

# PENRITH CITY COUNCIL

## FAST LIGHT ASSESSMENT REPORT

<b>Application number:</b>	DA20/0480
<b>Proposed development:</b>	Shed
<b>Property address:</b>	4 Bredon Place, JAMISONTOWN NSW 2750
<b>Property description:</b>	Lot 26 DP 248482
<b>Date received:</b>	9 August 2020
<b>Assessing officer</b>	Jenny Netting
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 10a
<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 Breddon Place Jamisontown. It is 927m<sup>2</sup> in area, is orientated in a western direction and has slight fall to the street.

An inspection of the site was undertaken on 2 October 2020 and the site is currently occupied by a single storey dwelling.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of a shed

## Plans that apply

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State Environmental Planning Policy (Affordable Rental Housing) 2009  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004  
State Environmental Planning Policy (Infrastructure) 2007  
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007  
State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy (State Significant Precincts) 2005  
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017  
State Environmental Planning Policy ( Education Establishments and Child Care Centre Facilities) 2017  
State Environmental Planning Policy (Primary Production and Rural Development) 2019  
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020  
State Environmental Planning Policy No 19 - Bushland in Urban Areas  
State Environmental Planning Policy No 21 - Caravan Parks  
State Environmental Planning Policy No 33—Hazardous and Offensive Development  
State Environmental Planning Policy No 50—Canal Estate Development  
State Environmental Planning Policy No 55—Remediation of Land  
State Environmental Planning Policy No 64—Advertising and Signage  
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development  
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)  
Sydney Regional Environmental Plan No.9 - Extractive Industry  
Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River  
Local Environmental Plan 2010 (Amendment 4)  
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 4.15(1)(a)(i) The provisions of any environmental planning instrument**

Is the development permissible in the zone?	<b>Complies</b>
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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)?	<b>Complies</b>
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#### **Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument**

Is the development consistent with any draft planning instruments relevant to this proposal	<b>N/A</b>
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#### **Section 4.15(1)(a)(iii) Any development control plan**

Is the development consistent with the provisions of any development control plan relevant to this proposal?	<b>Complies - See discussion</b>
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#### **Section 4.15(1)(a)(iv) Any applicable regulations**

Is the development consistent the provisions of any regulations relevant to this proposal?	<b>Complies</b>
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## **Section 4.15(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?	<b>Complies</b>
Will the development have only a minor impact of the amenity of the area and the streetscape?	<b>Complies</b>
Is the development compatible with surrounding and adjacent land uses	<b>Complies</b>
Will the development have no or minimal impact on the amenity of the area in terms of:	
Sunlight (overshadowing):	<b>Complies</b>
Visual and acoustic privacy:	<b>Complies</b>
Views or vista:	<b>Complies</b>

### **Access and Transport**

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

### **Heritage**

The property is not subject to any heritage order or is identified as heritage under a planning instrument.	<b>N/A</b>
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### **Soil**

The development will have minimal impact on soil erosion and sedimentation	<b>N/A</b>
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### **Natural and Technological Hazards**

The development is not subject to flooding, subsidence or slip	<b>Complies</b>
Land is not considered to be contaminated:	<b>Complies</b>
Bushfire requirements provided for the development	<b>N/A</b>
Acoustic requirements provided for the development	<b>Complies</b>

### **Site design**

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

## **Section 4.15(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>N/A</b>

## **Section 4.15(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>Yes</b>
One (1) submission received. The concern raised was regarding stormwater runoff. A condition of consent will be included ensuring that the proposed shed's stormwater is connected to the existing system.	

## **Section 4.15(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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In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is site responsive, complies with key development standards.

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 DA20/0480 for shed at Lot 26 DP 248482 No.4 Bredon Place Jamisontown, be approved subject to the attached conditions (Development Assessment Report Part B).
2. That those making submissions are notified of the determination.

## General

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

The development must be implemented substantially in accordance with the plans drawn by Thanasi Bountros Revision A as 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 building shall not be used under any circumstances for any commercial, industrial or habitable residential activity without the prior written 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.

## BCA Issues

6 [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

7 [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.

8 [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.

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

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the shed is to compliment and blend with the established development on the subject lot.

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

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

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

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

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

## Engineering

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.

### 13 [K041 - Infrastructure Bond](#)

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.

## Landscaping

### 14 [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.

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

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

## Payment of Fees

### 16 [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

### 17 [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.

### 18 [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 shed.

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

D2	Residential Development – Single Dwellings	Complies Y/N	Comments
2.1.2	<b>Front setback – Minimum 5.5m or average of adjoining properties.</b> – Minimum 5.5m or average of adjoining properties.	N/A	In rear yard
	<b>Secondary Street (where applicable) – Minimum 3m to external walls and minimum 5.5m to garage entrances</b> – Minimum 3m to external walls and minimum 5.5m to garage entrances	N/A	
	<b>Encroachments - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback</b> - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback	Yes	
	<b>Side setback – minimum 900mm</b> – minimum 900mm	Yes	1m
	<b>Rear setback – minimum 4m for single storey component or 6m for 2 storey component</b> – minimum 4m for single storey component or 6m for 2 storey component	No	1m
	<b>(non-habitable building or structure can be closer if minimal adverse impact on the subject property or any adjoining property)</b>	Yes	
	<b>Building envelope compliance (encroachments permitted if improved design, appearance or utility and minimal impact)</b>	No	Slight encroachment, considered reasonable in this instance as it is a non-habitable building and minimal impact.
2.1.3	<b>Cut and fill does not exceed 600mm measured from NGL.</b> does not exceed 600mm measured from NGL.	Yes	
	<b>Ground floor levels max 800mm above NGL</b> max 800mm above NGL	Yes	
	<b>Retaining wall forward of garage are masonry</b> forward of garage are masonry	N/A	
	<b>Lots with a side cross slope exceeding 5%, must respond to the slope of the land with either split level, drop edge beam, or bearer and joist design (or a combination of these)</b> exceeding 5%, must respond to the slope of the land with either split level, drop edge beam, or bearer and joist design (or a combination of these)	N/A	

	<p><b>Where front to back slopes are steep (i.e. approximately greater than 9%) house designs must respond to the topography of the land with either split level, dropped edge beam, or timber frame floor (bearer and joist) design - or a combination of these.</b></p> <p>(i.e. approximately greater than 9%) house designs must respond to the topography of the land with either split level, dropped edge beam, or timber frame floor (bearer and joist) design - or a combination of these.</p>		N/A	
	<p><b>Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.</b></p> <p>within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.</p>		N/A	
	<p><b>Driveway gradient to not exceed 20%</b></p> <p>to not exceed 20%</p>		Yes	
	<p><b>On lots sloping downhill from the street, the privacy of adjoining dwellings down slope should be preserved by providing screening vegetation between observable platforms and adjoining private open space areas, or integrating features such as timber screens to decks, or partially opaque windows where privacy is essential and screening vegetation is impractical.</b></p> <p>, the privacy of adjoining dwellings down slope should be preserved by providing screening vegetation between observable platforms and adjoining private open space areas, or integrating features such as timber screens to decks, or partially opaque windows where privacy is essential and screening vegetation is impractical.</p>		N/A	
2.1.4	<b>The minimum landscaped area of a site is</b>		Yes	
	<b>Zone</b>	<b>Minimum landscaped area % of the site</b>		
	R1 Residential General	40		
	R2 Low Density Residential	50		
	R3 Medium Density Residential	40		
	R4 High Density Residential	35		

	<p>NB: Calculation of landscaped area does not include areas of the site less than 2m in width or hard surface areas such as buildings, driveways and paved areas. Calculation of landscaped area may include up to 15m<sup>2</sup> of any verandah, deck or patio that is attached to a dwelling at ground floor level and is associated with a landscaped area that is designated open space for that dwelling</p> <p>A portion of the landscaped area should be connected to or directly adjacent to a living area of the dwelling.</p>		
2.1.5	<b>Articulate all building forms and facades</b> all building forms and facades	Yes	
	Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries	N/A	
	External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.	No	No articulation required as outbuilding
	<b>All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.</b> above existing ground level shall incorporate privacy measures such as screening or landscape planting.	N/A	
	<b>Garage setback at least 1m behind the building line of the dwelling</b> behind the building line of the dwelling	Yes	In rear yard
	<b>Total width of all garage doors facing a primary or secondary road frontage must not exceed;</b> i) If the lot has a width less than 15m measured at the building line – 4.8m ii) If the lot has a width of more than 15m measured at the building line – 6m.	N/A	Garage doors will not face street
	<b>Corner lot is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation</b> is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation	N/A	
	<b>Parking is to be provided at the rate of:</b> s to be provided at the rate of: i) A minimum of one space behind the building alignment ii) Two spaces for each dwelling with two or more bedrooms, at least one of which is located behind the building alignment. Stacked parking is acceptable for additional spaces.	Yes	Proposed additional garage/shed provides additional off street covered car parking spaces
2.1.6	Ensure that the proposed development provides a <b>minimum of 3 hours sunlight</b> between 9am and 3pm on 21 June, to <b>living zones</b> of the dwelling, and the living zones of any adjoining dwellings;	Yes	

	Ensure that the proposed development provides a <b>minimum of 3 hours sunlight</b> between 9am and 3pm on 21 June, to <b>40% of the main private open spaces</b> of the dwelling and main private open spaces of any adjoining dwellings	Yes	
	Where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%	N/A	
2.1.7	<b>Retaining walls:</b> : <ul style="list-style-type: none"> <li>a) generally should be no taller than 600mm;</li> <li>b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</li> <li>c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles.</li> </ul>	N/A	
	<b>Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.</b> should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.	N/A	
	<b>Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction</b> along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction	N/A	

2.1.8	<p><i>This Section only applies only to:</i></p> <p><i>a) frontages to the Nepean River;</i></p> <p><i>b) escarpment footslopes in Leonay and Emu Heights;</i></p> <p><i>c) the Cranebrook escarpment;</i></p> <p><i>d) Glenmore Park, adjacent to the Mulgoa Nature Reserve;</i></p> <p><i>e) wooded hillsides in South St Marys;</i></p> <p><i>f) individual streetblocks identified by Council's Register of Significant Trees and Gardens; and</i></p> <p><i>g) in Kingswood: Werrington Creek.</i></p> <p>Development must:</p> <p>1) maintain natural topography and features such as rock outcrops;</p> <p>2) preserve established trees, preferably as blocks or corridors of several trees;</p> <p>3) ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works;</p> <p>4) preserve clusters of established trees as blocks or corridors;</p> <p>5) consider a wider side boundary setback as landscaped corridor to preserve trees and provide vistas between neighbouring buildings;</p> <p>6) on sloping sites garages may be located at street-level within the front set-back, subject to an "open" design similar to a screened carport;</p> <p>7) on sloping sites dwellings should be split-level designs, with the lowest floor level no higher than 1m above natural ground level;</p> <p>8) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.</p>	N/A	
2.6	<p>Principles of urban form and urban design that apply to permissible residential development should be adopted for non-residential development.</p> <p>The development site including front setbacks, rear setbacks dual frontage situations.</p>		
	<p>a) Urban form including:</p> <p>i) traditional building design features;</p> <p>ii) traditional garden frontages;</p> <p>iii) orientation of building entrances;</p> <p>iv) continuously occupied rooms facing the street;</p> <p>v) detailed consideration of significant townscapes or landscapes;</p> <p>vi) signs.</p> <p>vii) driveways and parking including:</p> <ul style="list-style-type: none"> <li>· provision of on-site parking appropriate to the proposed use, and in accordance with the parking requirements of this DCP;</li> <li>· minimise site coverage by paved areas;</li> <li>· conceal garages from views available from public parks and streets;</li> <li>· locate driveways and parking areas away from any neighbouring residential development</li> </ul>	N/A	
	<p>b) landscaped area- provision and design of the required minimum area with detailed design of gardens and paving;</p>		

c) side setbacks to provide for effective landscaped separation from adjacent developments;		
d) solar planning and energy efficiency - minimised overshadowing of adjacent properties and minimise requirements for mechanical heating and cooling of interiors;		
e) privacy - protect the amenity of adjacent properties;		
f) storage and building services - sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent developments.		
g) privacy – protect the amenity of adjacent properties;		
h) storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent residents.		