

# PENRITH CITY COUNCIL

## FAST LIGHT ASSESSMENT REPORT

<b>Application number:</b>	DA19/0743
<b>Proposed development:</b>	Two Storey Dwelling and Swimming Pool
<b>Property address:</b>	33 Sunburst Drive, CADDENS NSW 2747
<b>Property description:</b>	Lot 534 DP 1230584
<b>Date received:</b>	25 October 2019
<b>Assessing officer</b>	Matthew Warbrick
<b>Zoning:</b>	Zone R1 General Residential - LEP 2010
<b>Class of building:</b>	Class 1a , Class 10b
<b>Recommendation:</b>	Approve

### Executive Summary

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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

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The subject site is situated on the north corner of Sunburst Drive and Rochester Terrace Caddens. It is 463.4m<sup>2</sup> in area, is orientated in a western direction and has fall to the rear of the site.

An inspection of the site was undertaken on 26th November 2019 and the site is currently vacant.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of a two storey dwelling, inground swimming pool and associated drainage works.

### Plans that apply

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Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Penrith Local Environmental Plan 2010

Development Control Plan 2014

### Planning Assessment

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#### • Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 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**

Is the development permissible in the zone? **Complies**

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**

## **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**

## **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 - See discussion**

## **Section 79C (1)(a)(iv) Any applicable regulations**

Is the development consistent the provisions of any regulations relevant to this proposal? **Complies**

## 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 - See discussion**

Will the development have only a minor impact of the amenity of the area and the streetscape? **Complies - See discussion**

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 - See discussion**

Visual and acoustic privacy: **Complies - See discussion**

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. **N/A**

### Soil

The development will have minimal impact on soil erosion and sedimentation **Complies**

### 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 **N/A**

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

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

Was the application required to be publicly notified?	<b>Yes</b>
Were any submissions received during the public notification period?	<b>No</b>

### **Section 79C (1)(e)Public Interest**

The application will have minimal impacts on public interest	<b>Complies</b>
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## **Conclusion/Summary**

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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**

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1. That DA19/0743 for the construction of a two storey dwelling and inground swimming pool at 33 Sunburst Drive Caddens, be approved subject to the attached conditions (Development Assessment Report Part B).

# CONDITIONS

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## General

1 **A001 - Approved plans that are architecturally drawn**

The development must be implemented substantially in accordance with the plans drawn by Marretta numbered MD060-90 Sheets 1-14 Inclusive Issue B-5 dated 09/12/19 as stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 **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 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 **A046 - Obtain Construction Certificate before commencement of works**

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

5 **A special - Driveway width**

The driveway width is to be a maximum of 4500mm when measured at the boundary line.

6 **A Special - Letter box**

Any letterbox is to be of masonry construction in face brick or painted in a colour that matches the dwelling is to be provided.

7 **A special - Retaining walls**

Retaining wall required as a result of the development are to be paid for entirely by the person having the benefit of this consent. Any damage to boundary fencing during construction is to be rectified by the applicant prior to the issue of an Occupation Certificate.

Retaining wall proposed for the development shall:

(i) be not be more than 1.2m high, measured vertically from the base of the development to its uppermost portion, and

(ii) be separated from any other retaining wall or other structural support on the site by at least 1m, measured horizontally, and

(iii) have adequate drainage lines connected to the existing stormwater drainage system for the site, and

(iv) be located entirely within the allotment boundary including all footings, drainage and backfilling measures, and

(v) If visible from the street be constructed of materials that compliment the architectural features of the dwelling, and

(vi) preserve and protect adjoining buildings from damage, and

(vii) Comply with all applicable 88B instruments.

8 **A special - Surface water**

To prevent the accumulation of water and concentration of salts, subsoil drains are to be installed around the perimeter of the dwelling and connected into an approved stormwater system

9 **A special - Tree in rear yard**

At least one tree is to be planted in the rear yard and two trees in the front yard. These trees are to have a minimum mature growth height of 6 metres and must be planted on site prior to a Final Occupation Certificate being issued.

10 **A special- Containment of fill**

All slab construction built above natural ground level is to be constructed using dropped edge beams to retain fill. All fill shall be contained within the dwelling footprint.

## Environmental Matters

11 **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.

12 **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.

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."}

13 **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.

14 **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.

15 **D014 - Plant and equipment noise**

The operating noise level of the swimming pool filter and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operation Act 1997 apply to the development, in the terms of regulating offensive noise.

## **BCA Issues**

#### 16 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

#### 17 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.

### Construction

#### 18 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.



19 [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).

20 [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.

21 [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.

22 **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.

23 **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.

24 **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.

25 **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.

## Swimming Pools

26 **J002 - Fencing when water in pool**

When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.

27 **J004 - Pool fence (residential)**

At all times, the swimming pool is to be surrounded by a child-resistant barrier that:

- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
- is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

28 **J007 - Boundary fencing**

If a common boundary fence forms part of the pool enclosure, the provision, maintenance and effectiveness of the said boundary fence is the responsibility of the pool owner whilst ever the pool exists. Alternatively, the pool shall be fully enclosed by isolation fencing.

29 **J010 - Pool board/ sign (add J009)**

A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:

- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
- bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "CardioPulmonary Resuscitation" published by the Australian Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith).

### 30 [J011 - NSW Swimming Pool Register](#)

The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au) or in person at Penrith City Council (\$10 fee applies when registering at Council).

### 31 [J012 - Backwash and Overflow](#)

All backwash from the swimming pool shall be directed into the mains sewer.

In areas where sewer is not available, the following requirements apply -

- The swimming pool shall be provided with filtration equipment that does not require a backwash facility (eg. a cartridge filtration system).
- Overspill water shall be diverted away from the swimming pool and not directed onto adjoining properties.
- The frequency of emptying of the swimming pool water shall be minimised. Water resulting from the emptying of the pool shall be collected and disposed of by a private wastewater disposal contractor. Disposal by other means is not permitted.

## Engineering

### 32 [K016 - Stormwater](#)

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

### 33 [K026 - Stabilised access](#)

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

### 34 [K041](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

### 35 [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 any of 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).

### 36 [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.

### 37 [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 unless permitted by S.88B applying to the land.

## Landscaping

38 **L001 - General landscaping (applies to most building works)**

All landscape works are to be constructed in accordance with the stamped approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

39 **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

40 **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

41 **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:

- 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
- 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.

42 **Q05F - Occupation Certificate**

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 development.

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

1.4.2	Streetscape, Feature Elements and Roof Design	Complies Y/N	Comments
1)	<p>The primary street facade of a dwelling must incorporate an entry feature or portico and at least two of the following design features:</p> <ul style="list-style-type: none"> <li>a) balcony to any first floor element;</li> <li>b) a variation in scale to adjoining properties;</li> <li>c) architectural elements which recess or project by at least 600mm;</li> <li>d) open verandah;</li> <li>e) mix of building materials or finishes;</li> <li>f) bay windows or similar features;</li> <li>g) pergola or similar feature above garage doors.</li> </ul> <p>Good streetscape design principles are illustrated at Figure E1.23.</p>	Yes	Detailed on plans
2)	<p>The secondary street facade on a dwelling on a corner lot must incorporate a window from a habitable room and at least two of the following design features:</p> <ul style="list-style-type: none"> <li>a) verandah;</li> <li>b) vertical architectural elements to reduce the horizontal emphasis of the façade;</li> <li>c) balcony;</li> <li>d) an architectural element which recesses or projects from the façade by at least 600mm.</li> <li>e) landscaping and/or fencing compatible with the treatments that have or will occur on neighbouring sites.</li> </ul>	Yes	Detailed on plans
3)	<p>Except on built to boundary (zero lot line) dwellings, eaves are to be provided on all roofs and should have a minimum overhang of <b>450mm</b> (measured to the fascia board). Where practical, <b>600mm</b> should be considered to achieve an increased degree of shading to windows.</p>	No	<p>Selected windows propose no eaves, however the orientation of the dwelling provides sun shading to these windows at times throughout the day.</p> <p>Additionally , the building façade to the primary and secondary street frontages are considered to be of a high architectural design.</p> <p>The variation is therefore considered to be reasonable in this instance.</p>

4)	Water tanks, air conditioning units, solar hot water tanks and roof clutter such as satellite dishes should <b>not be prominent</b> when viewed from any street.	Yes	
5)	Proposed colours, materials and finishes are to be from a predominantly neutral palette of colours and varied across the front elevations of buildings. Bright colours are to be avoided, except for architectural features.	Yes	
<b>1.4.3</b>	<b>Dwelling Height, Massing and Siting</b>	<b>Complies Y/N</b>	<b>Comments</b>
1)	The maximum number of storeys, measured from existing ground level, must be in accordance with those shown in Figure E1.24.	Yes	
2)	Single and attached housing is generally to be 2 storeys in height. Council may permit a third storey if it is satisfied that it is located:  a) on a prominent street corner; or  b) on the lower side of land with a finished ground level slope equal to or more than 15%; and  c) is not likely to impact adversely on the existing or future amenity of any adjoining land in terms of overshadowing and visual privacy.	Yes	
3)	Buildings should be designed to ensure that 50% of the area of the required Principal Private Open Space of both the proposed development and the adjoining properties receive at least 3 hours of sunlight between 9am and 3pm on the 21 June.	Yes	
4)	For lots equal to, or greater than, 450m <sup>2</sup> , the upper (second) level of a dwelling is to be no more than 30% of the lot area.	No	32.98% first floor comparable with the lot area.  The 2.98% is not considered to impact on the existing and future amenity of adjoining properties. Furthermore the scale of the dwelling, with two street frontages is consistent with the surrounding locality.  The proposed variation is therefore supported in this instance.
<b>1.4.4</b>	<b>Building Setbacks</b>	<b>Complies Y/N</b>	<b>Comments</b>

1)	<p>Dwellings are to be consistent with the minimum front, side and rear setback controls in Table E1.3 and the front setback principles diagram at Figure E1.25.</p> <p>Detached dwelling  Frontage : 14.5m  Front setback : 4.5m  Side: 0.9m  Secondary street : 2m  2nd Storey side:1.2m  Rear :4m  Corner: 2m</p>	Yes	14.5m road frontage Front – 4.5m Rear – 4.37m Side – 1.2m 2nd Street - 2.39m Corner 2.87 Pool setback: 1m
2)	<p>On corner lots the setback for a secondary frontage is to be as follows:</p> <p>a) 2m for all detached and semi detached dwellings on lots less than 18m wide; and  b) 3m for dwellings on lots 18m and wider.</p>	Yes	2.39m
3)	<p>Corner lots are to be splayed with the indent on both the primary and secondary street to be generally 5m. The building setback from the splayed corner boundary is to be a minimum of 2m.</p>	Y	2.87M Setback
4)	<p>Any building contiguous (sharing a common border) with Caddens Road is to be set back 6m from the boundary to Caddens Road.</p>	N/A	
5)	<p>Dwellings contiguous (sharing a common border) with Caddens Road are to be orientated and accessed in accordance with Figure E1.26.</p>	N/A	
6)	<p>Garages are to be set back a minimum of 1m behind the front building facade line as shown in Figure E1.26.</p>	Yes	
7)	<p>Garages on secondary streets are to be set back 1m behind the dwelling façade on the secondary street.</p>	N/A	
8)	<p>No setback is required for rear lane garages.</p>	N/A	
9)	<p>Dwellings are to be consistent with the side and rear setback controls at Table E1.3. Projections permitted into side and rear setback areas include eaves, sun hoods, gutters, down pipes, flues, light fittings and electricity or gas meters, rainwater tanks and hot water units.</p>	Yes	

10)	The side setbacks of second storeys are to have regard to dwelling design, lot orientation and adjoining dwellings and are to comply with the following minimum dimensions:  a) detached dwelling – 1.2m on both sides b) semi-detached dwelling – 1.2m on the unattached side; c) built to boundary lots – 2.4m from the adjoining built to boundary side boundary.	Yes	1.2m
11)	Architectural elements which address the street frontage should be incorporated in the 'articulation zone' (see Figure E1.25). These may extend beyond the front façade by a maximum of 1m. The following elements are permitted:  a) entry features or porticos; b) awnings or other features over windows; c) eaves and sun shading; d) balcony or window box to any first floor element; e) projecting architectural elements; f) open verandahs; g) bay windows or similar features.	Yes	
12)	Side walls should be staggered/ indented to avoid an excessive long and blank appearance.	Yes	
<b>1.4.5</b>	<b>Development Forms</b>	<b>Complies Y/N</b>	<b>Comments</b>
1)	Built to boundary development must demonstrate that the use of a 'zero lot line setback' will not adversely affect the privacy and solar access of an adjoining property.	N/A	
2)	The location of built to boundary development is to be determined with regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography and the built to boundary location principles at Figure E1.27.	N/A	
3)	An easement for maintenance of the built to boundary wall (and any services along the side of the dwelling) is to be provided on the adjoining property. A Section 88B instrument supporting the maintenance easement is to be provided.	N/A	
4)	The setbacks for built to boundary development must comply with the requirements of Section 4.4.	N/A	
<b>1.4.6</b>	<b>Private Open Space</b>	<b>Complies Y/N</b>	<b>Comments</b>



1)	All dwellings are to be provided with an area of Private Open Space (POS) and Principal Private Open Space (PPOS) consistent with Table E1.5.	Yes	
2)	The location of PPOS is to have regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography and the preferred locations of PPOS illustrated at Figure E1.31.	Yes	
3)	50% of the area of the required PPOS (of both the proposed development and the adjoining properties) must receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).	Yes	
4)	The PPOS must interface directly with the main living area of a dwelling or alfresco room. Where the PPOS is a semi-private patio, balcony or roof top area, it must be provided with a fence or landscaped screen at least 1m in height, and be directly accessible from a living area.	Yes	
<b>1.4.7</b>	<b>Site Cover and Landscape Areas</b>	<b>Complies Y/N</b>	<b>Comments</b>
1)	Dwellings on lots 450m <sup>2</sup> and greater are to comply with the following maximum site cover:  a) 50% of total lot area; with b) 60% for single storey dwellings.	Yes	Maximum dwelling footprint 232m <sup>2</sup>  Proposed 208m <sup>2</sup>
2)	Site coverage on lots smaller than 450m <sup>2</sup> will be treated on merit but is to be no greater than 70% and is to demonstrate compliance with the private open space and solar access requirements of this Plan.	N/A	
4)	Landscaped area is any part of a site, at ground level, that is permeable and consists of features such as soft landscaping, turf and planted areas. The following minimum landscaped area must be provided:  a) lots less than 450m <sup>2</sup> – 35% of the lot area ; b) lots 450m <sup>2</sup> and greater - 35% of the lot area.	Yes	
5)	A Landscape Plan is to be submitted with all DAs for residential development. The DA plans must indicate the extent of hard and soft landscaped areas, tree sizes and locations and other requirements for landscaped plans contained in the other relevant sections of this DCP.	Yes	

6)	The front setback area of a dwelling is to be landscaped with the treatment to clearly delineate between the private and public domain. The front setback is to incorporate two trees. The rear garden must include at least one tree that will achieve a height of 6m at maturity. These may include existing trees that are to be retained.	Yes	
7)	To prevent accumulation of water and concentration of salts, subsoil drains are to be installed around the perimeter of residences and connected to the stormwater system.	Yes	
8)	Low water demand drought resistant vegetation is to be used in common landscaped areas, including native salt tolerant trees.	Yes	
9)	Garbage bin storage and clothes drying areas are to be concealed from view and shown on site plans.	Yes	
<b>1.4.8</b>	<b>Fencing</b>	<b>Complies Y/N</b>	<b>Comments</b>
1)	Except for dwellings contiguous (sharing a common border) with Caddens Road, front and side fencing must be constructed with masonry piers that complement the streetscape and dwelling finish. Infill panels are to consist of open slats, palisades or pickets.	N/A	
2)	The fencing on the secondary street of a lot with a frontage 17.5m or greater must be set back 0.9m from the secondary street boundary and must incorporate landscaped vegetation between the fence and the boundary.	N/A	
3)	Metal sheet style fencing is not permitted anywhere.	Yes	
4)	Where a dwelling is located adjacent to open space, boundary fencing is to be of a high quality material and finish and the design is to permit casual surveillance of the open space. Fencing adjoining rear access ways is to permit casual surveillance.	N/A	
5)	Dwellings contiguous (sharing a common border) with Caddens Road, as shown in Figure E1.3, are to be fenced with a rural style solid timber post and rail fence generally in accordance with Figure E1.32.	N/A	
<b>1.4.9</b>	<b>Garages and Access</b>	<b>Complies Y/N</b>	<b>Comments</b>

1)	Garages are to be sited as per the preferred siting diagram at Figure E1.33.	Yes	
2)	Where a carport or garage entry forms part of the front façade of a dwelling, it is to be set back a minimum of 5.5m from the front boundary and at least 1m behind the building façade.	N/A	Secondary street access
3)	Front loaded double garages are only permissible on lots with a frontage width equal to or > than 12.5m.	N/A	
4)	The maximum dimension for garage doors is to be less than 50% of the front façade, 6m in width and 2.4m in height. Triple fronted garages are not permitted.	Yes	
5)	Carports and garages are to be treated as an important element of the dwelling facade and are to be integrated with, and complementary to, the dwelling design in terms of design and materials. Garage doors are to be visually recessed through use of materials, colours, and overhangs.	Yes	
6)	The maximum number of dwellings to be serviced from a shared driveway is 10.	N/A	
7)	Garages are to comply with AS 2890.1 Off Street parking, including: a) minimum internal width between main walls of 3m for a single garage; b) minimum internal width between main walls of 5.5m for a double garage.	Y	
8)	Driveway access to garages on steep land must comply with AS 2890.1. Stencil-crete on driveways is not permitted.	N/A	
9)	Driveways are to be no wider than 4.5m at the front boundary and should be a minimum of 1.5m from street trees.	Y	
10)	Where possible, the garage for a corner lot should be accessed from the secondary street, unless the secondary street is Caddens Road.	N/A	
11)	At grade car parking for residential and commercial buildings must be appropriately screened from view.	N/A	
<b>1.5</b>	<b>Environmental and Residential Activity</b>	<b>Complies Y/N</b>	<b>Comments</b>

1)	Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.	Y	
2)	Habitable room windows with a direct sightline to the habitable room windows in an adjacent dwelling within 3m are to: a) be obscured by fencing, screens or appropriate landscaping; or b) be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window; or c) have sill height of 1.7m above floor level; or d) have fixed opaque glazing in any part of the window below 1.7m above floor level.	Y	
3)	The design of dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.	Y	
5)	The internal layout of residential buildings, window openings, the location and design of outdoor living areas and elements (i.e. courtyards, balconies and retaining walls), and building plant equipment should be designed to minimise noise impact and transmission and enhance visual amenity.	Y	
6)	Residential subdivision and development must be designed to comply with the NSW Road Noise Policy criteria and must be consistent with the following controls:  a) To mitigate the effects of noise on existing residential development to the west of the Caddens Road By-pass, appropriately designed acoustic treatments such as low height walls or other methods/treatments which will achieve NSW Road Noise Policy criteria are to be provided where required along Collector Road 1. Note: Mounding along the linear park is not considered appropriate due to resulting safety and practicality issues. b) To mitigate the impacts of traffic noise from the Caddens Road By-pass 1 on new development a combination of the following measures is to be used; i) dwelling setbacks; ii) internal dwelling layouts designed to minimise noise in living and sleeping areas; iii) fencing constructed with a suitably solid mass, and iv) locating courtyards and principal private open space areas away from the noise source in order to comply with the NSW Road Noise Policy.	N/A	

7)	<p>For new residential development along the Caddens Road By-pass, where external traffic noise levels cannot be met at the nearest facade of the dwelling to the noise source, dwellings must be designed to meet the following internal noise levels:</p> <p>a) In a naturally ventilated - windows open condition (i.e, windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area), or mechanically ventilated windows closed condition:  Sleeping areas LAeq 1 hour, Day 40dB  LAeq 1 hour, Night 35dB  Living areas LAeq 1 hour, Day 45dB  LAeq 1 hour, Night 40dB</p> <p>b) Where a naturally ventilated - windows open condition cannot be achieved, it will be necessary to incorporate mechanical ventilation compliant with AS1668 and the Building Code of Australia. The noise levels above shall be met with mechanical ventilation or air-conditioning systems not operating. The following LAeq noise levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating:  Sleeping areas LAeq 1 hour, Day 43dB  LAeq 1 hour, Night 38dB  Living areas LAeq 1 hour, Day 46dB  LAeq 1 hour, Night 43dB</p> <p>Note: These levels correspond to the combined measured level of external sources and the ventilation system operating normally</p> <p>Note: LAeq 1 hour noise levels shall be determined by taking as the second highest LAeq 1 hour over the day and night period for each day and arithmetically averaging the results over a week for each period (5 or 7 day week, whichever is highest)</p>	N/A	
<b>1.5.2</b>	<b>Safety and Surveillance</b>	<b>Complies Y/N</b>	<b>Comments</b>
1)	Dwellings should be designed to overlook streets, lanes and other public or communal areas to provide casual surveillance.	Y	
2)	For passive surveillance, at least one living area of a dwelling should overlook the street or public open space. In the case of corner lots habitable windows are also be oriented to overlook the secondary street or any cycleway or pedestrian path.		
3)	Opportunities for casual surveillance from dwellings/studios are to be incorporated into the design of shared driveways and, where rear access is proposed, from laneways.	Y	

4)	Developments, including open space, are to avoid creating areas for concealment and blank walls facing the street.	Y	
<b>1.5.3</b>	<b>Sustainable Building Designs</b>	<b>Complies Yes/No</b>	<b>Comments</b>
1)	Minimum dwelling floor to ceiling heights shall be as follows:  a) ground floor habitable rooms of two storey single dwellings - 2.65m; b) upper floors and all non-habitable rooms – 2.4m; c) single storey dwellings – 2.65m; d) attics – 1.5m wall height at edge of room with a 30 degree minimum ceiling slope;	Yes	
2)	The building envelope, depth, location of doors and windows, and internal layout of all residential development is to facilitate cross -ventilation.	Y	
3)	The main living area of all dwellings is to open directly onto the private open space via either glazed sliding bi-fold or French doors, or similar, to allow for adequate solar access.	Y	
4)	North and west facing windows are to be provided with appropriate external shading.	Y	
5)	All dwellings are to incorporate an outdoor clothes line/drying area in a sunny location not visible from a street or public place.	Y	
<b><u>Additional Comments</u></b>			
Penrith LEP 2010 - Clause 4.3 Heights of Buildings - max 9m - Complies			