Controls	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	

5.3.3. Non-Residential Development Controls	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
5.4 Hazardous Waste Management	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
5.5 On-Site Sewage Management	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	

C6 Land Management

Clause	Not Applicable	Complies	Does Not Comply	Comments
C6 Landscape Design	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
6.1 Development Process	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
6.2 Protection of the Environment	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
6.3 Neighbourhood Amenity and Character	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
6.4 Site Amenity	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
6.5 Construction	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	

C10 Transport, Access and Parking

Clause	Not Applicable	Complies	Does Not Comply	Comments
10.1. Transport and Land Use	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.2. Traffic Management and Safety	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.3. Key Transport Corridors	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.4. Roads	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.5. Parking, Access and Driveways	<input type="checkbox"/>			
10.5.1. Parking 11	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.5.2. Access and Driveways	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.6. Pedestrian Connections	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
10.7. Bicycle Facilities	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	

C12 Noise & Vibration

Clause	Not Applicable	Complies	Does Not Comply	Comments
12.1. Road Traffic Noise	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.2. Rail Traffic Noise and Vibration	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.3. Aircraft Noise	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.4. Industrial and Commercial Development	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.5. Rural Development	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.6. Open Air Entertainment	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	
12.7. Vibration and Blasting	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	

C13 Infrastructure and Services

Clause	Not Applicable	Complies	Does Not Comply	Comments
13.1. Location of Easements for Infrastructure	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.2. Utilities and Service Provision	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.3. On Site Sewage Management	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.4. Engineering Works and Construction Standards	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
13.5. Parent Friendly Amenities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	

D1 - Rural land uses

1.2.3. Site coverage, Bulk and Massing

The proposed development does not comply with the requirements of the Penrith Development Control Plan 2010, Section 1.2.3 Site Coverage, Bulk and Massing. The DCP states that:

A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in sections 1.4 and 1.5 of this Chapter.

A variation has been submitted to Council in order to seek consideration for the following non compliances:

- The proposal does not comply with the requirement that the maximum ground floor footprint 600m² will be permitted on any one allotment, including the dwelling and all associated structures.

It is important to note that these controls apply to all the rural land within Penrith LGA, and accordingly a general set of guidelines that seeks to regulate bulk and massing in rural areas. Given there is substantial variation in the prevailing character of the rural areas within Penrith LGA it is important to consider the context and character of the rural area. This is explicitly prescribed in the objectives of this section of the DCP, with stated objective of this section being:

- "a) Ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and*
- b) Ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area."*

The Twin Creeks estate contains a particular character, being substantial homes on 1ac allotments of land. Analysis of existing development in the area has shown a trend towards larger dwellings with ancillary structures such as swimming pools, tennis courts, pergolas and cabana's.

- The 'Lifting the Bar' provisions of DCP 2010 allow for consideration of larger dwellings provided it complies with the objectives relevant to the development standard it seeks to vary.

This provision allows for the consideration of larger dwellings where the applicant demonstrates high quality design, innovation, integration into landscape, rural and scenic character, dwelling articulation and minimised hard surfaces. The following measures are proposed in order to achieve these requirements:

- The proposed dwelling demonstrates a high quality of architectural design through the use of articulation, alternate building finishes and materials
- The proposed development minimises the use of hard surfaces with the integration of landscape design
- The proposed dwelling is sympathetic to its rural surrounding and streetscape

Based on the prevailing character of the Twin Creeks estate in terms of overall size and site coverage it can be seen that the current proposal meets the objectives of the DCP, being to ensure that the development is consistent with the prevailing character of the area.

D2 - Residential development

Clause	Not Applicable	Complies	Does Not Comply	Comments
A. Background	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
B. Objective	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
C. Controls	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	