

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA17/0464
Proposed development:	Construction of Tennis Court, Basketball Towers, Lighting & Fencing
Property address:	58 Twin Creeks Drive, LUDDENHAM NSW 2745
Property description:	Lot 282 DP 270417
Date received:	2 June 2017
Assessing officer	Mir Sumon
Zoning:	E4 Environmental Living - LEP 2010
Class of building:	Class 10b
Recommendation:	Approve

Executive Summary

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

Site & Surrounds

The subject site is situated on the south west corner of Twin Creeks Drive and Halmstad Blvd. It is 4473m²/Ha in area, and is orientated in a north east direction.

An inspection of the site was undertaken on 6th July 2017 and the site is currently occupied by a single storey dwelling.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves:

- Construction of a tennis court, basketball tower, lighting and fencing

Plans that apply

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

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

Is the development permissible in the zone?	Complies
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Is the development consistent with any requirements of environmental planning instruments relevant to this proposal (including any applicable SEPP's, SREP's and LEP's)?	Complies
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Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

Is the development consistent with any draft planning instruments relevant to this proposal	N/A
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Section 79C (1)(a)(iii) Any development control plan

Is the development consistent with the provisions of any development control plan relevant to this proposal?	Complies
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Section 79C (1)(a)(iv) Any applicable regulations

Is the development consistent the provisions of any regulations relevant to this proposal?	Complies
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Section 79C (1)(b) The likely impacts of the development

Context and setting

Is the development consistent with the bulk, scale colour and design of other development in the locality?	Complies
Will the development have only a minor impact of the amenity of the area and the streetscape?	Complies
Is the development compatible with surrounding and adjacent land uses	Complies
Will the development have no or minimal impact on the amenity of the area in terms of:	
Sunlight (overshadowing):	Complies
Visual and acoustic privacy:	Complies
Views or vista:	Complies

Access and Transport

Will the development have no or minimal impact on the local road system	Complies
Is the existing and any proposed access arrangements and car parking on site adequate for the development?	Complies

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument.	Complies
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Soil

The development will have minimal impact on soil erosion and sedimentation	Complies
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Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip	Complies
Land is not considered to be contaminated:	Complies
Bushfire requirements provided for the development	Complies
Acoustic requirements provided for the development	Complies

Site design

The development is sensitive to environmental conditions and site attributes.	Complies
Does the development safe guard the health and safety of the occupants	Complies

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

Was the site inspected?	Yes
Does the proposal fit locality?	Yes
Are the site attributes conducive to development?	Yes
Will the proposal have minimal social and economic impacts on the locality?	Yes
Has any applicable 88b instrument been considered?	Yes
Does the development propose the removal of trees?	No
Have the plans been checked by any relevant developer groups?	Yes
Has a BASIX certificate been provided?	No

Section 79C (1)(d) Any submissions made in accordance with the EPA Act and Regulations?

Was the application required to be publicly notified?	Yes
Were any submissions received during the public notification period?	Yes

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

<i>Issue Raised</i>	<i>Comments</i>
<i>Lighting</i>	<i>Lighting facilities will be used in such a way that it will not impact upon adjoining properties. There is a 5 m setback from the rear fence and in total 15m from the neighbouring dwelling. The light report demonstrates the adjoining property will receive a maximum 2 lux lumens which is considered very minor. A condition will be included that requires the tennis court cannot be illuminated after 10.30 pm nor before 7.30 am.</i>
<i>Noise</i>	<i>A condition of consent will be included that the tennis court can not be operated after 10.30 pm and before 7.30 am and also no machines which operates on the air compression principle must not be used after 7.00 pm nor before 8.00 am.</i>
<i>Insert Issue</i>	<i>Insert Comments</i>

Section 79C (1)(e)Public Interest

The application will have minimal impacts on public interest	Complies
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Conclusion/Summary

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

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

Recommendation

That DA17/0464 for a tennis court, basketball tower, lighting and fencing at 58 Twin Creeks Drive Luddenham, be approved subject to the attached conditions.

CONDITIONS

General

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

The development must be implemented substantially in accordance with the plans prepared by J.T Davies & Co. Pty. Ltd. numbered 1-2 dated 15.05.17, 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 \(Always apply to building works over \\$12,000\)](#)

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

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

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

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

4 [A020 - Use of building](#)

The tennis court shall not be used for any commercial purposes without the prior approval of Council.

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

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

6 [A special Blank](#)

The tennis and basketball courts must not be operated between the hours of 10.30 p.m. and 7.30 a.m.

BCA Issues

7 [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

8 [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.

9 [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.

10 [H Special Blank](#)

Any ball machine or the like which operate on the air compression principle can not be used between the hours of 7.00 pm and 8.00 am.

Engineering

11 [K016 - Stormwater](#)

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

12 [K026 - Stabilised access](#)

All land required for vehicular access to the garage/shed is to be concreted or sealed with bituminous pavement.

Landscaping

13 [L008 - Tree Preservation Order \(use only if a tree is to be removed\)](#)

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.

14 [L012 - Existing landscaping \(existing developments\)](#)

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

Payment of Fees

15 **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

16 **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.

17 **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 tennis court, fence, basket ball towers and lighting.

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

Twin Creeks Guidelines			
Control	Standard	Complies	Comments
2.1	Scale - All two storey dwellings shall be restricted to a 1st floor area no greater than 70% of the ground floor area (this excludes the floor area of garages, verandahs etc.) - The maximum size of any shed footprint shall be 100m² with a ground to eave height of 3.6m - The maximum external wall height is 6.5m with the maximum permitted overall height above natural ground of 10m	N/A	Tennis court and associated lighting
2.2	Setback All structures except those exempt from requiring development application approval shall be located within the building envelope defined below. Large Lot 15m Front setback 5m side setback 10m rear setback Small Lots - Located wholly within the defined building envelope under DP270417 - Check 88b for pool variation to above.	N	Developer approved the proposed tennis court which is 5m set back from the rear boundary. The objective of the setbacks are to ensure the design , location and character of housing and other buildings on site integrate with the landscape and present a contemporary rural image- The proposal is for a tennis court which is well integrated with the existing dwelling and it is on the back of the dwelling which cannot be seen from Twin Creeks Drive.

2.3	2.3.1 Building Form · Roofs shall be of a pitch that is not considered excessively flat or steep to avoid the appearance of unconventional roof styles. · Large roof expanses and gables are to be avoided. The use of verandah elements and second storey sections, are encouraged to break up roof lines. · Consideration shall be given to the use of verandahs in keeping with a contemporary rural theme. · The use of large glazed areas or reflective surfaces visible from areas external to the lot shall be avoided. · The external walls of sheds and out buildings shall be constructed of a material compatible with the dwelling. 2.3.2 External Colours and Finishes · Building materials and colours shall compliment the semi rural character of the locality. · The use of earthy or natural colour tones is encouraged whilst the use of bright or pastel tones on external walls, roofs or gables shall be avoided. · Metal roofing material shall be pre coated with a colour compatible with the surrounding semi rural area. Galvanised metal roofs shall not be permitted. · Details of external colours and finishes are to be submitted with the development application for approval by Council. 2.3.3 Cut and Fill · Where possible cut operations shall be avoided to prevent interference with the natural ground water flows and the water table. · Cut and fill operations shall be restricted to a maximum of 1.0m cut and 1.0m fill. · The lowest floor level of any building shall be no higher than 1.2m above natural ground level.	N/A	
2.4	Height · The height of the proposed dwelling should reflect the topography of the site and minimise cut and fill required to the site. · The maximum permitted wall height is 6.5m.	N/A	

2.5	Privacy Dwellings should be designed to ensure maximum protection of privacy. This shall be achieved by screening opposing windows, balconies and yards with appropriate landscaping	Y	The tennis court is proposed in the rear yard and will be screened from adjacent properties.
2.6	Solar Access - Dwellings are to maximise solar access by placing windows in all exterior walls that are exposed to the northern sun. - The siting and design of dwellings should aim to ensure that the proposed development provides a minimum of 3 hours sunlight between 9 and 3 on 21st June to living zones of each dwelling.		N/A
2.7	Landscaping - The design and positioning of buildings shall give consideration of existing vegetation by minimising disturbance. - Adequate landscaping shall be placed in the front of and to the side of dwellings to reduce the visual impact of development on adjoining dwellings. - Landscaping should incorporate species indigenous to the area and those, which will not spread into adjoining bushland areas. - Consideration shall be given to the positioning and species used to avoid damage to adjacent buildings and paving.	Y	
2.8	Drainage Control - Stormwater from paved and roof areas should be gravity drained to the existing drainage system. - The habitable floor areas of dwellings are to be constructed a minimum of 0.5m above the adjacent 1:100 year flood level.	Y	
2.9 Soil and Water Management	- Best management practices are to be implemented to control runoff and soil erosion and to trap sediment in order to maintain satisfactory water quality in downstream areas. - Sediment filter fence is to be installed downstream of construction areas. - Site entry and exit shall be limited to one point and stabilized with coarse gravel.	Y	
2.10	Flora and Fauna Protection Significant flora and fauna habitats should be preserved by not disturbing, clearing, or under scrubbing areas of natural bushland on the lots.	N/A	

2.11	Vehicle Access and Parking - Dwellings setback more than 20m shall make provision for a turning area to allow forward ingress and egress. - Dwellings shall provide for a minimum of 2-garaged spaces. - Driveways to be paved in bricks blocks or stone or finishes in coloured stenciled concrete.	N/A	
2.12	Acoustics Consideration to be given to 20-25 ANEF and/or private airfield on Luddenham Rd.	N/A	
2.13	Fencing To comply with pattern book.	N/A	
2.14	Fire Hazard - Gateway to be constructed so as not to impede access to fire fighting vehicles. 'Y' shaped hard stand turn around area to be provided adjacent to each dwelling. - Compliance with AS 3959 - Dwellings adjacent to or opposite bushland to have leaf proofing to roof valleys and gutters	N/A	
2.15	Energy Efficiency Compliance with BASIX.	N/A	