

PENRITH CITY COUNCIL

FAST TRACK ASSESSMENT REPORT

Application number:	DA14/0619
Proposed development:	Residential-Alterations and Additions - Fence
Property address:	2 OConnell Lane, CADDENS NSW 2747
Property description:	Lot 10 DP 1166546
Date received:	2 June 2014
Assessing officer	Alicia Hunter
Zoning:	ZONE R1 GENERAL RESIDENTIAL LEP 2009 (CADDENS)
Class of building:	Class 10b
Recommendations:	Approve

Executive Summary

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

Site & Surrounds

The subject site is 600 m² in area, is orientated in a western direction and slopes to the north western boundary. An inspection of the site was undertaken on 19 June 2014 and the site is currently occupied by a dwelling.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves:

- Construction of fence along the side boundary

Plans that apply

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

Planning Assessment

• 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

Penrith Local Environmental Plan 2009 (Caddens)

Provision	Compliance
Detailed Assessment - Appendix - Variation to Development Standard (This text will show in Appendix of your report)	
Schedule 1 Additional permitted uses	N/A
Clause 1.2 Aims of Plan	Complies
Clause 2.2 Zoning of land to which Plan applies	Complies
Clause 2.3 Zone of objectives and land use table	Complies
Clause 2.5 Additional permitted uses for particular land	N/A
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.6A Demolition requires consent	N/A
Clause 2.6B Temporary use of land	N/A
Clause 4.1 Minimum subdivision lot size	N/A
Clause 4.3 Height of buildings	N/A
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 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 6.1 Arrangements for designated State public infrastructure	N/A
Clause 6.2 Public utility infrastructure	N/A
Clause 6.3 Development control plan	Complies
Clause 6.4 Relationship between Part and remainder of Plan	N/A
Clause 7.1 Sustainable development	Complies
Clause 7.2 Flood planning land	N/A
Clause 7.3 Zone B2 Local Centre - floor area restrictions	N/A
Clause 7.4 Exhibition homes limited to 2 years	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 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	N/A
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	N/A
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	N/A
Chapter 6 - Area or site with specific controls	Complies - see Appendix - Development Control Plan Compliance

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 proposed development did not have to be notified.

Impacts raised in referral comments

N/A

(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 did not have to be notified.

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

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

Conclusion

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

The site is suitable for the proposed development, 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 DA14/0619 for Residential - Fence at Lot 10 DP 1166545 2 OConnell Lane CADDENS be approved subject to the attached conditions (Development Assessment Report Part B)

CONDITIONS

General

1 A001 - Approved plans that are architecturally drawn

The development must be implemented substantially in accordance with the plans numbered # 200237 drawn by Henley Arch P/L and dated 6/6/2014 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 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}.

BCA Issues

3 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).

Construction

4 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.

5 [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.

6 [H Special - Fence](#)

The fence is to be located wholly within the property boundary. All associated gates are to open within the property boundary and shall not encroach on Council land.

Landscaping

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

Landscaping capable of obtaining a mature height of 1.5 metres must be planted along the side boundary (fronting Caddens Road) as indicated on the site plan.

Payment of Fees

8 [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.

Appendix - Development Control Plan Compliance

Development Control Plan 2006

Part 6 - Site and area specific controls

Clause 4.8 Fencing

The subject site is contiguous with Caddens Road, therefore requiring post and rail fencing along the boundary. The proposed development is to construct a 1.5m timber high fence located 500mm from the side boundary. The proposed fence will be screened with suitable planting from Caddens Road. It is considered the fence is a suitable outcome for the development, ensuring safety of occupants of the dwelling.

It is noted that post and rail fencing along the boundary will remain in tact, a condition of consent will ensure landscaping is planted to screen the fence from Caddens Road.