

DUAL OCCUPANCY PLANNING CONTROLS

Property: 4 Inkerman Road Emu Heights

Client:

Design: Custom Majestic

Council: Penrith City Council

Lot No. & DP: Lot 30 in DP 16478

Site Area: 766.6m²

Zoning: R2 Low Density Residential under the Penrith Local Environmental Plan 2010

SITE CONSTRAINTS/COMPLIANCE ISSUES

1. **Non-compliant building envelope.** Refer to comments at Page 4.
2. **Laundry doors.** Reconsider the need for side external laundry doors. They are elevated and require steps in the side setback. Privacy issues are likely to arise.
3. **Internal garage access.** Consider whether internal garage access can be provided. While not essential, this is desirable.
4. **Exiting in forward direction.** The reversing distance of 16m may be considered excessive.
5. **Stormwater.** Stormwater engineer to check that site levels permit disposal of stormwater to the street by gravity otherwise an alternative solution will be required.
6. **Scenic Protection Land.** The site is identified as Scenic Protection Land under the Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No 2-1997) (SREP). The SREP is quite broad level and should not raise issues for a development application.
7. **Bushfire prone land.** The site is identified as Bushfire Prone Land, falling within the vegetation buffer. As such a bushfire report will be required to accompany a development application.



Figure 1: The subject site when viewed from Inkerman Road.

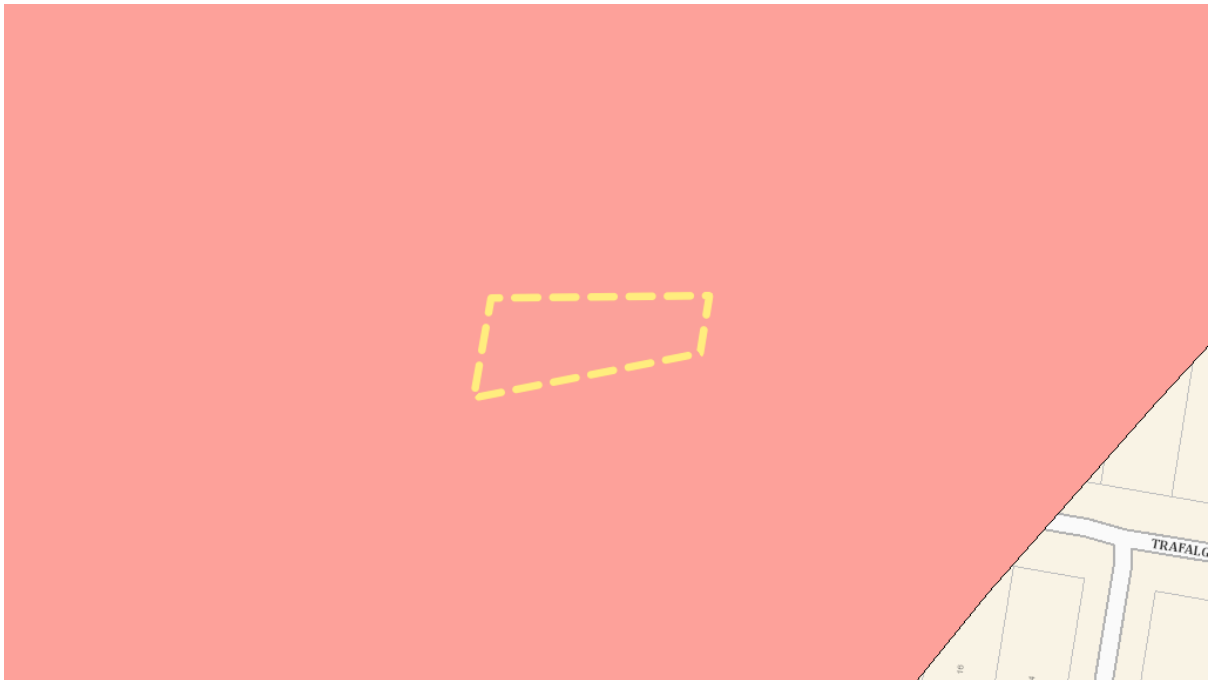


Figure 2: Extract from the SREP noting the site is identified as Scenic Protection Land. Subject site highlighted in yellow.



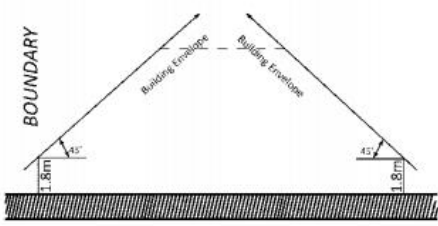
Figure 3: Extract from the PLEP noting the site is identified as Bushfire Prone Land and falling within the R2 Zone. Subject site highlighted in yellow.

BASE PLANNING CONTROLS

PENRITH LOCAL ENVIRONMENTAL PLAN 2010 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
Clause 2.1 Zoning The site is zoned R2 Low Density Residential under the provisions of the Penrith City Local Environmental Plan 2010.	A dual occupancy is permissible with consent with the R2 Low Density Residential Zone.	Complies
Clause 4.1A Minimum lot size for Dual Occupancies Development consent may be granted for the development of an attached dual occupancy if the proposal is within the R2 Zone and if the lot is greater than or equal to 650m ² .	The proposed attached dual occupancy will be within the applicable zone and be on a lot that is greater than 650m ² (766.6m ²).	Complies
Clause 4.3 Height of buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Specified maximum height: 8.5m	The overall height of the building must not exceed the maximum height of 8.5m. Maximum height is to be noted on the section plan.	To be noted on plans. Capable of compliance.
Clause 4.4 Floor Space Ratio There is no specific FSR control within the relevant zoned area.	N/A	N/A

PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
PART D – RESIDENTIAL DEVELOPMENT		
2.2 – Dual Occupancies		
2.2.5 Front and Rear Setbacks. 1) Development must be within the development footprint which is determined by the maximum development footprint for your site by: (a) The minimum rear setback for a single storey building (or a single storey component of a building) is 4m. (b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m. (c) Adopting an average 6m rear setback on irregular shaped allotments; and (d) Adopting a front setback that matches the neighbourhood character.	<u>Rear Setbacks</u> The proposed rear setback of dwelling A is 9.495m and dwelling B 7.857m. This is greater than the required 6m for a two storey component.	Complies

PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
<p>3) Determine an appropriate front setback:</p> <ul style="list-style-type: none"> (a) Either average front setbacks of (b) The immediate neighbours; or (c) Adopt a 5.5m minimum whichever is the greater dimension. (d) And provide extensive landscaping within the front setback area. 	<p><u>Front Setback</u></p> <p>The average front setback of the immediate neighbours is 9.46m and the proposed dual occupancy has a front setback of 12.278m at the closest point.</p>	Complies
<p>2.2.6 Building Envelope and Side Setbacks.</p> <p>1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site. As shown in the below figure.</p>  <p><u>Cut and Fill</u></p> <p>4) Cut and fill and ground floor heights are restricted by the following:</p> <ul style="list-style-type: none"> (a) provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level; (b) restrict cut-and-fill to a maximum of 500mm; (c) provide effective sub-soil drainage. <p>5) Pitches for main roofs are to be in accordance with the following:</p> <ul style="list-style-type: none"> b) for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings. 	<p>Partly non complaint at the rear. The non-compliant portion is at the rear which is well setback from the street and has compliant side setbacks and overall height. There would be additional shadow impact caused by the non-compliance which will be a factor in Council's consideration of the issue. Complaint solar access to the southern side property will be a key towards achieving flexibility.</p> <p>We can provide planning justification for the non-compliance but there is no guarantee Council will accept.</p> <p>Floor is stepped to accommodate the slope. Floors appear to be no higher than 1m. Show on plans.</p> <p>Cut and fill appears reasonable. One area in the south western corner exceeds 500mm cut but is supportable in order to keep the floor slab closer to the ground elsewhere.</p> <p>Roof pitch is approx. 20 degrees. Show on plans.</p>	<p>Non compliant</p> <p>Appears to be compliant</p> <p>Supportable</p> <p>Complies</p>

BASE PLANNING CONTROLS

PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
<p><u>Side Setbacks</u></p> <p>6) Setbacks from side boundaries should be varied to articulate walls to side boundaries by the following:</p> <p>a) maximise setbacks (and landscaped area) beside neighbouring cottage back-yards;</p> <p>b) Otherwise, a minimum 900 mm setback at ground level for walls no longer than 10m;</p> <p>c) a greater set-back for second storey walls, consistent with the building envelope.</p>	<p>Setbacks are appropriate to the site context. See below.</p> <p>The proposed development allows for side setbacks of 1.054m at the closest point.</p> <p>Refer to comments at Page 4.</p>	<p>Complies</p> <p>Complies</p> <p>Does not comply with building envelope</p>
<p>2.2.7 Driveway and Parking Areas.</p> <p>1) Provide onsite parking in accordance with parking section of this DCP.</p> <p>2 spaces per dwelling (2 or more bedrooms) – stack or tandem parking acceptable.</p> <p>2) Garages for attached dwellings should:</p> <p>(a) occupy not more than 50% of any street frontage;</p> <p>(b) flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation.</p> <p>3) For dwellings located one behind the other, driveways should:</p> <p>(a) be separated from dwellings by a landscaped verge at least 1m wide;</p> <p>(b) where possible, also separated from boundary fences by a landscaped verge;</p> <p>(c) prevent adverse long-term effect upon any vegetation that must be preserved;</p>	<p>Each garage provides for a single covered parking space. The driveway is an appropriate length and width to act as a second uncovered parking space.</p> <p>Forward exiting will not be possible if a car is parked externally. The reversing distance is 16m which Council might not support. Ensure each driveway is 3m wide.</p> <p>The street frontage is 12.19m and the width of the two garage doors combined is approximately 4.8m. Garage door width is to be noted on plans.</p> <p>The lounge room is located at the front of the dwelling with two windows facing the street for light and ventilation.</p> <p>An attached dual occupancy is proposed. One is not located behind the other.</p>	<p>Complies</p> <p>Caution required</p> <p>Complies</p> <p>Complies</p>

PRINCIPAL PLANNING CONTROLS

PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
(d) provide for effective and healthy landscaping along all site boundaries; (e) drain by gravity to Council's stormwater network.		
LANDSCAPED AREA		
2.2.8 Landscaped Area. 1) Minimum landscaped area should be 50% of the site in the R2 Low Density Residential zone.	Landscaped area proposed is 51.23% (392.77m ²).	Complies
2) Landscaped areas should provide: <ul style="list-style-type: none"> (a) effective separation between neighbouring dwellings; and (b) healthy growth of new trees and shrubs; and (c) long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties); and (d) private courtyards for all dwellings and a green outlook; and (e) civic gardens along street frontages. 	The landscaped area provides effective separation between the neighbouring dwellings and is an appropriate dimension to provide for substantial plantings that meet these provisions. A landscape plan will be required to accompany a development application.	Complies
3) Landscaped areas are required to: <ul style="list-style-type: none"> (a) have a minimum width of 2m and serve as functional spaces; 	Landscaped area must have a minimum width of 2m. Show on landscape plan.	Capable of compliance
<ul style="list-style-type: none"> (b) should include private courtyards measuring a minimum of 30m²; 	The proposal provides for landscaped areas at the rear, that will meet the intent of this control.	Complies
<ul style="list-style-type: none"> (c) may include verandahs or patios that open directly to private courtyards; 	Noted.	Noted
<ul style="list-style-type: none"> (d) do not include substantially paved areas such as buildings, driveways and covered garages; 	Noted.	Noted
<ul style="list-style-type: none"> (e) that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation. 	N/A.	Noted
2.2.9 Solar Planning 1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:	Shadow diagrams are required to determine compliance.	Shadow diagrams are required.

BASE PLANNING CONTROLS

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<ul style="list-style-type: none"> (a) providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions; (b) illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas; (c) demonstrating shadows cast by neighbouring buildings; (d) maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun; (e) ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings; (f) ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings; and (g) in situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%. 		
2.2.15 Garage Design 2) For dwellings that require two spaces: a) provide at least one covered space; c) for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space.	Each dwelling is provided with one covered parking space in the garage. A stacked arrangement is proposed, with one car parking space internal and one external on the driveway. Please note previous comments concerning potential excessive reversing to exit.	Complies Complies
2.2.18 Fences and Retaining Walls 4) Fences should be no taller than: (a) 1.8m generally; and (b) 2.4m on sloping sites, including the height of any retaining wall.	Capable of compliance. To be noted.	Capable of compliance.

PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
<p>5) Fences along boundaries forward of the front building alignment:</p> <ul style="list-style-type: none"> (a) Should not be taller than 1.2m, or if taller, of see-through construction; (b) Should not be constructed of metal panels; (c) Walls of solid construction and taller than 1.2m (such as courtyard walls) should be set back at least 2m from the front boundary (to allow for landscaping) and should not occupy more than 50% of the allotment width. <p>12) Retaining walls:</p> <ul style="list-style-type: none"> (a) Generally should be no taller than 500mm; (b) Should not cut through roots of any tree required by Council to be preserved; (c) Should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing; (d) Should provide drainage for any associated planter-bed; (e) Should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles. 	<p>These provisions are capable of compliance. Show fences if part of the application.</p> <p>These provisions are capable of compliance. To be noted.</p> <p>Please show copious top and bottom of wall RL's. Architectural and landscape plans to be consistent.</p>	<p>Capable of compliance</p> <p>Capable of compliance</p>
<p>2.2.19 Visual Privacy</p> <p>1) Demonstrate a package of measures that achieves reasonable privacy:</p> <ul style="list-style-type: none"> a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows; d) screening measures, including: <ul style="list-style-type: none"> (i) Offsetting of windows; or (ii) Oblique orientation for windows; or (iii) External screens to windows; or (iv) Courtyard walls and pergolas; (v) Note that landscaping should not provide the principal means of screening; 	<p>Landscape screening should be included in landscape design.</p> <p>Note previous comments concerning necessity of laundry doors and steps in side setback areas.</p> <p>To be noted.</p>	<p>Caution</p> <p>To be noted</p>

BASE PLANNING CONTROLS

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e) rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide; bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window;	This provision is not of relevance to this application.	N/A
f) bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window;	This provision is not of relevance to this application.	N/A
h) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings: <ul style="list-style-type: none"> (i) Are offset by a distance sufficient to limit views between windows; or (ii) Have sill heights of 1.7m above floor level; or (iii) Have fixed obscure glazing in any part of the window below 1.7m. 	Privacy measures such as increased sill heights or glazing may be necessary along first floor side elevations. This may be addressed at the request of the Council.	Additional privacy measures may be necessary. Can be addressed in DA process, at the request of Council.

Conclusion

The site is able accommodate an attached dual occupancy development. The proposal appears to be largely compliant with the relevant Penrith LEP and DCP provisions, subject to addressing the issues identified in this report. It is assumed that the stated tree removal will occur prior to DA lodgement. If so, the survey and plans should be updated.

Should you require any further information, please do not hesitate to contact us.

Katherine McIntosh
Urbanesque Planning Pty Ltd

Reviewed by:

Eugene Sarich
Urbanesque Planning Pty Ltd