

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA20/0687
Proposed development:	First Floor Dwelling Addition
Property address:	11 Hough Street, COLYTON NSW 2760
Property description:	Lot 15 DP 242060
Date received:	23 October 2020
Assessing officer	Luke Caruana
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 1a
Recommendation:	Approve

Executive Summary

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

Site & Surrounds

The subject site is situated on the north side of Hough Street. It is 733m² in area, is relatively flat and is orientated to the south.

An inspection of the site was undertaken on 09/12/2020 and the site is currently occupied by a two storey dwelling and garage.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves the construction of a first floor addition to the existing two storey dwelling..

Plans that apply

1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
GENERAL LIST
CONSENTS - PART 12(A) OF LOCAL GOVERNMENT ACT
CONSENTS - SEC. 80 OF ENVIRONMENTAL PLANNING AND A
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DCP 2014 - Tree Preservation Controls
DCP 2014 - General Information
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
Local Environmental Plan 2010
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE
STATE ENV PLANNING POLICIES - GENERAL LIST
SEPP WSA - Affected by Obstacle Limitation
SEPP WSA - Affected by Wildlife Buffer Zone
EAST WARD
Zone R2 Low Density Residential - LEP 2010
LEP 2010 - Additional Land Use Notes

Planning Assessment

- 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.

Section 4.15(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 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	N/A
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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?	Complies - See discussion
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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?	Complies
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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? **Complies**

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

Is the development compatible with surrounding and adjacent land uses **Complies**

Will the development have no or minimal impact on the amenity of the area in terms of:

 Sunlight (overshadowing): **Complies**

 Visual and acoustic privacy: **Complies**

 Views or vista: **Complies**

Access and Transport

Will the development have no or minimal impact on the local road system **Complies**

Is the existing and any proposed access arrangements and car parking on site adequate for the development? **Complies**

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument. **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: **N/A**

Bushfire requirements provided for the development **N/A**

Acoustic requirements provided for the development **N/A**

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 4.15(1)(c) The suitability of the site for development

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

Section 4.15(1)(d) Any submissions made in accordance with the EPA Act and Regulations?

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

Section 4.15(1)(e)Public Interest

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

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 and is in the public interest.

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

1. That DA20/0687 for a first floor addition at Lot 15 DP 242060 No. 11 Hough Street Colyton, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001 - Approved plans that are architecturally drawn

The development must be implemented substantially in accordance with the plans 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.

Demolition

5 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

6 B003 - ASBESTOS (amended from Council adopted version)

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

7 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

8 B005 - Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

9 B006 - Hours of work

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

10 D009 - Covering of waste storage area (Add if more than 40%)

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.

11 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.

BCA Issues

12 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)

13 E Special - hard wired smoke alarms

In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.5 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Construction

14 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.

15 [H017 - Loads on existing buildings \(if first floor addition\)](#)

A certificate from a qualified practising Structural Engineer attesting to the adequacy of the structure to support the anticipated loads is to be submitted for consideration and approval prior to the issue of a Construction Certificate.

16 [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.

17 [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 dwelling are to compliment and blend with the established streetscape and amenity of the area.

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

Construction works or subdivision works that are carried out in accordance with 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.

Roads Act Requirements

19 [I003 - Roads Act approval 1](#)

Penrith City Council is the Roads Authority under the Roads Act 1993 responsible for approving:

- Works on the road reserve, or
- The placement of hoardings, structures, containers, waste skips etc. on the road reserve.

The application for a Construction Certificate is to accompany documentation specifying that a Roads Act application, including payment of appropriate application and Inspection fees under the Roads Act, has been sought from Penrith City Council for the following works:

(a) Placing of hoardings, containers, waste skips, etc. in the road reserve.

- All works on the road reserve including the placement of hoardings, containers, waste skips and the like on the road reserve shall be carried out in accordance with Penrith City Council's specifications.

Prior to the issue of an Occupation Certificate, 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 Asset Management Department on (02)47327777 to arrange an inspection of the works (and payment of inspection fees, if required).

Engineering

20 [K016 - Stormwater](#)

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

21 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

22 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.

23 L012 - Existing landscaping (for existing development)

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

Payment of Fees

24 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

25 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.

26 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 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

D2	Residential Development – Single Dwellings	Complies Y/N	Comments
2.1.2	<p>Front setback – Minimum 5.5m or average of adjoining properties.</p> <p>Secondary Street (where applicable) – Minimum 3m to external walls and minimum 5.5m to garage entrances</p> <p>Encroachments - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback</p> <p>Side setback – minimum 900mm</p> <p>Rear setback – minimum 4m for single storey component or 6m for 2 storey component</p> <p>(non-habitable building or structure can be closer if minimal adverse impact on the subject property or any adjoining property)</p>	<p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p> <p>NA</p>	
	Building envelope compliance (encroachments permitted if improved design, appearance or utility and minimal impact)	Yes	
2.1.3	<p>Cut and fill does not exceed 600mm measured from NGL.</p> <p>Ground floor levels max 800mm above NGL</p> <p>Retaining wall forward of garage are masonry</p> <p>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)</p>	<p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p>	

<p>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.</p>	NA	
<p>Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.</p>	NA	
<p>Driveway gradient to not exceed 20%</p>	Yes	
<p>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.</p>	NA	

2.1.4	<p>The minimum landscaped area of a site is</p> <table> <thead> <tr> <th>Zone</th><th>Minimum landscaped area % of the site</th></tr> </thead> <tbody> <tr> <td>R1 Residential</td><td>40</td></tr> <tr> <td>General</td><td></td></tr> <tr> <td>R2 Low Density Residential</td><td>50</td></tr> <tr> <td>R3 Medium Density Residential</td><td>40</td></tr> <tr> <td>R4 High Density Residential</td><td>35</td></tr> </tbody> </table> <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.</p> <p>Calculation of landscaped area may include up to 15m² 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>	Zone	Minimum landscaped area % of the site	R1 Residential	40	General		R2 Low Density Residential	50	R3 Medium Density Residential	40	R4 High Density Residential	35		Landscape area not affected by proposal.
Zone	Minimum landscaped area % of the site														
R1 Residential	40														
General															
R2 Low Density Residential	50														
R3 Medium Density Residential	40														
R4 High Density Residential	35														
2.1.5	Articulate 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	Yes	
	External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.	Yes	
	All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.	NA	
	Garage setback at least 1m behind the building line of the dwelling	NA	
	Total width of all garage doors facing a primary or secondary road frontage must not exceed; 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.	NA	
	Corner lot is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation	NA	
	Parking is 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	
2.1.6	Ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings;	Yes	

	Ensure 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	Yes	
	Where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%	Yes	
2.1.7	<p>Retaining walls:</p> <p>a) generally should be no taller than 600mm;</p> <p>b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</p> <p>c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles.</p>	NA	
	Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.	NA	
	Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction	NA	

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

e) privacy - protect the amenity of adjacent properties;	NA	
f) storage and building services - sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent developments.	NA	
g) privacy – protect the amenity of adjacent properties;	NA	
h) storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent residents.	NA	