



**DEVELOPMENT APPLICATION  
PENRITH CITY COUNCIL**

**CONSTRUCTION OF A DETACHED DWELLING, INSTALLATION  
OF AN IN-GROUND POOL AND ANCILLARY STRUCTURES**

**AT**

**22 Medinah Avenue, LUDDENHAM NSW**

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## 1.0 SITE LOCATION & DESCRIPTION

The site comprises Lot 236 in DP 270417 and also known as 22 Medinah Avenue, Luddenham. The site has a total area of 4303m<sup>2</sup>, a frontage of 44.85 metres to Medinah Avenue and a depth between 102.40 metres and 102.56 metres.

The site is currently vacant and devoid of any native vegetation. The site has several scattered trees to the back. The site falls to the street and is capable of discharging stormwater to public drainage system in Medinah Avenue. The site is identified within the bushfire prone area.

The location of the site is shown in Figure 1 below.



**Figure 01 – Location Context – 22 Medinah venue, LUDDENHAM NSW**

Source: Sixmaps

## 2.0 SURROUNDING DEVELOPMENTS

The site is surrounded by single and two storey brick/weatherboard dwellings with tile roofs. The site is bounded by Medinah Avenue to the east; by residential dwellings to the north, south and west.

## 3.0 SUMMARY OF PROPOSAL

The proposed works are split into two stages as follows:

- Construction of two storey detached dwelling;
- Installation of an in-ground swimming pool;

- Ancillary structures including workshop space, basement storage, gym and outdoor sitting area; and
- Associated landscaping and driveway works.

The proposal has been approved by Twin Creeks Design Review Panel and stamped plans accompany the application.

## **4.0 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT**

### **4.1 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

The proposal does not include removal of any vegetation from the site. Given that, the proposal will not have any unacceptable impact on the vegetation in non-rural areas.

### **4.2 State Environmental Planning Policy No 19—Bushland in Urban Areas**

Given the scale and type, the proposal will not have any unacceptable impact on the bushland in urban areas.

### **4.3 State Environmental Planning Policy No 55—Remediation of Land**

The site has always been vacant and previously been used for agricultural and farming purposes. The site has not been used for any activity resulting contamination. Therefore, there is no need for any further investigation in this regard.

### **4.4 Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**

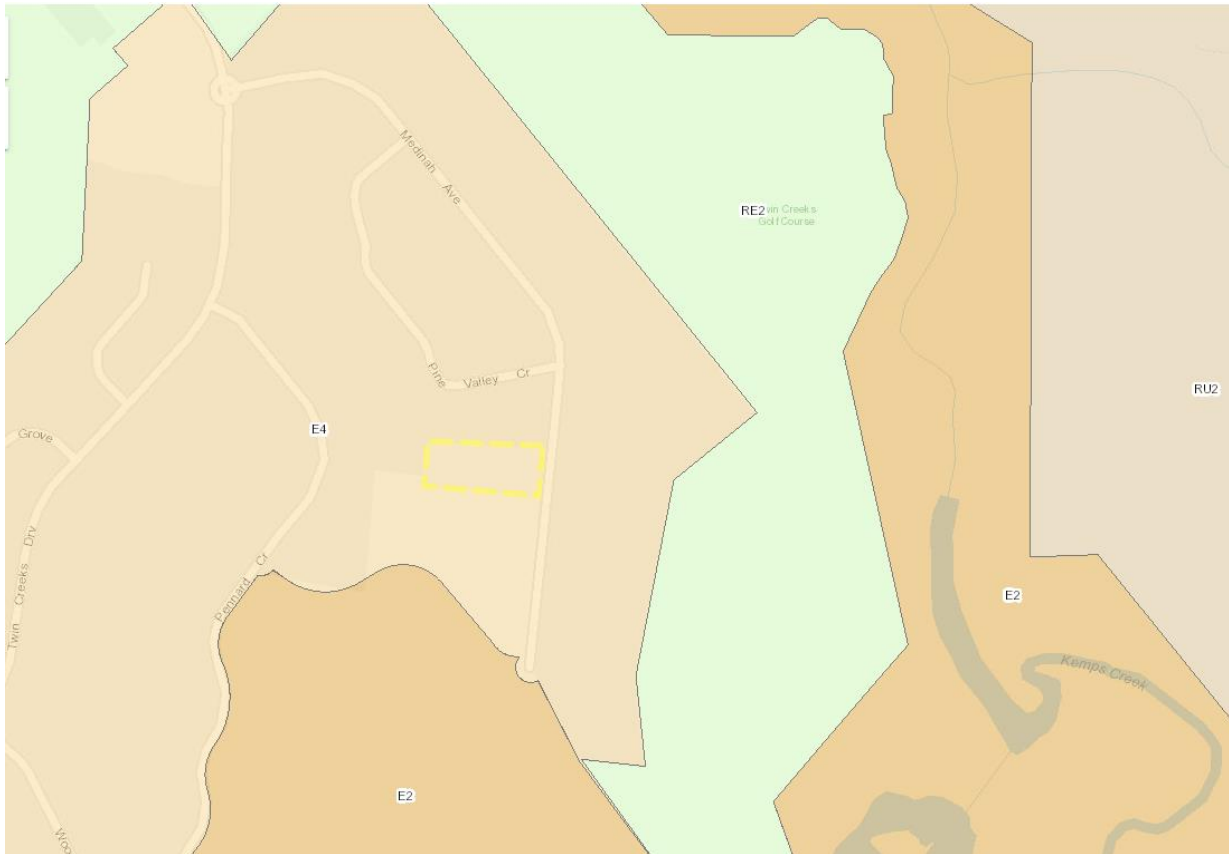
Given the scale and type, the proposal will not have any unacceptable impact on the existing situation of Hawkesbury-Nepean River.

### **4.5 State Environmental Planning Policy – (Building Sustainability Index: BASIX) 2004**

BASIX certificate has been prepared for the proposed residential dwelling and accompanies the application.

### **4.6 Penrith Local Environmental Plan 2010 (PLEP)**

The site is zoned E4- Environmental Living under PLEP.



**Figure 02 - Extract map showing the current land use zone of the site.**

Source: Planning Portal NSW

#### 4.6.1 Zone Objectives

The objectives of the E4 – Environmental Living Zone are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

#### Comment:

With regard to first and second objectives, the proposal will have no unacceptable impact on the special ecological, scientific or aesthetic values of the site and adjoining lands.

With regard to third objective, the proposal will not result any land use conflict.

With regard to fourth objective, the site has access to infrastructure, services and facilities.

Fifth objective is considered irrelevant in this instance. Notwithstanding the proposal will not erode the natural resources.

## 4.6.2 Land Use Table

The land use table for E4 – Environmental Living Zone is given below:

<b>E4 – Environmental Living Zone</b>	
1	<b>Permitted without consent</b> Home occupations
2	<b>Permitted with consent</b> Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; <b>Dwelling houses</b> ; Environmental facilities; Environmental protection works; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Schools; Secondary dwellings; Tank-based aquaculture
3	<b>Prohibited</b> Industries; Service stations; Warehouse or distribution centres and any development not specified above.

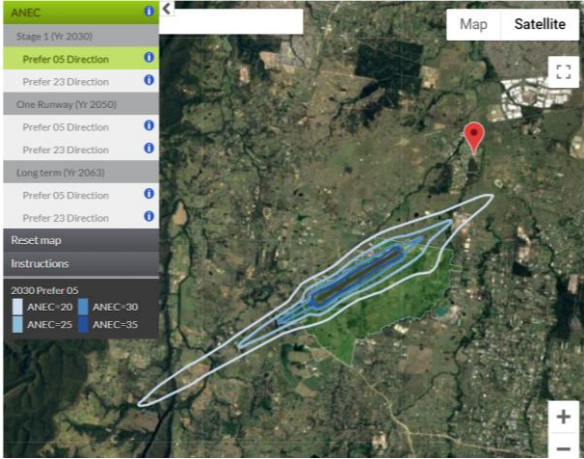
Consent is sought for construction of a residential dwelling. The proposal also includes an in-ground swimming pool which is an ancillary development to the proposed dwelling. Therefore, the proposed works are permissible with consent.

## 4.6.3 Principle Development Standards

The following table provides the assessment of the proposal against the various controls of PLEP.

<b>Relevant Control</b>	<b>Response</b>
<b>1.2 Aims of plan</b>	These are broad aims that have limited applicability to the current proposal. Notwithstanding the proposal is considered to be generally consistent with the aims.
<b>4.3 Height of buildings</b>	Not adopted.
<b>4.4 Floor space ratio</b>	Not adopted.
<b>5.10 Heritage Conservation</b>	The item is neither listed as a heritage item nor located within a heritage conservation area. The site is also not located in close proximity of any listed heritage item.  An AHIMS research has revealed that the site neither contain any aboriginal heritage item, nor located within 200 metres of any aboriginal heritage item.
<b>7.1 Earthworks</b>	Proposed excavation works are predominantly minor in nature and are contained within the building footprint.  Cut in excess of 1.0m is only proposed for in-ground swimming pool and basement. However,



	<p>as stated above, the proposed cut is contained entirely within the building footprint. Therefore, it will not have any detrimental impact on any watercourse, drinking water catchment or environmentally sensitive area. Also, the proposal will have no impact on the existing and likely amenity of adjoining properties.</p>
<p><b>7.3 Development on natural resources sensitive land</b></p>	<p>Not applicable.</p>
<p><b>7.5 Protection of scenic character and landscape values</b></p>	<p>Not applicable.</p>
<p><b>7.6 Salinity</b></p>	<p>The site is identified as of moderate salinity potential.</p> <p>Given the type and scale, the proposal will not have any unacceptable impact on the salinity processes.</p>
<p><b>7.9 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport</b></p>	<p>Section 10.7 Certificate issued 5 July 2018 identifies the site being affected by the 20 - 25 ANEF.</p> <p>However, according to the Noise Modelling Tool the site is located outside ANEC 20 as shown in Figure 3 below.</p>  <p>Figure 3.</p> <p>Source:  <a href="https://www.westernsydneyairport.gov.au/about/flight-paths/noise-tool">https://www.westernsydneyairport.gov.au/about/flight-paths/noise-tool</a></p> <p>Given the contradiction in information from these two sources, further advice is sought from Council.</p>
<p><b>7.21 Twin Creeks</b></p> <p>(3) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land to which this clause</p>	<p>Subdivision is not proposed under this application.</p>

applies unless it is satisfied that—

- (a) no more than 54 lots will be created within Area 3 shown on the Lot Size Map, each with an area of not less than 1,500 square metres, and
- (b) the development will be compatible with the environmental capabilities of the land, and
- (c) all lots created by the development will be compatible in size and shape with the physical nature of the land, adjoining land uses and the likely use of the land in the future, and
- (d) the size and layout of lots that have boundaries with rural properties consider the interface between the rural residential estate and the potential for land use conflict, and
- (e) the scientific, cultural or aesthetic significance of any Aboriginal archaeological site will not be detrimentally affected by the development, and
- (f) dwellings located on land to which this clause applies will be sited to minimise any adverse impact that might arise from a potential extractive industry situated to the south and west of the land, and
- (g) the last 45 of the lots mentioned in subclause (a) will not be developed unless adequate community facilities are in place.

(4) Despite any other provision of this Plan, development consent must not be granted for a dual occupancy or secondary dwelling on a lot to which this clause applies.

Dual occupancy or secondary dwelling is not proposed under this application.

## 5.0 PROVISION OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There is no draft Environmental Planning Instrument applicable on the subject site.



## 6.0 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN

### 6.1 Penrith Development Control Plan 2014 (PDCP 2014)

The following table provides the assessment of the proposal against the various controls of KDCP.

Relevant Control	Response
<b>Part C1 Site Planning and Design Principles</b>	
<b>1.1 Site Planning</b>	
<b>1.1.1 Site Analysis</b>	A Site Plan has been prepared by EcoFactor Architects Pty Ltd and accompanies the application.
<b>1.1.2 Key Areas with Scenic and Landscape Values</b>	The site is not located in any key area of scenic and landscape values.
<b>1.2. Design Principles</b>	
<b>1.2.2 Build Form- Energy Efficiency and Conservation- various controls</b>	<p>BASIX Certificate has been prepared and the proposal is capable of meeting the energy conservation/saving targets set by State Government.</p> <p>The proposal is designed on passive solar design principle as living areas are provided with multiple north-east and west facing windows. Open plan encourages cross ventilation, which will reduce the usage of mechanical ventilation and/or air-conditioning systems.</p>
<b>1.2.3. Building Form - Height, Bulk and Scale</b>	The proposed building form is align with prevailing character of the locality and does not have any detrimental impact on neighbouring buildings.
<b>1.2.4. Responding to the Site's Topography and Landform</b>	Achieved. See Land Management Section below in this table.
<p><b>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</b></p> <p>For dwelling houses and dual occupancy developments, the CPTED principles may be delivered by simple measures such as:</p> <ul style="list-style-type: none"> <li>Installing a peephole in the front door;</li> <li>Locating a window of a living area to face the street; and</li> <li>Maintaining the property, particularly the landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>Can comply.</li> <li>The proposal has multiple windows overlooking the street.</li> <li>Can comply.</li> </ul>
<b>1.2.6 Maximising Access and Adaptability</b>	
Various controls	<ul style="list-style-type: none"> <li>Step free entry can be achieved through the proposed garage.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensuite on ground floor can be transformed for easy adaption.</li> <li>• Bathroom on ground floor has one reinforced wall (northern wall) and it can be used for installation of grab rails, if required by home occupants.</li> <li>• Open style kitchen with ample of space enables any disabled home occupant to easily manoeuvre within the kitchen area and between fixed kitchen benches.</li> </ul> <p>Any further condition will be accepted in this regard.</p>
<b>Part C2 Vegetation Management</b>	
<b>2.1. Preservation of Trees and Vegetation</b>	
Various controls	The proposal does not include removal of any existing tree from the site.
<b>2.2. Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas</b>	
Various controls	Not applicable.
<b>2.3. Bushfire Management</b>	
Various controls	<p>A Bushfire Report has been prepared and accompanies the application.</p> <p>Bushfire Report concludes that the proposal is capable of complying construction requirements of AS3959 (2018) and performance requirements of BCA.</p>
<b>C3 Water Management</b>	
<b>3.1. The Water Cycle/Water Conservation</b>	
Various controls	<p>The proposal is limited to construction of a single dwelling. A BASIX Certificate has been prepared and the proposal is capable of meeting water saving targets.</p> <p>Such that, the proposal is consistent with the provisions of this control.</p>
<b>3.2. Catchment Management and Water Quality</b>	
Various controls	A Stormwater Management Plan has been prepared and accompanies the application.
<b>3.3. Watercourses, Wetlands and Riparian Corridors</b>	
Various controls	The site is located approximately 350m from South Creek with is a 3 <sup>rd</sup> order creek. Given the distance the proposal will not have any unacceptable impact on South Creek.

	The site is not located in closed proximity of any wetland or riparian corridor.
<b>3.4. Groundwater</b>	
Various controls	The proposal will not extract ground water.
<b>3.5 Flood Planning</b>	
Various controls	The site is not located on flood prone land.
<b>3.6. Stormwater Management and Drainage</b>	
Various controls	<p>The site falls to the street and stormwater pits are provided in Medinah Ave to collect stormwater.</p> <p>The collected stormwater (generated by impervious surfaces) will be collected and discharged to public drainage system within the Medinah Avenue via proposed pits and pipes.</p> <p>A Stormwater Management Plan has been prepared and accompanies the application.</p>
<b>3.7. Water Retention Basins/Dams</b>	
Various controls	None proposed.
<b>3.8. Rainwater / Storage Tanks</b>	
<p>a) Rainwater tanks must not exceed 3m in height above ground level (including stand).</p> <p>b) Rainwater tanks must not collect water from a source other than gutters or down pipes on a building or a water supply service pipe.</p> <p>c) Rainwater tanks must be structurally sound.</p> <p>d) The rainwater tank, and any stand for the tank, must:</p> <p style="padding-left: 40px;">i) Be assembled and installed in accordance with the manufacturer's specifications; and</p> <p style="padding-left: 40px;">ii) Not rest on a footing of any building or other structure on the property including a retaining wall.</p> <p>e) Rainwater tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of construction of a rainwater tank.</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Can comply.</p> <p>Can comply.</p> <p>Can comply.</p>

<p>f) A rainwater tank must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.</p>	<p>Can comply.</p>
<p>g) A rainwater tank must utilise a non-reflective finish. Materials and colours should complement those used on the dwelling house and any other buildings on the land.</p>	<p>Can comply.</p>
<p>h) Plastic rainwater tanks are not to be used in bushfire prone areas.</p>	<p>Can comply.</p>
<p>i) Rainwater tanks on land zoned E3 Environmental Management or E4 Environmental Living must have a maximum total capacity for the entire property of:</p> <ul style="list-style-type: none"> <li>i) 90,000 litres (where the property has an area of 10 hectares or greater); or</li> <li>ii) 45,000 litres (where the property has an area of less than 10 hectares).</li> </ul>	<p>Achievd.</p>

**Part C4 Land Management**

**4.1. Site Stability and Earthworks**

**3) Development Application Requirements**

a) Any development application that proposes earthworks and therefore changes to the levels of a site, is required to clearly address the following in the Statement of Environmental Effects or a Geotechnical Report.

- i) The location and extent of the earthworks on the site;
- ii) Justification for the need to change the land levels in terms of the overall development;
- iii) Any other impacts from the changed land levels as a consequence of the earthworks.

b) Where a building is proposed on land where the existing slope gradient is higher than 15% (or the land is likely to be subject to any land stability issues), the development application may be required to include a Geotechnical Report (prepared by a suitably qualified consultant).

c) Council will not permit a building to be placed on land where the existing slope gradient

The proposal responds to the natural topography of the site. The proposal does not include any cut or fill in excess of 1.0m except for in-ground swimming pool and basement.

The proposed swimming pool is set back well in excess of 18m from any property boundary. The proposed basement is setback well in excess of 7m from any property boundary. Also, the proposed cut is only contained under the building footprint. Therefore, the proposed earthworks are considered acceptable.

The site has a slope between 20-25%. Therefore, provisions of this control do not reply.

Noted.

<p>before development is greater than 20%.</p> <p>d) Applicants should refer to the following sections of this DCP:</p> <ul style="list-style-type: none"> <li>i) Vegetation Management, to ensure vegetation is protected on the site, particularly where the vegetation is important to site stability;</li> <li>ii) Site Planning and Design Principles, to ensure any proposed development responds to the natural topography of the site; and</li> <li>iii) The other sections of this section relating to landfill, erosion and sedimentation, contaminated lands and salinity to determine if any additional information is required to address these issues.</li> </ul>	<p>Noted.</p>
<p><b>4) Limitations on Earthworks</b></p> <p>a) Earthworks to create a building platform shall not be undertaken where excavation and/or filling would exceed 1m from the existing natural ground level of the site.</p> <p>b) On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs (see Figure C4.1).</p> <p>c) All retaining walls proposed for the site are to be identified in the development application for the proposed development. Retaining walls are to be kept to a minimum to reduce earthworks. Use of materials that complement the natural environment is encouraged.</p> <p>d) During any earthworks, any topsoil should be preserved on site for re-use and should be stockpiled and covered to avoid dust or loss of topsoil. Refer to the Landscape Design Section of this Plan for controls on stockpiling topsoil on site.</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Can comply. Any condition in this regard will be accepted.</p>
<p><b>4.2 Landfill</b></p>	
<p>Various controls</p>	<p>None proposed.</p>
<p><b>4.3. Erosion and Sedimentation</b></p>	

Various controls	An Erosion and Sediment Plan has been prepared and accompanies the application.
<b>4.4. Contaminated Lands</b>	
Various controls	The site has always been vacant and previously been used for agricultural and farming purposes. The site has not been used for any activity resulting contamination. Therefore, there is no need for any further investigation in this regard.
<b>4.5. Salinity</b>	
Various controls	Refer comments above in this report.
<b>Part C5 Waste Management</b>	
Various controls	<ul style="list-style-type: none"> <li>• The site is a vacant lot and does not require any demolition of or bulk earth excavation.</li> <li>• Excavated earth will be used as back fill.</li> <li>• Waste materials during construction phase will be either reused or disposed as mentioned under Waste Management Plan.</li> <li>• The proposal is limited to single dwelling and the site is capable of accommodating two bins for Council collection.</li> <li>• Refer Waste Management Plan submitted with the application for further detail.</li> </ul>
<b>Part C6 Landscape Design</b>	
Various controls	A Landscape Plan has been prepared and accompanies the application.
<b>Part C7 Cultural Heritage</b>	
Various controls	Not applicable.
<b>Part C8 Public Domain</b>	
Various controls	The proposal is consistent with the applicable provisions of this clause.
<b>Part C9 Advertising and Signage</b>	
Various controls	None proposed.
<b>Part C10 Transport, Access and Parking</b>	
2 parking space per dwelling	Achieved through proposed double garage.
<b>C11 Subdivision</b>	
Various controls	None proposed.
<b>Part C12 Noise and Vibration</b>	
<b>12.1. Road Traffic Noise</b>	The site is not located in closed proximity of any major road or rail.
<b>12.2. Rail Traffic Noise and Vibration</b>	
<b>12.3. Aircraft Noise</b>	Refer comments above in this report.
<b>12.4. Industrial and Commercial Development</b>	Not applicable.
<b>12.5. Rural Development</b>	Not applicable.
<b>Part C13 Infrastructure and Services</b>	



<b>13.1. Location of Easements for Infrastructure</b>	
Various controls	The site does not contain any easement.
<b>13.2. Utilities and Service Provision</b>	
Various controls	The site access to all utilities mentioned in this control.
<b>13.3. On Site Sewage Management</b>	
Various controls	On-site sewage management is not proposed under this application.
<b>D1 Rural Land Uses</b>	
<b>1.1. Rural Character</b>	
<p>To preserve the rural character of the City of Penrith, all major development should seek to retain and protect the scenic, landscape and rural character of the City (where the relevant land uses are permissible within the zone and in accordance with the controls in Penrith LEP 2010 and this DCP).</p> <p>Major development applications may be required to provide more detailed studies including, but not limited to, a Visual Impact Assessment (See section on 'Site Planning and Design Principles' and Appendix F3 'Submission Requirements').</p>	<p>The proposal is limited to construction of a two storey detached dwelling on an acre block.</p> <p>The proposal will not result in overdevelopment of the site and the proposed dwelling is provided with adequate landscaped buffer from all the property boundaries.</p> <p>Therefore, the proposal will not have any unacceptable impact on the existing rural character of the area.</p>
<b>1.2 Rural Dwellings and Outbuildings</b>	
<b>1.2.1. Siting and Orientation of Dwellings and Outbuildings</b>	
<b>1) Site Planning</b>	
<p>a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</p> <p>i) Protecting the privacy of proposed and existing buildings;</p> <p>ii) Providing flood-free access to the dwelling and a flood-free location for the dwelling itself;</p> <p>iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</p>	<p>Given the proposed setbacks, the proposal will not have any unacceptable impact on the privacy of the adjoining dwellings.</p> <p>Not applicable.</p> <p>A Bushfire Report has been prepared which concludes as</p> <p><i>'The proposed sole occupancy dwelling is assessed as BAL-12.5 as indicated in figure C and as specified in AS3959 (2018) the Australian</i></p>

<p>iv) Maximising solar access;</p> <p>v) Retaining as much of the existing vegetation as possible; and</p> <p>vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).</p> <p>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</p> <p>c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.</p>	<p><i>Standard for the Construction of Buildings in a Bushfire Prone Area. The proposal is capable of complying with the relevant specifications of AS3959 (2018).'</i></p> <p>Achieved.</p> <p>Achieved. All existing trees within the site will be retained.</p> <p>The site does not contain any steep slopes (greater than 1 in 6).</p> <p>Noted.</p> <p>Achieved.</p>
<p><b>2) Landscape / Scenic Character</b></p> <p>a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</p> <p>b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</p> <p>c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment.</p> <p>d) Roads should be designed and located to run with the contours of the land.</p> <p>e) Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change.</p> <p>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</p>	<p>Achieved.</p> <p>Achieved.</p> <p>The site contains some scattered trees to the rear. These trees will only provide a limited privacy from the adjoining dwellings to the rear.</p> <p>The proposal does not include any road.</p> <p>Achieved.</p> <p>Achieved.</p>
<p><b>1.2.2. Setbacks and Building Separations</b></p>	

<p><b>1) Setbacks from Roads</b></p> <p>a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.</p> <p>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</p> <p>c) A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham). Please contact Council to discuss.</p> <p>d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</p>	<p>The proposal is setback 26m from the public road.</p> <p>Achieved.</p> <p>Not applicable.</p> <p>Not applicable.</p>
<p><b>2) Setbacks from Watercourses</b></p> <p>a) A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the “bank” is difficult to define.</p> <p>b) A minimum setback of 75m is required from South Creek for all dwellings and outbuildings.</p> <p>c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.</p>	<p>The site is not located in closed proximity of any natural watercourse.</p>
<p><b>3) Building Separations and Side Boundary Setbacks</b></p> <p>a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.</p> <p>b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.</p> <p>c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.</p> <p>d) Dwellings on one allotment should be</p>	<p>Achieved.</p> <p>Not applicable.</p> <p>Achieved.</p> <p>Achieved.</p>

<p>separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.</p> <p>Minimum separations depend on the nature of the farm buildings/activity occurring on the adjacent allotment. Minimum setbacks are set out in other sections of this chapter for agricultural and other types of development.</p>	
<b>1.2.3 Site Coverage, Bulk and Massing</b>	
<p>1) Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).</p> <p>Note: 'Ground floor footprint' is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.</p> <p>2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</p> <p>3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</p> <p>4) No more than three (3) undercover car parking spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.</p> <p>5) A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to other parts of this chapter.</p>	<p>The proposed dwelling (excluding the ancillary structures i.e. workshop, basement storage and gym) has a maximum ground floor footprint of 500m<sup>2</sup>. Therefore, complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>The proposal includes associated/ancillary structures such as workshop, basement storage and gym. All these ancillary structures have a footprint of 90m<sup>2</sup>.</p> <p>The proposal also includes a 59m<sup>2</sup> unenclosed deck/alfresco; however, it is excluded from the calculation of building footprint under PDCP.</p> <p><b><u>Building footprint</u></b></p> <p>Building footprint is defined under Appendix F1 of PDCP as follows:</p>

	<p><i>'ground floor footprint is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.'</i></p> <p>The proposed deck/alfresco is not enclosed by walls. Therefore, it is excluded from the calculation of building foot print as defined under PDCP.</p> <p><b><u>Site coverage</u></b></p> <p>Site coverage is defined under PLEP as follows:</p> <p><i>'site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—</i></p> <ul style="list-style-type: none"> <li><i>a) any basement,</i></li> <li><i>b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,</i></li> <li><i>c) any eaves,</i></li> <li><i>d) unenclosed balconies, decks, pergolas and the like.'</i></li> </ul> <p>As stated earlier, the proposed deck/alfresco is not enclosed by walls. Therefore, it is excluded from the calculation of site coverage as well.</p> <p>Therefore, complies.</p>
<b>1.2.4 Height, Scale and Design</b>	
<p><b>1) Height and Scale</b></p> <p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p>	<p>Complies.</p> <p>Noted.</p> <p>Complies.</p>
<p><b>2) Design and Quality</b></p> <p>a) The design of dwellings and associated</p>	<p>Complies.</p>

<p>structures should be sympathetic to the rural character of the area.</p> <p>b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.</p>	<p>No fencing is proposed under this application.</p>
<p><b>1.2.7. Materials and Colours</b></p>	
<p>1) Colours of external finishes should be in keeping with the natural surroundings, be nonreflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.</p> <p>2) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.</p> <p>3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</p>	<p>A Schedule of Materials and finishes has been prepared and accompanies the application.</p> <p>The proposed finishes are consistent with the provisions of these controls.</p>
<p><b>1.2.8. Land in the Vicinity of Proposed Second Sydney Airport</b></p>	
<p>1) New dwellings (or significant alterations and/or additions to existing dwellings) within the 20-25 Australian Noise Exposure Forecast (ANEF) zone shall be designed to achieve the requirements discussed in the section on 'Aircraft Noise' in the 'Noise and Vibration' section of this Plan.</p> <p>2) New dwellings (or significant alterations and/or additions to existing dwellings) will not be permitted on land where the ANEF exceeds 25.</p>	<p>Refer comments above.</p>

## 7.0 ENVIRONMENTAL EFFECTS

Under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development subject of the development application.



## **7.1 Social Impacts**

The proposal will have a neutral social impact on the locality.

## **7.2 Economic Impacts**

The proposal will have a positive economic impact on the locality by providing short term employment opportunities. The proposal will result in an increase in the population of the locality resulting additional spending in the local market.

## **7.3 Stormwater System**

A Stormwater Management Plan has been prepared and accompanies the application.

## **7.4 Energy Efficiency**

BASIX Certificate has been prepared and accompanies the application.

## **7.5 Noise**

The proposal will only generate residential scale noise. Therefore, it will not have any unacceptable impact on the neighbouring properties.

## **7.6 Visual Privacy**

As discussed above in this report, the proposal will not have any unacceptable impact on the visual privacy of the adjoining dwellings.

## **7.7 Overshadowing**

The proposal will not have any unacceptable impact on the solar access of the adjoining dwellings. Refer Shadow Diagrams accompanying the application.

## **8.0 CONCLUSION**

The proposal has been assessed against the provisions of the relevant Environmental Planning Instruments and Development Control Plans; and is consistent with the overall aims and objectives of the plans. The proposal will not have any unacceptable impact on the amenity of neighbouring properties in terms of noise, visual privacy and traffic. Therefore, the proposal is considered to be worthy of Council's support.