

# C1 Rural Development

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# 1. Introduction

## Overview

The location of Penrith at the western fringe of Sydney and at the foothills of the Blue Mountains escarpment provides it with a unique countryside setting. Its urban areas are flanked by the Ropes Creek corridor, the Nepean Valley flood plains and significant bush land areas.

The surrounding countryside covers a large percentage of the City's area and comprises productive rural lands to the north and south, natural reserves, riparian environments and rural villages. These rural areas form an integral part of the character of the City. This character is valued by the community and is one which Council is committed to preserving.

The rural areas that are covered by this section of the DCP include land zoned RU1 (Primary Production), RU2 (Rural Landscape), RU4 (Primary Production Small Lots), RU5 (Village) and other zones where rural land uses may occur including the C3 (Environmental Management) and C4 (Environmental Living) zones.

## General objectives

- a) To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands.
- b) To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities.
- c) To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices.
- d) To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities.
- e) To increase the awareness of ecologically sustainable rural land use practices amongst landholders, land users and the community generally, and promote responsible stewardship of Penrith's rural lands.

- f) To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings.
- g) To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining.
- h) To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding).
- i) To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal.
- j) To maintain and improve the water quality of watercourses within the City.
- k) To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors.
- l) To consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development.
- m) To promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and
- n) To ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land.

#### Other relevant sections of this plan

Penrith DCP 2014 is a multi layered and integrated document that recognises the inter-relationships between a number of issues, all of which contribute to sustainable outcomes. It is therefore important to read all parts of this DCP.

Council will consider each development application on its merit, having regard to this section and other relevant sections of the DCP, and other relevant environmental planning instruments, contributions plans or Council policies. Compliance with this Chapter alone does not guarantee that consent will be granted to an application.

### Other information

People seeking further information on rural land uses or preparing development applications may wish to refer to the following:

- Penrith Rural Lands and Villages Study (Penrith City Council, 2019)
- Penrith Rural Lands Strategy (Penrith City Council, 2022)
- Policy for Sustainable Agriculture in New South Wales (NSW Agriculture, 1998)
- State Environmental Planning Policy (Primary Production) 2021
- NSW Biodiversity Strategy (National Parks and Wildlife Service, 1999).

## **2. Rural Character**

### Background

Protecting the character of Penrith's rural lands is a key driver for this DCP. Rural character is primarily visual – it is the overall impression of our rural lands viewed by people visiting them or driving through them. Consequently, the provisions aimed at protecting rural character focus on ensuring that the visual impact of development is in keeping with rural areas, and does not unnecessarily intrude on the landscape. The Penrith LEP 2010 Scenic and Landscape Values Map identifies land which is particularly sensitive to visual impact. Although the visual impact of development will be considered for every application, it is particularly critical in these areas.

The key components that contribute to Penrith's rural character are the rural landscapes, agricultural lands, native vegetation, biodiversity and riparian corridors, areas of mixed rural uses and rural living areas.

### **Objectives**

- a) To preserve the rural character of the City of Penrith, including its scenic and landscape qualities.
- b) To retain and protect each of the elements that make up the rural character of Penrith; and
- c) To address the visual impact assessment requirements for major applications, as required.

## Controls

1. To preserve the rural character of the City of Penrith, all major development should seek to retain and protect the scenic, landscape and rural character of the City (where the relevant land uses are permissible within the zone and in accordance with the controls in Penrith LEP 2010 and Penrith DCP).
2. Major development applications may be required to provide more detailed studies including, but not limited to, a Visual Impact Assessment (See the Site Planning and Design Chapter and the Submission Requirements Section within the Appendices).

## 3. Rural dwellings and outbuildings

### Rural dwellings

Penrith's rural areas contain a diverse range of housing types. The style, size and location of dwellings are, in many areas, typical of specific eras and social influences.

Some localities, for example, are typified by small scale fibro or brick cottages within a tapestry of agricultural activities. Other, more recently developed, areas contain more residential development and smaller scale agricultural activities, where the separation between buildings is reduced.

All development should take into account the inherent rural character of a locality and be responsive to that character and the local landscape qualities.

### Outbuildings

Outbuildings are an integral part of rural life and activities. They include carports, garages, garden sheds, small-scale storage sheds for non-agricultural purposes, gazebos, etc. Outbuildings should be designed and sited to complement rural character. Inappropriate uses and activities are not permitted.

In some cases, outbuildings may be exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) or Penrith LEP 2010. If an outbuilding does not meet the relevant criteria specified in the SEPP or LEP, then development consent will be required.

## **General objectives**

- a) To ensure that development does not detract from the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of rural areas.
- b) To provide separation between residential uses and noise generating sources.
- c) To provide buffers between residential buildings and land uses to minimise the potential for land use conflict and additional pressure on agriculture or other rural activities.
- d) To ensure that external finishes used have minimal detrimental impact on the visual amenity of an area.
- e) To encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development; and
- f) To encourage a diversity of interesting rural dwellings and outbuildings, which respect the inherent character of the locality.

### **3.1 Siting and orientation of dwellings and outbuildings**

This section aims to ensure the siting of dwellings and outbuildings takes into account the principles of site planning, landscape/scenic character and the environmental qualities of the area and site.

#### **Objectives**

- a) The objective of this section is to ensure dwellings and outbuildings are sited in accordance with the general objectives listed above.

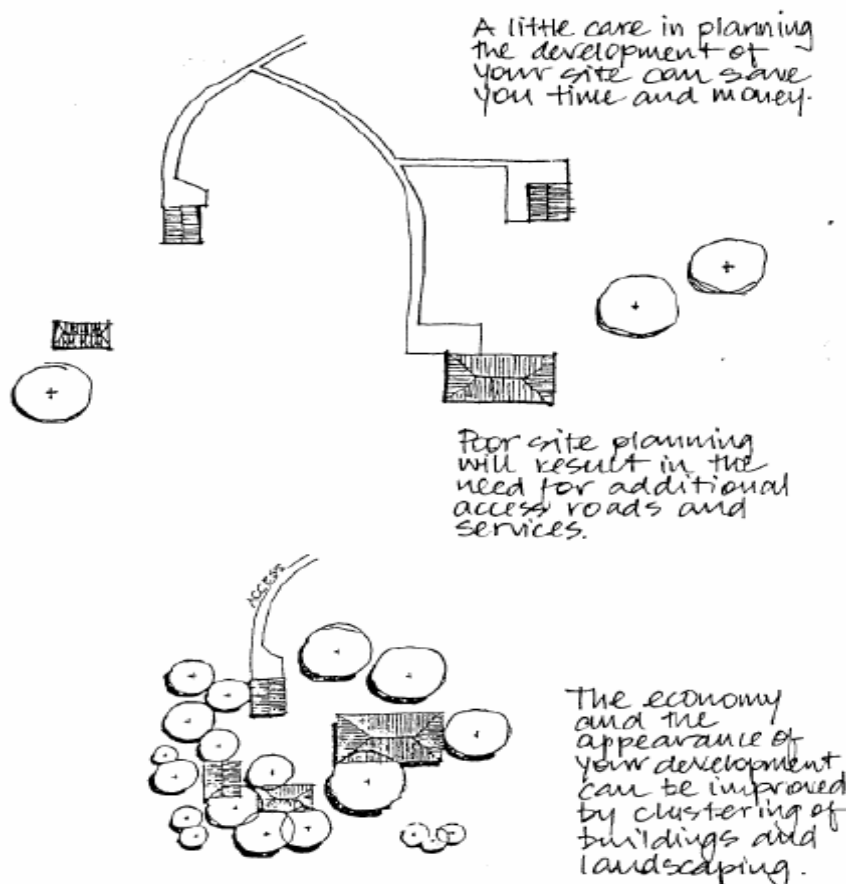
#### **Controls**

##### Site Planning

1. Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:
  - i. Protecting the privacy of proposed and existing buildings.
  - ii. Providing flood-free access to the dwelling and a flood-free location for the dwelling itself.

- iii. Minimising risk from bush fire by considering slope, orientation and location of likely fire sources.
  - iv. Maximising solar access.
  - v. Retaining as much of the existing vegetation as possible; and
  - vi. Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).
2. The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.
  3. Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.

**Figure 1: Site Planning – Consider the natural advantages of the land, and cluster buildings where possible.**



## Landscape / Scenic Character

4. Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.
5. Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.
6. Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment.
7. Roads should be designed and located to run with the contours of the land.
8. Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change.
9. Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.

**Figure 2: Scenic Character – Set buildings below the ridgeline or behind vegetation to reduce visual impact and enhance privacy.**

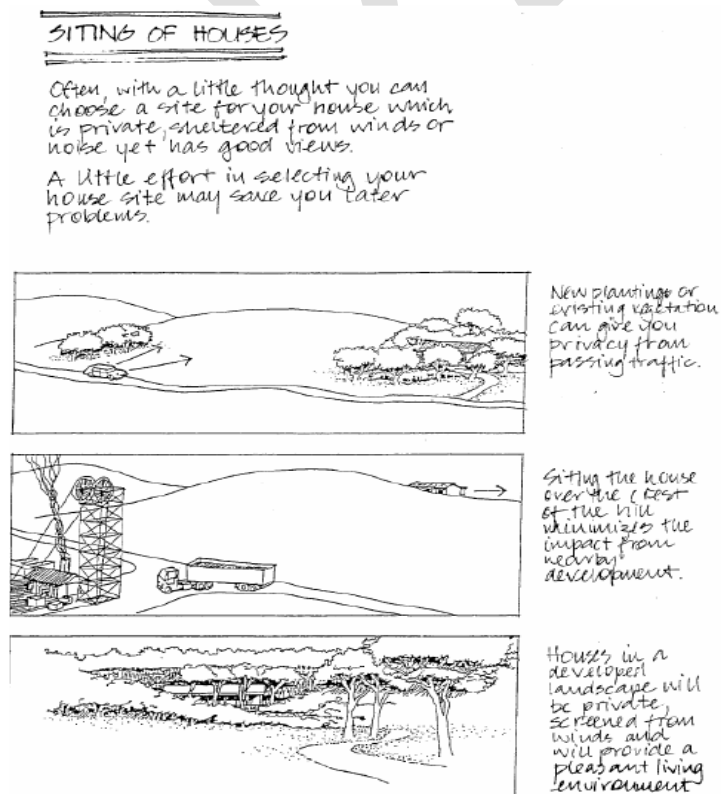
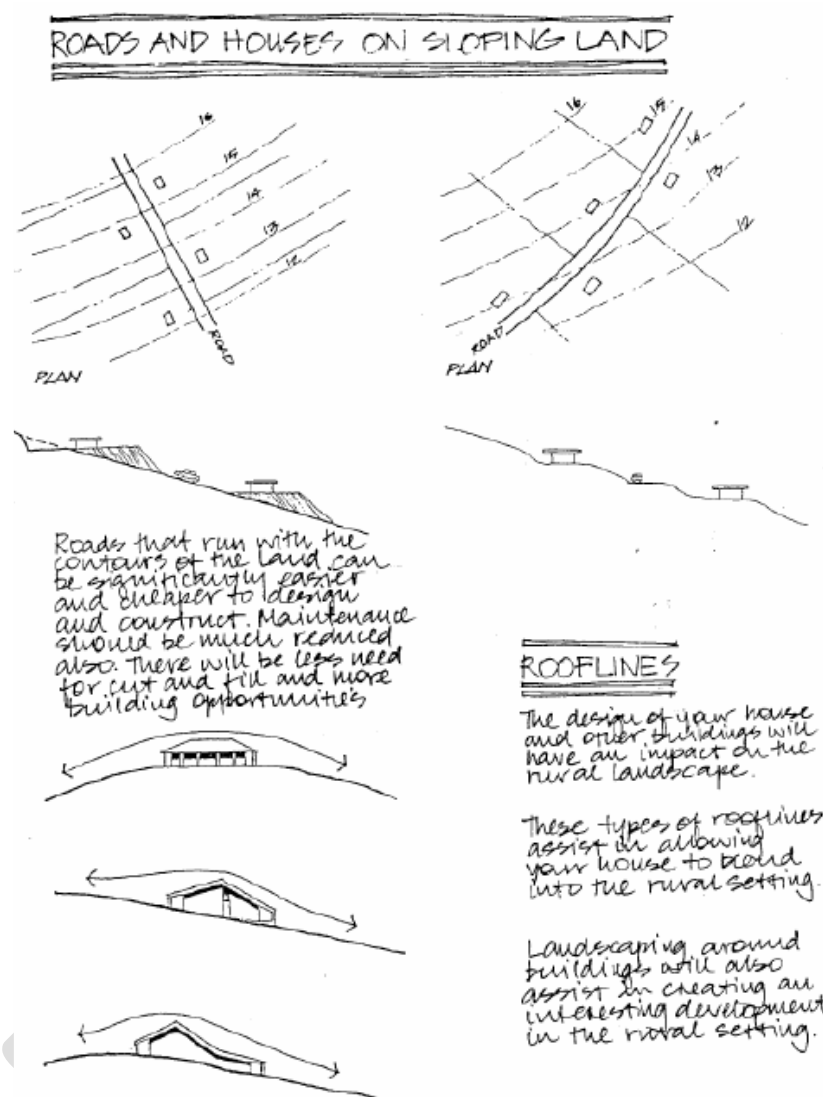


**Figure 3: Roads and houses on sloping land and rooflines**



### 3.2 Setbacks and building separations

This section aims to maintain visual and acoustic amenity for dwellings by requiring setbacks from public roads and dwellings and other buildings on adjacent allotments. Setbacks from watercourses protect both the dwelling and outbuilding in the event of a flood, and the riparian corridor, associated vegetation and water quality.

#### Objectives

Dwellings and outbuildings are to be sufficiently setback from roads, property boundaries and watercourses:

- a) To maintain sight distances for vehicular safety; and
- b) To preserve trees and other vegetation, and provide adequate areas for landscaping.

## **Controls**

### Setbacks from roads

1. A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.
2. A variety of setbacks will be encouraged to prevent rigidity in the streetscape.
3. A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham). Please contact Council to discuss.
4. A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).

### Setbacks from watercourses

5. A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.
6. A minimum setback of 75m is required from South Creek for all dwellings and outbuildings.
7. A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.

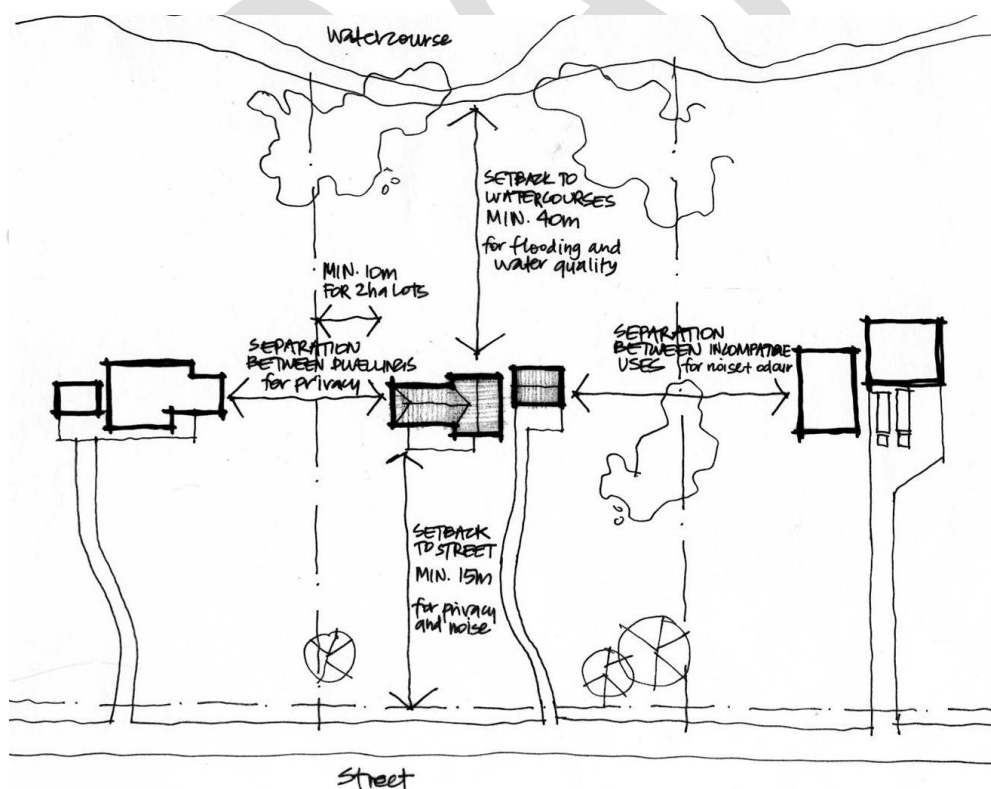
### Building separations and side boundary setbacks

8. Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to

maintain amenity for each dwelling and minimise noise and privacy intrusions.

9. The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.
10. The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.
11. Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.
12. Minimum separations depend on the nature of the farm buildings/activity occurring on the adjacent allotment. Minimum setbacks are set out in other sections of this chapter for agricultural and other types of development.

**Figure 4: Setbacks for rural dwellings and outbuildings**



### 3.3 Site coverage, bulk and massing

This section aims to ensure that rural developments adopt a suitable level of development and site coverage that is in keeping with the rural landscape and character.

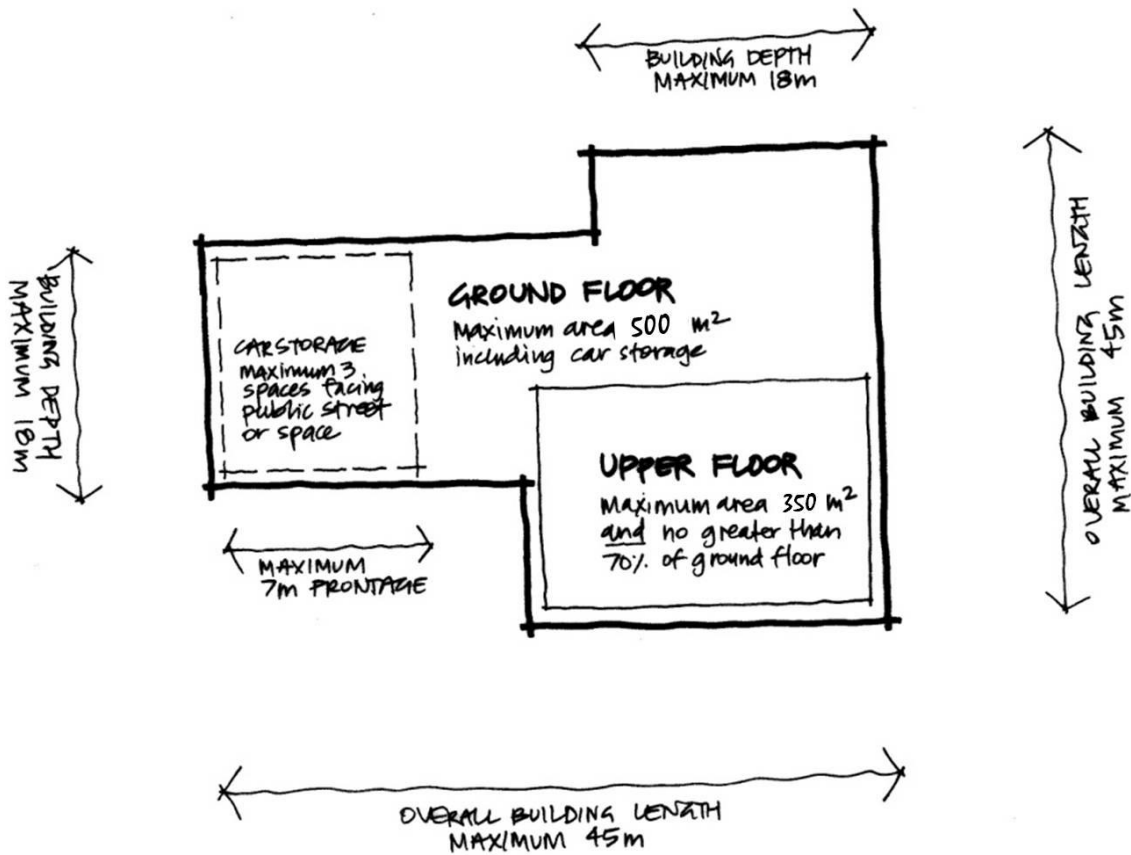
#### Objectives

- a) To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and
- b) To ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.

#### Controls

1. Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).  
**Note:** 'Ground floor footprint' is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.
2. Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.
3. The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.
4. No more than three undercover car parking spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.
5. A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to other parts of this chapter.

**Figure 5: Maximum site coverage and building lengths for dwellings**



### 3.4 Height, scale and design

This section aims to ensure that rural dwellings and outbuildings adopt an appropriate height, scale and design suited to the rural landscape and character of the area.

#### Objectives

Dwellings and outbuildings are to adopt:

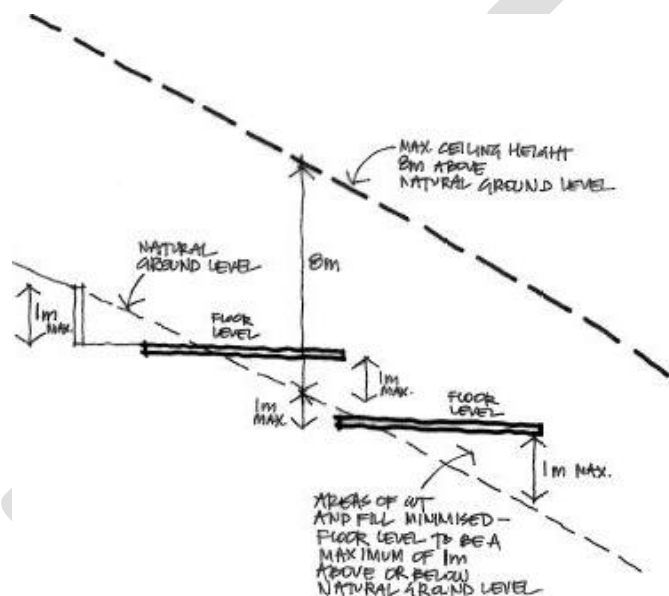
- An appropriate height and scale for the size of the site and character of the area.
- A high quality of design that is sympathetic to the rural character but also promotes innovation.

## Controls

### Height and Scale

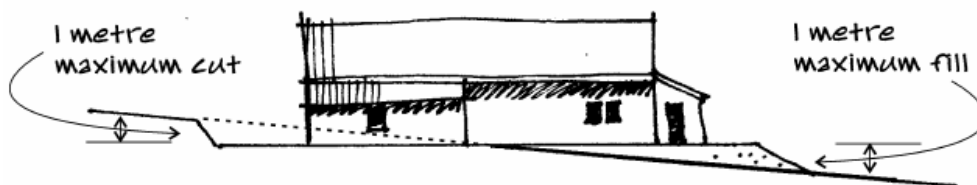
1. Dwellings shall be no more than two storeys in height, including garage and storage areas.
2. If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.
3. The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.

**Figure 6: Maximum height on sloping land**



4. On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure 7.

**Figure 7: Maximum permitted cut and fill**



## Design and Quality

5. The design of dwellings and associated structures should be sympathetic to the rural character of the area.
6. Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.

### **3.5 Dual occupancy dwellings**

Development of rural land for dual occupancy dwellings needs to be carefully designed and implemented to mitigate any potential impacts of the increased density of this form of development on local character and landscape.

The concept of a dual occupancy is to have the second dwelling either as an addition to the house or a separate building smaller than the main dwelling. This protects the traditional rural streetscape of residential buildings and farm buildings separated by large spaces.

Any application for dual occupancy will need to address issues of size, design, location and environmental impacts to ensure that the desired rural character is maintained.

As a general rule, dual occupancy must comply with the requirements for rural dwellings relating to:

- Siting and orientation.
- Setbacks and building separations.
- Bulk and massing (excluding site coverage); and
- Height, scale and design.

### **Objectives**

The objective of this section is to permit dual occupancy development which:

- a) Is in close proximity to and associated with the existing dwelling on the site.
- b) Adopts a similar or sympathetic design to the existing dwelling on the site.

## Controls

These controls apply to dual occupancies in the RU1, RU2, RU4, C3 and C4 zones only.

### Design

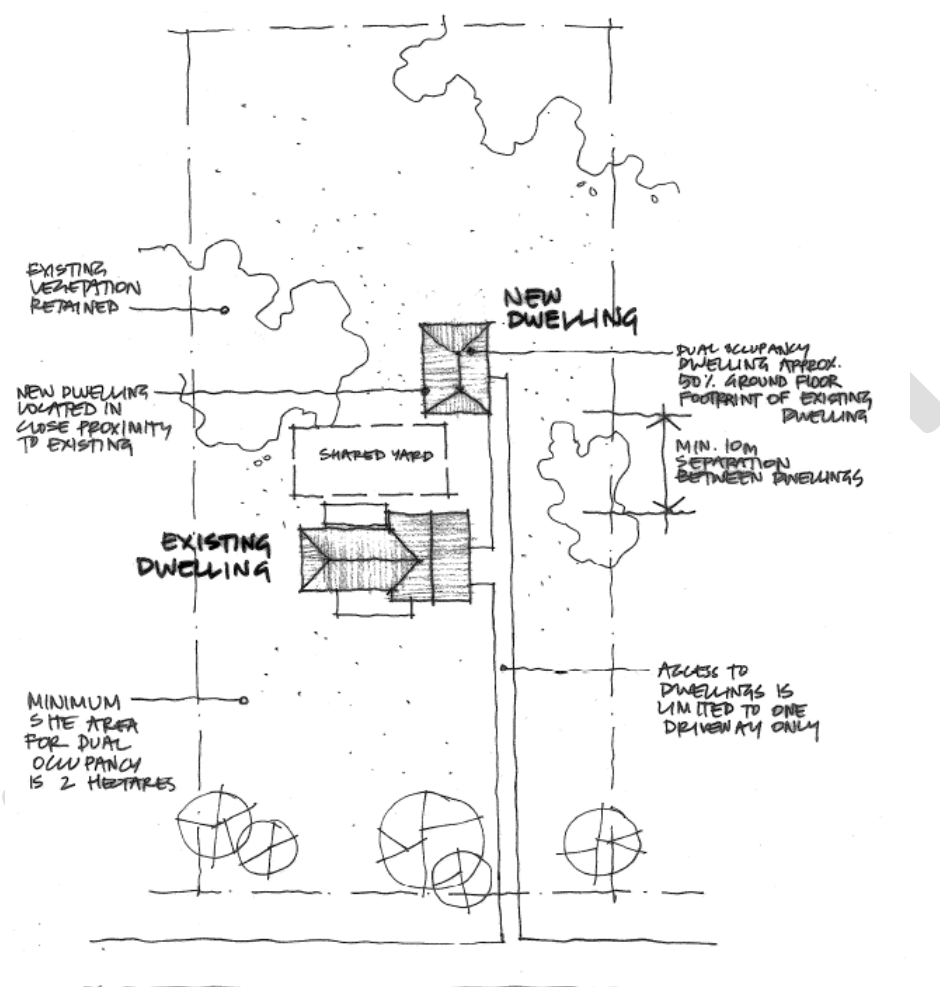
1. Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design.
2. The second dwelling should take into account the principles in the 'Site Planning and Design' Chapter and the 'Vegetation Management' and 'Landscape Design' sections of the Environmental Management Chapter (with particular attention to protecting existing trees and vegetation on the site) of this DCP.
3. The second dwelling should be located within the curtilage (proximity) of the existing dwelling house on the same lot (and preferably within its garden area).
4. The second dwelling must be located behind the building line of the existing dwelling house.
5. The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m.
6. If the dwellings are attached then the second dwelling should be located behind the existing dwelling and should adopt an 'L' shape.
7. The second dwelling must be significantly smaller than the existing dwelling house (approximately 50% in floor area).
8. Consideration, however, will be given to varying this control where the existing house has a floor area of less than 200m<sup>2</sup>.
9. The development should be designed so that the dwellings complement each other and the rural character. In this regard, external finishes should be similar or compatible. Council may require upgrading of the existing dwelling where considered necessary.

### Access, parking and services

10. Access to dual occupancies is to be via a common driveway to both dwellings.

11. At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling.
12. There should only be one electricity line and meter on the property servicing both dwellings.

**Figure 8: Key principles for dual occupancy development**



### 3.6 Secondary dwellings

Subject to meeting certain criteria, secondary dwellings (or granny flats) are generally permissible with consent in rural zones, though some exclusions apply (refer to Penrith LEP 2010).

Secondary dwellings may be considered either upfront as part of building a new dwelling or as an addition to an existing dwelling. As a general rule,

secondary dwellings must comply with the requirements for rural dwellings and dual occupancy development.

## **Objectives**

The objective of this section is to permit secondary dwellings which:

- a) Are part of, attached to or in close proximity to the existing dwelling on the site.
- b) Are limited in their size.
- c) Adopt a similar or sympathetic design to the existing dwelling on the site.

## **Controls**

- 1. With the exception of floor area, the controls applying to dual occupancy development apply to secondary dwellings.
- 2. Clause 5.4 of Penrith LEP 2010 sets the maximum floor space of secondary dwellings at 60m<sup>2</sup> or 10% of the total floor area of the principal or main dwelling, whichever is the greater.
- 3. Secondary dwellings may be located on a lot of less than 2 hectares in size, where it can be demonstrated that the effluent disposal system has sufficient capacity for both dwellings.
- 4. Secondary dwellings shall have a maximum of two bedrooms.

## **3.7 Materials and colours**

This section aims to ensure that the materials and colours for any rural dwellings and associated structures (including outbuildings) are of a high quality and are sympathetic to the character of rural areas.

## **Objectives**

The objective of this section is to ensure that dwellings and outbuildings:

- a) Use materials that are durable and of high quality.
- b) Use colours that are sympathetic to the rural character and minimise any visual impact from the development.

## Controls

1. Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.
2. Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.
3. Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.

### 3.8 Land in the vicinity of second Sydney Airport

This section relates to land which may be under the flight path of the proposed second Sydney airport as identified in the Department of Aviation's Environmental Impact Statement (1985).

## Objectives

- a) To allow development which is compatible with the predicted noise levels.
- b) To prevent the approval of dwellings in areas where noise levels may be unacceptable.

## Controls

1. New dwellings (or significant alterations and/or additions to existing dwellings) within the 20-25 Australian Noise Exposure Forecast (ANEF) zone shall be designed to achieve the requirements discussed in the section on 'Aircraft Noise' in the 'Noise and Vibration' section of this Plan. For the purpose of identifying the current ANEF contours, reference must be made to the *Noise Exposure Contour Map within the State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (SEPP – WPC).

2. New dwellings (or significant alterations and/or additions to existing dwellings) will not be permitted on land where the ANEF exceeds 25, as identified on the *Noise Exposure Contour Map* within the SEPP – WPC.

### Lifting the Bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP.

Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Rural Dwellings and Outbuildings' section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- Improved sustainability outcomes including vegetation management and landscaping, water management, land management and waste management in accordance with this DCP.
- Consideration of larger dwellings where it demonstrates:
  - High quality architectural design.
  - Innovation.
  - Integration into the landscape design.
  - Consideration of the visual catchment and the rural and scenic character of the area.
  - Articulation to reduce building scale and bulk; and
  - Minimisation of hard surfaces.
- Inclusion of the top ten features of a 'Universally Designed' home in designing dwellings:
  - Easy access to the entrance.
  - Level entry.
  - Essential living areas on entry level.
  - Bathroom capable of future adaptation.
  - Reinforcement of bathroom walls.
  - Easy access to and within the kitchen.

- Easy access doors and corridors.
- Consistent installation of switches, power points and window controls.
- Easy operable door and window hardware; and
- Straight stairways.

## 4. Farm buildings

As the nature of agricultural activities changes, there has been an increase in the number and size of farm buildings and a corresponding increase in their impacts on the surrounding area. For this reason, it is necessary to provide controls for all developments involving farm buildings.

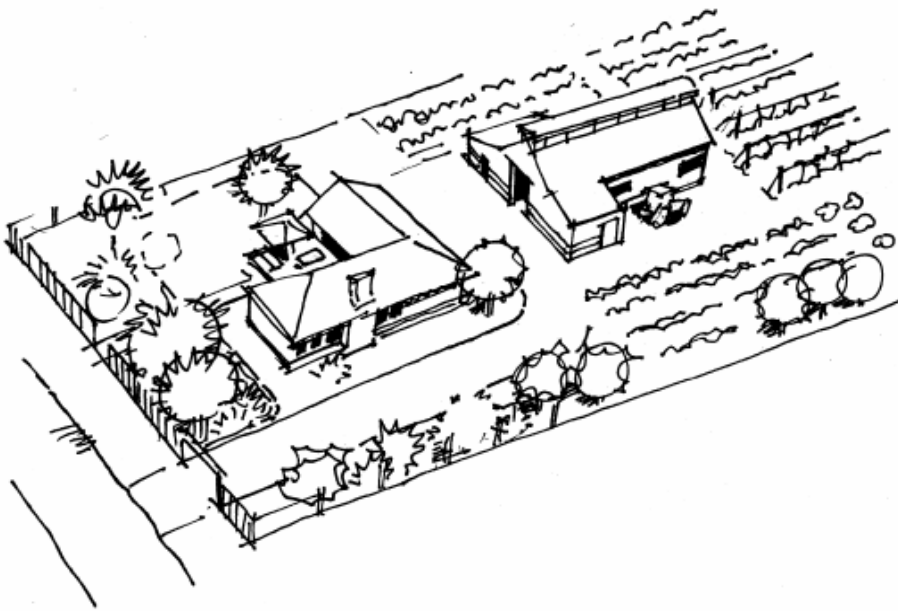
Unless specifically stated, the controls for farm buildings also apply to all sheds and outbuildings ancillary to any permissible use of rural land (specific to the relevant zone), whether or not that use is considered an agricultural use.

In some cases, there are additional controls for particular buildings, such as greenhouses and poultry farms. These controls are included in other relevant sections of this chapter. Where there is an inconsistency between this section and the other relevant part of this chapter, the controls in the latter should be applied.

### General objectives

- a) To establish the rationale and controls for environmentally appropriate development.
- b) To ensure the siting, size, design, external appearance and uses of farm buildings do not detract significantly from the rural and environmental qualities of the locality.
- c) To ensure that farm buildings promote and support sustainable agriculture and other permissible rural land uses in the rural areas of the City.
- d) To ensure farm buildings are sited with regard to good site planning principles.

**Figure 9: Siting of a farm building**



#### **4.1 Siting and orientation**

These controls aim to ensure that farm buildings are appropriately sited and oriented having regard to the rural character, environmental qualities and agricultural potential of the site and the local area.

##### **Objectives**

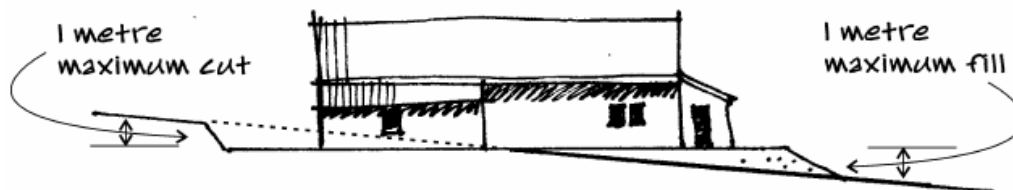
- a) To integrate farm buildings with the landscape so they complement the rural character of an area and are not visually dominant.
- b) To ensure that farm buildings are located to have minimum adverse impact on the environment and on the potential use of the land for agriculture.
- c) To provide separation between potential noise generating sources.
- d) To provide areas for landscaping between buildings.

##### **Controls**

- 1. Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict.

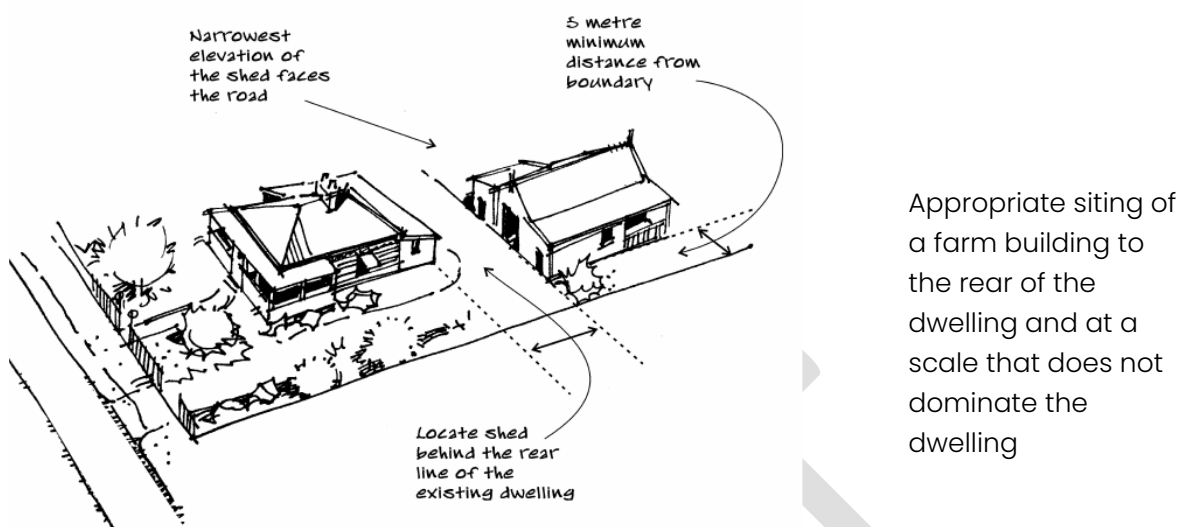
2. Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.
3. Farm buildings should not be erected on land having a slope in excess of 15%. Cut and fill for farm buildings should be limited to 1m of cut and 1m of fill as shown in Figure 10.

**Figure 10 – Maximum cut and fill for farm buildings**



4. Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.
5. The narrowest elevation of farm buildings should face the road.
6. Farm buildings shall be set back a minimum of 40m from any watercourse.
7. Farm buildings should be setback behind the building line of the existing dwelling house on the property.
8. Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.
9. Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.
10. Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.
11. Farm buildings should be a minimum distance of 5m from the side boundaries.

**Figure 11**



## 4.2 Floor space, height and design

The size of a farm building can have a significant impact on the visual amenity of an area. These controls seek to strike a reasonable balance between the use of the farm building, the use of the land and the size of the property.

### Objectives

- a) To control the size and height of farm buildings to minimise their visual impact on the landscape.
- b) To ensure that the size of farm buildings is consistent with the intended use and the size of the property.
- c) To encourage improved design of farm buildings so they enhance the rural landscape and character of an area; and
- d) To ensure that farm buildings use a range of design measures to suit individual circumstances.

### Controls

- 1. For allotments 3 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 200m<sup>2</sup> (see Figure 12).

2. For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m<sup>2</sup>.

**Note:** 'Accumulative building footprint' means the total sum of the ground floor area of all of the farm buildings on a single property. (The floor area under an awning may also be included as part of the accumulative building footprint, depending on the circumstances).

3. For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m<sup>2</sup>.
4. Intensive agricultural uses may require larger accumulated building footprints than those specified above. Variation will be considered but must be justified in the application.
5. A farm building should not be more than 8m high.
6. The maximum external wall height of a farm building shall be 5m. External wall height means the distance from the natural ground level to the underside of the eaves.
7. Where a farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation (or similar).
8. The design of farm buildings should comprise traditional roof shapes to provide visual relief to the building, reduce the buildings dominance over its setting and to provide interest and character to the locality.
9. Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.
10. Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.
11. All elevations of farm buildings that face the street are to present a suitable level of detailing to minimize their visual bulk. Features which can be used include windows, awnings and verandahs.

**Figure 12 - Maximum accumulative building footprint of all farm buildings**

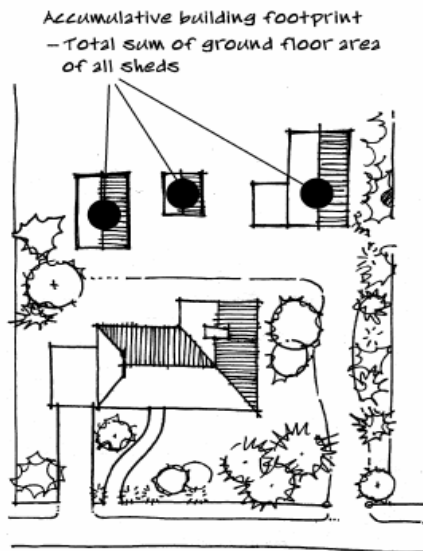


**Figure 13**

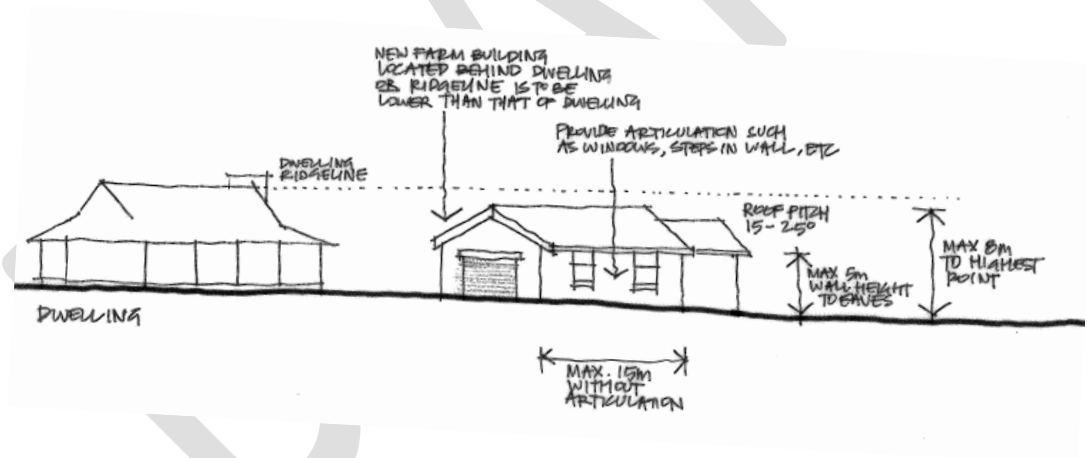
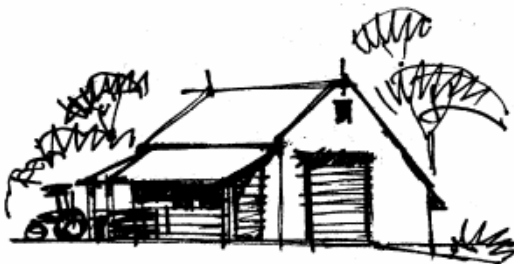


**Figure 14**



Farm building with rounded higher roof element and awning



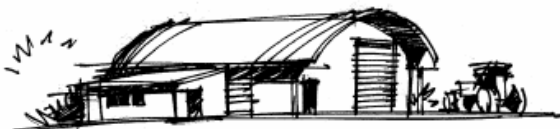
Simple gabled roof with awning - note farm building size and roof are in proportion



Farm building with gabled higher roof element and awning



Simple farm building with gabled roof and lean-to additions which assist in articulating the building form



A farm building of contemporary design that achieves articulation and interest to the form through a lean-to addition and rounded roof form

### 4.3 Materials and colours

It is important that farm buildings are constructed of appropriate materials and colours, which are present in the agricultural or natural environment of the locality. This is not intended to reduce innovative designs or use of materials as long as they are sympathetic to the rural landscape character of the area.

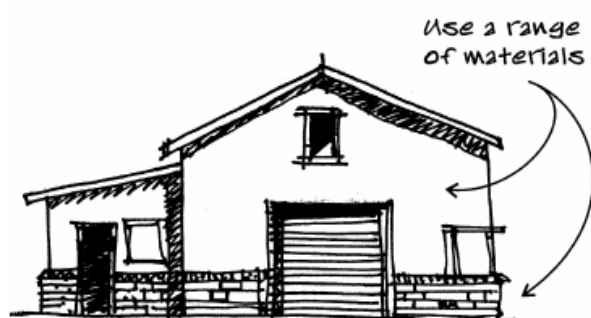
#### Objectives

- a) To ensure that the colours used in the construction of farm buildings are consistent with the prevailing colours of the locality.
- b) To ensure that building materials used in farm building design reflect the rural setting and consist of traditional materials that are present in the locality.

#### Controls

1. The colour of farm buildings shall complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green.
2. Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.
3. The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.
4. Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.

**Figure 15**



## **Lifting the bar**

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in Penrith DCP.

Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Farm Buildings' section of this Chapter will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- Where farm buildings include large roof surfaces that are oriented towards the north, solar cells are placed on farm building roofs to capture solar energy for electricity generation or hot water systems.
- Where farm buildings include large roof surfaces, guttering systems and water tanks are connected to capture rainwater and store for re-use.
- Farm buildings are designed to allow natural ventilation for cooling to avoid the need for mechanical ventilation; and
- Where farm buildings involve substantial construction, they are designed to allow future reuse for other agricultural-related uses.

## **5. Agricultural Development**

The aim of this section is to provide appropriate controls for a range of agricultural land uses.

One of the key conflicts regarding agricultural development is between the retention of viable agricultural lands and the demand for and expectations of large lot residential allotments. This pressure is most acute when residential allotments are in close proximity to intensive agricultural uses, which may have a number of off-site impacts.

In addition to conflicts that exist between agriculture and other land uses, land use conflicts also exist between different forms of agriculture, such as intensive and extensive (broadacre) forms of agriculture, or organic and non-organic enterprises. Issues include chemical spray drift, dust, odour and noise. Traditional agricultural activities may also conflict with sensitive environmental areas.

## **General objectives**

- a) To encourage sustainable land use practices.
- b) To retain viable agriculture lands.
- c) To avoid land use conflicts.
- d) To adopt appropriate water management practices including water consumption patterns to maintain and improve water quality and flows.
- e) To ensure protection of biodiversity values and natural vegetation.
- f) To ensure protection of heritage values and landscape values in rural areas.

### **5.1 Extensive agriculture**

Extensive agriculture is permissible without consent in the RU1, RU2, RU4 and C3 zones. It does, however, require consent on some sites, which are listed in Schedule 1 Additional permitted uses of Penrith LEP 2010.

It should be noted that permitting extensive agriculture without consent does not automatically permit the clearing of native vegetation. If any clearing is required to carry out extensive agriculture, consent must be sought prior to clearing. In this regard, applicants should refer to the section on 'Vegetation Management' in the Environmental Management Chapter of Penrith DCP for further details.

Existing extensive agriculture requires a level of protection from rural residential development to remain viable both in terms of sizes of allotments and avoidance of land use conflicts that limit farming operations. In most cases, the allotment sizes in Penrith are not large enough to support new extensive agricultural businesses. Therefore, there is a need to protect the existing large allotments and agricultural enterprises, where possible.

In general terms, as there are fewer impacts from extensive agriculture, this form of agriculture does not require as comprehensive an assessment for consent as more intensive forms of agriculture.

All buildings associated with extensive agriculture should comply with the controls for farm buildings in Section 4 'Farm Buildings' of this Chapter.

## Objectives

- a) To support extensive agriculture where it is viable.
- b) To avoid environmental impacts from agricultural practices.
- c) To restore native plant communities and increase the use of native grasses in grazing.

## Controls

1. Any proposal for extensive agriculture should comply with the controls set out in the other sections of this DCP.
2. Agricultural practices shall give consideration to:
  - i. Obligations under the Biosecurity Act 2015.
  - ii. NSW Department of Primary Industries and Regional Development guidelines at [www.nsw.gov.au/regional-and-primary-industries](http://www.nsw.gov.au/regional-and-primary-industries)
  - iii. Use of native grasses for grazing.
3. Use of chemicals (including pesticides and herbicides) should be in accordance with:
  - i. Agricultural and Veterinary Chemicals (NSW) Act 1994; and
  - ii. Protection of the Environment Operations Act 1997.

## 5.2 Intensive livestock agriculture

Intensive livestock agriculture has the potential to impact on surrounding properties and the environment. Some of the key issues are:

- Impacts on the amenity of surrounding areas, especially in relation to odour, dust, noise and insects.
- Impacts on surface and groundwater, as well as land degradation, resulting from poor management practices.
- Availability of suitable land areas for managing effluent and manure sustainably.

- Availability of suitable water supplies for stock water, cleaning (e.g. washing out dairies) and, depending on effluent volume and quality, for dilution of effluent for irrigation.
- Management of other wastes (e.g. dead carcasses).
- Impacts on rural landscape character.

All buildings associated with intensive livestock agriculture should comply with the controls for farm buildings in Section 4 Farm Buildings of this Chapter. Where there is an inconsistency between Section 4 Farm Buildings and this section (Agricultural Development), the controls in this section should be applied.

## **Objectives**

- a) To ensure that an appropriate water supply is available for the proposed use and sustainable water management practices are adopted.
- b) To allow intensive livestock production where satisfactory arrangements are made for the containment and disposal of wastes.
- c) To ensure adequate drainage for the site, whilst avoiding contamination of waterways or land.
- d) To provide dust, odour, pest and vermin control to minimise the impact on the amenity of neighbouring properties and users.
- e) To minimise traffic impacts and provide appropriate access and parking facilities for the size of the facility; and
- f) To minimise visual impact on the landscape and scenic qualities of rural areas.

## **Controls**

These controls apply to all types of intensive livestock agriculture. More detailed controls for specific types of intensive livestock agriculture are set out later in this section.

### Location

1. Farm buildings and animal holding areas shall not be located in floodways to prevent loss of stock and pollution of waterways during flood events.

2. The size and location of the intensive livestock agricultural use must take into account the distance of the proposed site to the nearest sensitive land use (including residential zones, educational establishments or groups of five or more dwellings) to minimise the impact of noise and odour.
3. Intensive livestock agriculture shall be located so as to not impact on natural resources sensitive land identified on the Penrith LEP 2010 Natural Resources Sensitivity Land Map.

#### Water supply

4. Council will not grant consent for any new or substantially expanded intensive livestock agricultural use unless it is satisfied that the supply of water to the property is adequate. This may include pre lodgement consultation with Sydney Water.
5. Council's consent is required to construct or form a dam, pond or water retention basin. Specific advice on the construction of dams can be obtained from NSW Department of Primary Industries and Regional Development. See also controls in the 'Water Management' section of the Environmental Management Chapter relating to water retention basins/dams.

#### Waste management

6. Development applications must specify the method by which wastes, including the disposal of dead carcasses of animals and effluent, will be managed.
7. On-site disposal of manure is generally not acceptable. On-site waste disposal may be considered where the allotment is of sufficient size and potential runoff is limited.
8. The burning of animal carcasses is prohibited. Removal by waste contractors is preferred.
9. No liquid or solid wastes from the intensive livestock agricultural use shall be allowed to enter into any stream, watercourse or groundwater or to contaminate land so as to render it unfit for future farming or other relevant activities.

### Control of pests and vermin

10. Adequate vermin control shall be carried out with a regular fly and pest control program.
11. The control program shall comply with the requirements of NSW Department of Primary Industries and Regional Development and shall be maintained to the satisfaction of Council officers.
12. Development applications must include information on how the requirements of the Biosecurity Act 2015 will be met.

### Pesticides

13. For any new or substantially expanded intensive livestock agricultural use, the applicant should incorporate, in any development application, a schedule of all pesticides and other toxic chemicals likely to be stored and used on the site. The schedule should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals.

### Dust control

14. All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation.
15. To eliminate dust as a nuisance, grass cover should be maintained and grown, wherever practical.
16. Landscape buffers that will minimise dust transfer should be provided around all outdoor holding areas for hooved animals.

### Noise and odour control

17. If the use is likely to produce odours that will impact on adjacent properties, the application must include an outline of management protocols to minimise impacts, considering prevailing winds, timing of cleaning, timing of effluent application, etc.
18. If the use is likely to produce substantial noise (or noise during night hours), the application must include an outline of management

protocols to minimise impacts, considering timing of operations, ways to minimise noise generation and travel, etc.

### Drainage

19. Development applications should be accompanied by details of the proposed method of draining the site.
20. Drainage should be designed to incorporate treatment of wastewater to the standards of the NSW Environment Protection Authority.

### Soil erosion

21. An Erosion and Sediment Control Plan will be required in conjunction with any development application for a new or substantially expanded intensive livestock agricultural use. This plan should be prepared in consultation with the NSW Department of Primary Industries and Regional Development and comply with all relevant sections of this DCP (especially the section on 'Land Management' within the Environmental Management Chapter).

### Landscaping

22. All structures are to be screened by landscaping to minimise visual impact. A landscaping buffer should be established around the perimeter of all development.
23. Plant species should include those which will grow to over 7m in height with a large canopy as well as smaller intermediate shrubs. Species that occur locally should be included in the landscaping plan. A list of appropriate species can be obtained from Council's Development Services Department.
24. Planting should be adequately protected from damage by livestock or native animals during its establishment; e.g. using tree guards, or staking and wire.

### Access, traffic and parking

25. The frequency and intensity of traffic associated with all intensive livestock agriculture should be addressed in terms of the capacity of the road system.

26. Access to the site should be provided from a main or secondary arterial road which is constructed to a standard to take articulated vehicles. Access should only be provided from a local road where it is not practicable to provide access from a main or secondary arterial road.
27. The design of the development should incorporate parking and access areas related to the use and vehicles likely to be associated with the development.
28. Client/employee parking areas and vehicular crossings are to be provided.

### Visual impact

29. Any development should consider the impact on the rural and landscape character of the area and seek to minimise this visual impact by appropriate siting of buildings, landscaping and screen plantings, especially from public places and roads.
30. The development shall be designed to have a minimal impact on the streetscape and views enjoyed by adjoining residences.

## **5.3 Poultry farms, piggeries, feedlots and dairies**

Poultry farms, piggeries, feedlots and dairies are specific forms of intensive livestock agriculture which can have significant additional impacts. Issues include:

- Concentrated noise from animals.
- Management of dust and odours; and
- Management of waste.

Council consent is required for any of these uses that will operate as a commercial venture.

### **Objectives**

- a) To ensure properties used for these purposes are large enough to support the required facilities and allow sufficient setbacks from boundaries, adjacent land uses and public areas to minimise impacts, particularly noise.

- b) To provide appropriate buffer distances and setbacks between poultry farms, piggeries, feedlots or dairies and land reserved or in use for sensitive uses (particularly dwellings) to minimise noise, dust and visual impact.
- c) To ensure that farms are properly managed and methods of waste disposal are adequate.
- d) To adopt a consistent approach to planning for the development of new farms and extensions to existing farms.
- e) To provide controls for the prevention of excessive air, noise, water and visual pollution.
- f) To minimise the visual impact of structures associated with these uses.

## **Controls**

### Preparing an application

1. NSW Department of Primary Industries and Regional Development and Penrith City Council should be contacted regarding their requirements prior to the preparation of any application.
2. Certain proposals for piggeries and cattle feedlots must address the matters set out in State Environmental Planning Policy (Primary Production) 2021.

### Allotment Sizes and Animal Numbers

3. Poultry Farms
  - i. Poultry farms must have a minimum lot size of 8 hectares.
  - ii. Buildings must cover no more than 10% of the site.
4. Piggeries
  - i. A minimum area of 2 hectares is required for piggeries.
  - ii. On a block of 2 to 6 hectares, there shall be no more than one breeding sow and its progeny to each half hectare. At no time is the total number of pigs to exceed ten times the approved number of breeding sows (e.g. on a 5 hectare block, there may be no more than 10 breeding sows and no more than 100 pigs in total).

- iii. The above maximums can only be achieved where an adequate effluent disposal system is in place. This system must be designed by an approved trade waste consultant.

## Setbacks

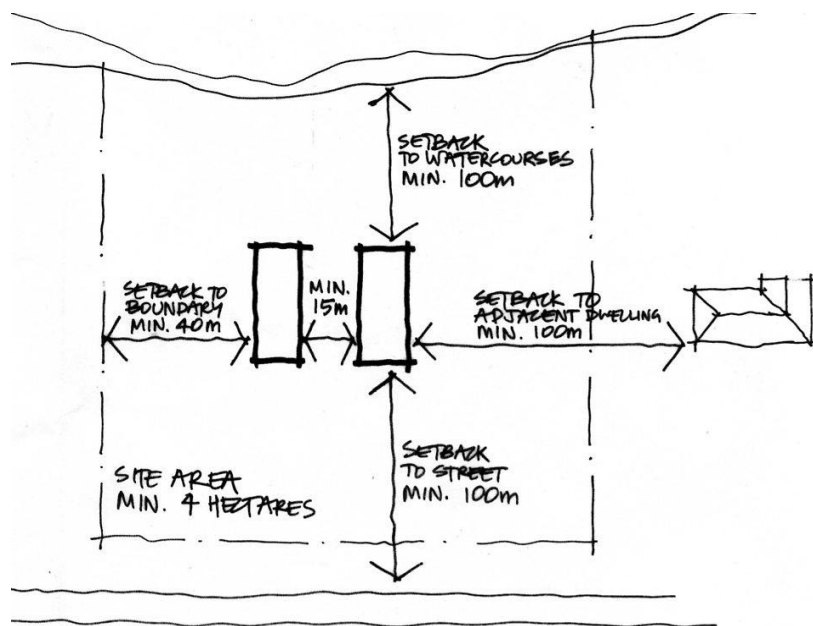
### 5. Poultry Farms

- i. Setbacks for poultry buildings are to be provided in accordance with Table 1 and Figure 16 below.
- ii. The setbacks are required to incorporate vegetated/landscaped buffers on the property to screen sheds and activities, and to help reduce noise and odours.

**Table 1: Setbacks for poultry farms**

| Minimum distance from poultry buildings to: | Distance   |
|---------------------------------------------|------------|
| Public Roads                                | 100m       |
| Boundaries and Dry Gullies                  | 40m        |
| Watercourses and Wells                      | 100m       |
| Adjoining Dwellings                         | 100m       |
| Other Poultry Farms                         | 500m       |
| Zones where Lots < 4ha                      | 300m       |
| Dwelling(s) on the Same Farm                | No minimum |
| Separation – poultry buildings on same farm | Distance   |
| Parallel Broiler – Pullet Breeding          | 15m        |
| Parallel High Rise Layer                    | 30m        |
| Laying and Rearing                          | 100m       |
| Laying Sheds and Egg-Holding Room           | 40m        |

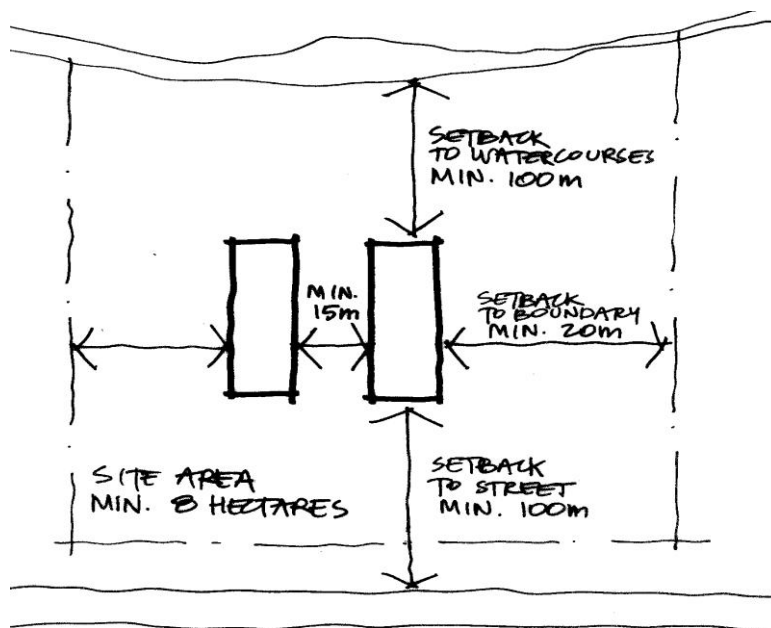
**Figure 16: Setback requirements for poultry farms**



## 6. Piggeries

- i. A piggery on a site of 2 to 6 hectares should locate all piggery facilities at least 20m from boundaries and 40m from a road or public place.
- ii. A piggery on a site of more than 6 hectares should locate all piggery facilities at least 40m from boundaries and 80m from a road or public place.
- iii. All piggeries (including the disposal areas) shall be a minimum distance of 100m from any watercourse. The distance may be increased by Council according to the slope of the land and the permanency of the watercourse.

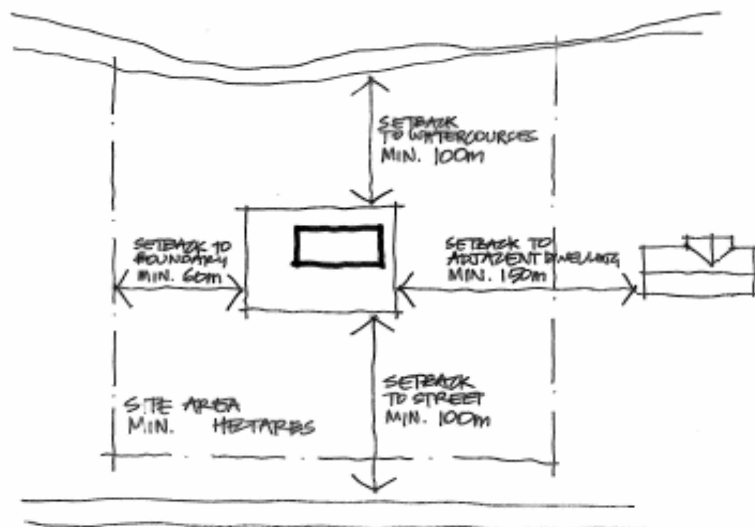
**Figure 17: Setback requirements for piggeries**



## 7. Feedlots

- i. The site should be large enough to achieve a minimum separation of 150m between feedlot yards/farm buildings and residences on adjoining properties.
- ii. All feedlot facilities must be setback a minimum of 60m from property boundaries.
- iii. All feedlot facilities must be setback a minimum of 100m from a public road.
- iv. All feedlot facilities must be setback a minimum of 100m from any watercourse.

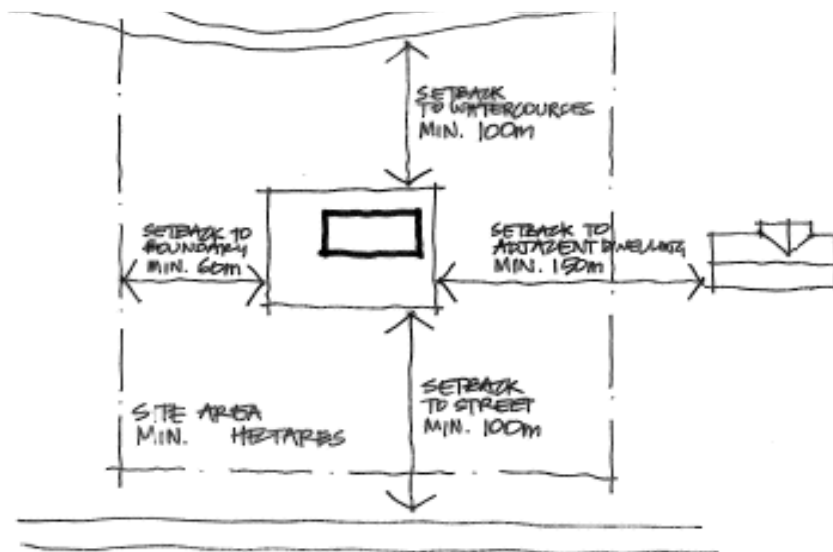
**Figure 18: Setback requirements for feedlots**



#### 8. Restricted Dairies

- i. The site should be large enough to achieve a minimum separation of 150m between dairy yards/sheds and residences on adjoining properties.
- ii. All dairy facilities should be setback a minimum of 60m from boundaries.
- iii. All dairy facilities should be setback a minimum of 100m from a public road.
- iv. All dairy facilities must be setback a minimum of 100m from any watercourse.

**Figure 19: Setback requirements for restricted dairies**



#### Odour control (for poultry farms, piggeries, feedlots and dairies)

9. Required buffers/setbacks must include landscaping, including a dense area of vegetation, a minimum of 25m wide.
10. Ventilators on poultry sheds should be directed up rather than down.

#### Noise control (for poultry farms, piggeries, feedlots and dairies)

11. All development should comply with the relevant State Government authority or agency standards and guidelines for noise.
12. Council may require a Noise Impact Statement to be submitted, depending on the scale and location of sheds to residential areas. Information on the requirements of a Noise Impact Statement are provided in the 'Noise and Vibration' section within the Environmental Management Chapter of Penrith DCP.
13. A noise management plan (including feed delivery) must be prepared which outlines measures proposed to minimise noise to surrounding areas. For poultry farms, this should consider daylight catches or a reduction in the number of pickups required.

## Design and construction

### 14. Feedlots

- i. Any application must address the requirements of the New South Wales Feedlot Manual (see [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au)).
- ii. Any application must address the requirements of the National Guidelines for Beef Cattle Feedlots in Australia (3<sup>rd</sup> edition) (see [mla.com.au](http://mla.com.au)) in determining an appropriate drainage system, controlled drainage area and capture and storage of runoff (effluent), and for using effluent and manure on-site.
- iii. Applications should be prepared in consultation with Council officers. Information relating to the issues above should be submitted with the application, together with a plan of management which indicates factors such as, but not limited to:
  - Animal concentration per hectare.
  - Paddock rotation intervals.
  - Revegetation strategies for soil degraded paddocks.
  - Location of stock in relation to adjoining premises.
  - Odour control; and
  - Location of feeding points.

### **5.4 Animal Boarding or Training Establishments**

Animal boarding or training establishments include dog kennels, catteries, horse breeding facilities, horse training facilities (such as trotting tracks) and large-scale aviaries. Fish are dealt with under aquaculture.

The issues associated with animal boarding or training establishments include:

- Concentrated noise from animals.
- Management of dust and odours, including from animal exercise areas.
- Management of solid and liquid wastes.

- Availability of suitable water supplies for stock watering and cleaning.
- Impacts on rural landscape character; and
- Impacts on the local road system.

## **Objectives**

- a) To allow the development of these establishments while minimising the impact on adjoining land uses and the local road system.
- b) To encourage establishments which are designed to promote efficient internal circulation, drainage and aesthetic appeal; and
- c) To ensure that properties are large enough to support the required facilities and allow for sufficient setback from boundaries, adjacent land uses and public areas to minimise impacts.

## **Controls**

### General Requirements

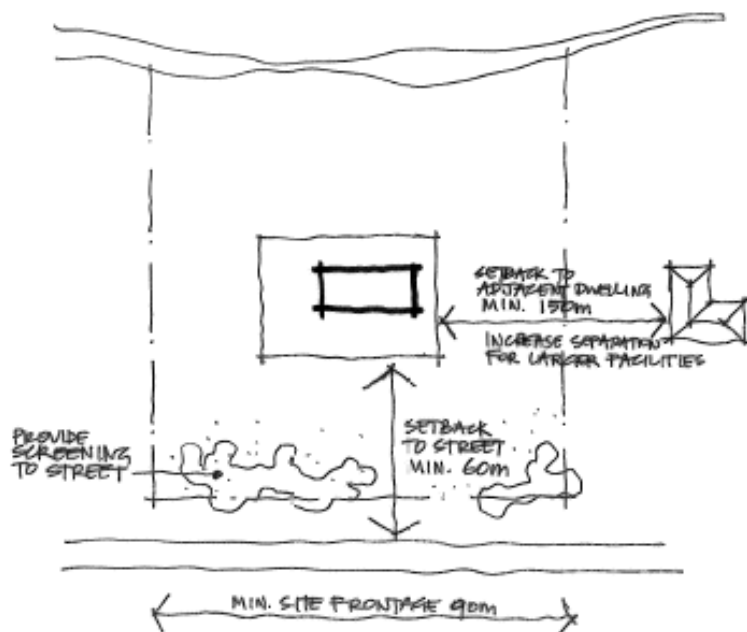
1. Sites should be selected with consideration for the location of clients, feed supplies and adjoining land uses.
2. The specific controls for dog boarding, training or breeding establishments are set out below. Other forms of animal boarding or training establishments will be considered based on a merit review.

### Setbacks for Dog Boarding, Training or Breeding Establishments

3. Dog boarding, training or breeding establishments will not be approved on allotments which have a frontage of less than 90m.
4. Kennels shall be located a minimum of 150m from any existing dwelling or potential dwelling site.
5. Kennels, which are located 150m from existing or future dwellings, shall accommodate not more than 10 dogs.
6. A proportional increase in the number of dogs will be permitted as the distance from existing or future dwellings is increased, to a maximum of 40 dogs for 300m.

7. Kennels should be setback a minimum of 60m from any public road.

**Figure 20: Setback requirements for dog boarding, training or breeding establishments**



#### Design for Dog Boarding, Training or Breeding Establishments

8. All kennels are to be screened to ensure that dogs cannot see the street.
9. Concrete floors are to be provided to all kennels and runs to facilitate cleaning.
10. Sound-proofed holding sheds are to be provided for distressed animals.
11. Applications for consent to establish kennels shall be accompanied by an acoustic study which demonstrates that the proposal can operate with acceptable impact on adjoining and nearby properties.
12. Structures and enclosures should be designed to minimise visual impact on the streetscape and views enjoyed by adjoining properties. Large areas of light coloured or reflective materials will not be permitted.
13. Development applications should include details of proposed advertising and sign posting.

#### Operations for Dog Boarding, Training or Breeding Establishments

14. Dogs are to be confined to their individual runs or exercise areas at all times.
15. Council may consent to the sale of animals, which are bred or raised on the property, where the sale remains ancillary to the boarding, breeding, training or treating.

## **5.5 Aquaculture**

### **Background**

The key issues for aquaculture include:

- Impacts from clearing or site selection on native flora and/or fauna.
- High water consumption.
- Management of waste; and
- Potential for release of non-native species into natural waterways.

### **Objectives**

- a) To encourage sustainable aquaculture.
- b) To set out the minimum site location and operational requirements for permissible aquaculture development; i.e. the minimum performance criteria:
  - i. To protect natural waterbodies or wetlands.
  - ii. To protect existing native terrestrial or aquatic vegetation and the habitat of native fauna.
  - iii. To minimise noise impacts on adjacent land uses.
  - iv. To minimise the potential for escape of non-native aquaculture species to natural waterbodies.
  - v. To provide waste management practices which ensure that the disposal of waste, particularly organic waste, does not impact on surrounding water and land systems or on adjoining landowners; and
  - vi. To minimise water consumption requirements and recycle water, where possible.

## Controls

### Setbacks

1. All ponds, dams, tanks and internal drains should be setback at least 50m from a natural waterbody or wetland. (Note: For barramundi and other high security species, the minimum distance must be 500m).
2. A vegetated riparian corridor of not less than 40m should be maintained between any ponds, dams, tanks and internal drains, and the high bank of any adjoining watercourse. This riparian corridor should be maintained to protect any existing native plant species. Proposals should include a Vegetation Management Plan to indicate how the riparian corridor will be protected and enhanced.
3. The site layout for the ponds, dams, tanks, water intake, outlet and circulation system and operational facilities should be designed to minimise the destruction or disturbance of native terrestrial and aquatic vegetation or the habitat of native fauna.
4. It is preferable for freshwater aquaculture ponds to be constructed above the probable maximum flood (PMF) level.

### Impacts on Neighbouring Land Uses

5. Design and layout should incorporate all possible measures to minimise operational impacts on the neighbours and the broader community. Reference should be made to the NSW Noise Policy for Industry (2017) ([www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)).
6. Where possible noisy activities (e.g. truck loading areas or plant/equipment) should be located remote from neighbouring houses or in a location where there is an existing barrier between the noisy activity and the receiver. Where there is the potential for noise to become a nuisance, options to reduce noise impacts should be considered including:
  - i. Quieter, insulated plant/equipment.
  - ii. Enclosing the noisy activities in a building; or
  - iii. Building a noise barrier.

## Waste Management

7. The aquaculture farm should be designed to minimise waste and reuse and recycle materials. This includes:
  - i. Pond and tank water.
  - ii. Processing water.
  - iii. Pond/tank sludge and filter materials.
  - iv. Processing wastes and dead fish; and
  - v. Packaging material.
8. Any proposal which includes the on-site disposal of waste, in particular organic waste, must consider the potential to impact on any nearby residences or contaminate surface or ground water.

## Water Management and Pond/Tank Design

9. Ponds/tanks should be orientated to allow for efficient circulation of water through water supply access facilities, storage dams/tanks, growing ponds/tanks, reconditioning ponds/tanks and drainage lines.
10. Water circulation systems should be designed so that pond/tank discharge water can be retained in reconditioning ponds/tanks (for an appropriate time to reduce suspended solids and to allow for appropriate treatment, if necessary) and have the capacity to recirculate the water on the farm or release/reuse the water in an appropriate manner.
11. For freshwater aquaculture farms, the water circulation system should include appropriate reconditioning ponds/tanks before recirculation or reuse so there is no discharge of water from the fish farm to the natural waterway. Reuse options may include agriculture or other purposes on the farm or by arrangement with other water users as a substitute for raw water.
12. The use of water in freshwater aquaculture enterprises is conditioned on “no discharge” into public or Crown roads, Crown land, neighbouring land, rivers, creeks or natural wetlands, groundwater aquifers or native vegetation.

## 5.6 Horticulture

### Background

The key issues for horticulture include:

- Visual impacts of buildings and structures to protect horticultural crops (including glasshouses and hail netting).
- Impacts on native vegetation and habitat.
- High water consumption.
- Impacts from irrigation including salinity and raised water tables.
- Soil management issues such as erosion and degradation.
- Use and runoff of chemical pesticides, fertilisers and herbicides.
- Transport and access for crop distribution.
- Noise impacts from hail, frost and bird prevention equipment; and
- Sale of produce on-site.

### Objectives

- a) To support the establishment of horticulture where the potential impact on adjoining land uses can be contained.
- b) To promote sustainable horticulture which minimises impacts on adjacent watercourses and native vegetation, and which protects soil quality.
- c) To ensure that properties are large enough to support the required activities and allow for sufficient setbacks from boundaries, adjacent land uses and public areas to minimise impacts.
- d) To minimise the visual impact of structures associated with horticulture on the scenic quality of rural areas.
- e) To provide controls for the prevention of excessive air, noise, water and visual pollution; and
- f) To ensure that satisfactory arrangements are made for the management and disposal of wastes.

## **Controls**

### Water Management

1. Council shall not consent to any new or substantially expanded horticultural activity unless it is satisfied that the supply of water to the property is adequate. This may include pre lodgement consultation with Sydney Water.
2. Where mains water supply is not available to the site, the applicant will be required to demonstrate to Council that any alternative water supply is of adequate quantity and quality for the intended purpose.
3. Council's consent is required to construct or form a dam, pond or water retention basin. Specific advice on the construction of dams can be obtained from NSW Department of Primary Industries and Regional Development. See also controls in the 'Water Management' section within the Environmental Management Chapter of this DCP relating to water retention basins/dams.

### Sustainable Soil Management

4. An application for any new (or substantially expanded) horticultural activity needs to demonstrate that any increased cultivation will not lead to more erosion or sedimentation than the existing use of the subject land.

### Waste Management

5. An application for any new (or substantially expanded) horticultural activity should specify the method by which wastes, including the disposal of plant matter, rubbish and unused natural fertilisers, will be managed.

### Control of Pests and Vermin

6. An application for any new (or substantially expanded) horticultural activity shall include information on how the requirements of the *Biosecurity Act 2015* will be met.

### Pesticides

7. An application for any new (or substantially expanded) horticultural activity shall include a schedule of all pesticides and other toxic

chemicals likely to be stored and used on the site. The schedule should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals.

#### Dust Control

8. All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation.
9. To eliminate dust as a nuisance, grass cover should be maintained and grown, wherever practical.

#### Drainage

10. An application for any new (or substantially expanded) horticultural activity should be accompanied by details of the proposed method of draining the site.
11. Drainage should be designed to incorporate treatment of wastewater to the standards of the NSW Department of Climate Change, Energy, the Environment and Water.

#### Soil Erosion

12. An Erosion and Sediment Control Plan (see section on 'Land Management' within the Environmental Management Chapter of this DCP) will be required in conjunction with an application for any new (or substantially expanded) horticultural activity. This plan should be prepared in consultation with the NSW Department of Primary Industries and Regional Development and comply with all relevant sections of this DCP.

#### Landscaping and Visual Impact

13. All structures associated with the horticultural use of the land shall be compatible in form and colour with the rural character.
14. Where large reflective surfaces are necessary for greenhouses and polyhouses, the structure should be located to have minimal visual impact when viewed from any road or public place.

15. Any development should consider the impact on the rural and landscape character of the area and seek to minimise this visual impact by appropriate siting of buildings, landscaping and screen plantings, especially from public places and roads.
16. Plant species should include those which will grow to over 7m in height with a large canopy as well as smaller intermediate shrubs. Species that occur locally should be included in the landscaping plan. A list of appropriate species can be obtained from Council's Development Services Department.
17. The visual impact of hail netting must be addressed in relevant development applications.
18. All structures associated with the horticultural use of the land shall be compatible in form and colour. Where large reflective surfaces are necessary for greenhouses and polyhouses, the structure should be located to have minimal visual impact when viewed any road or public place. Where a site is visually prominent, extensive landscaping will be required.
19. Where appropriate, rain water tanks must be installed to capture the rainwater off the roofs of greenhouses/polyhouses. This water shall be reused for irrigation of the plants growing in the greenhouse. When determining the capacity of the rainwater tank to be provided, proximity to natural watercourses and potential impact on environmental flows in local streams will be considered.

#### Access, Traffic and Parking

20. The frequency and intensity of traffic associated with any horticultural activity should be addressed in terms of the capacity of the road system and the requirements in the 'Transport, Access and Parking' Chapter of this DCP.
21. Access to the site must be provided from a major or secondary arterial road which is constructed to a standard to take articulated vehicles. Access should only be provided from a local road where it is not practicable to provide access from a main or secondary arterial road.
22. The design of the development should incorporate parking and access areas related to the use and vehicles likely to be associated with the development.

23. Client/employee parking areas and vehicular crossings are to be provided.

### Minimising Impacts of Chemicals

24. Use of chemicals (including pesticides and herbicides) should be in accordance with:

- i. Agricultural and Veterinary Chemicals (NSW) Act 1994; and
- ii. Protection of the Environment Operations Act 1997.

25. Any application needs to provide strategies to minimise use, chemical drift and off-site movement via runoff water or sediment.

### **Lifting the Bar**

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Agricultural Development' section of this Chapter will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- Use of native grasses in grazing.
- Innovative treatment of water from greenhouses / polyhouses, considering reuse, environmental flows and downstream impacts.
- Innovative approaches to minimising the use of chemicals, particularly if this can lead to organic certification; and
- Use of best practice and innovative techniques to reduce the impacts of intensive livestock agriculture.

## **6. Non-Agricultural Development**

### **Background**

Non-agricultural land uses can be important to the economic and social sustainability of the City of Penrith. They can, however, sometimes result in a number of land use conflicts due to their distinction from agricultural

activities and their potential impact on an area's rural and landscape character.

Examples of non-agricultural development in Penrith include:

- Home businesses and home industries.
- Tourist and visitor accommodation (including bed and breakfast accommodation).
- Rural industries (including agricultural produce industries and stock and sale yards); and
- Retail premises (including roadside stalls and cellar door premises).

**Note:** Although permissible in some rural areas, controls for vehicle repair stations, educational establishments, places of public worship, cemeteries, crematoriums and funeral homes can be found in the 'Other Land Uses' section (Employment Uses Chapter) and the 'Child Care, Educational Establishments and Places of Worship' Chapter of Penrith DCP.

## **General Objectives**

- a) To ensure that the bulk and scale of structures do not adversely affect the visual amenity and scenic quality of an area.
- b) To discourage the siting of developments in the rural zones which in Council's opinion would be more appropriately located in industrial, business or special uses zones.
- c) To protect the viability of agricultural land uses in rural and conservation zones.
- d) To ensure that traffic generated by any development does not adversely affect the safety and efficiency of the road network, access or rural amenity; and
- e) To prevent the establishment of uses which have the potential to impact upon the rural and residential environment, particularly with regard to noise and traffic generation.

## 6.1 Rural Amenity and Design

### Background

This section aims to provide a number of general principles for non-agricultural development in the rural areas. In particular, it seeks to protect the rural character and amenity, and avoid unnecessary conflicts between inconsistent land uses.

### Objectives

- a) To protect the heritage and environmental values of the area.
- b) To protect rural amenity against unreasonable noise, dust, odour, etc.; and
- c) To avoid unreasonable increases in demand on existing services and infrastructure.

### Controls

#### Rural Amenity

- 1. Non-agricultural developments must demonstrate the following:
  - i. There will not be significant visual impacts from either the main activity or associated activities on the rural area or adjacent properties; and
  - ii. The development will achieve the noise control standards established by the NSW Environment Protection Authority or relevant authority.

#### Design

- 2. Structures associated with any use shall be designed with regard to the rural character of the area and the form and scale of buildings on rural land surrounding the site.
- 3. Bulky buildings of industrial character are not favoured.
- 4. Structures on sites adjoining the villages should relate to the character of the village.
- 5. Buildings used for non-agricultural purposes also need to comply with the controls in Section 4 'Farm Buildings', unless specifically stated.

## 6.2 Home Businesses and Home Industries

### Background

Home businesses include, for example, small home office-based businesses (such as private consultants) that employ limited assistance. This use aims to support 'start-up' businesses and small scale employment opportunities close to home. Home industries include, for example, small-scale businesses for the repair of electronic goods or furniture restoration.

### Objectives

- a) To allow home businesses and home industries which promote employment opportunities and the economic use of rural land for the benefit of the owner or occupier; and
- b) To discourage uses which have the potential to adversely affect the amenity of a locality.

### Controls

#### Design and Operation

- 1. Structures for the accommodation of the use should relate to the dwelling and other structures on the property and must comply with the design controls for dwellings in this DCP.
- 2. Buildings detached from the primary dwelling should be clustered in close proximity to the primary dwelling.
- 3. Measures to mitigate impacts, particularly noise, are to be outlined in the development application. It should be noted that uses which have an adverse impact on surrounding properties would not comply with the definition of home business or home industry in Penrith LEP 2010, and therefore would not be permissible.

#### Services

- 4. Uses which require amplification of services above domestic capacity will generally not be permitted.

### Advertising and Signage

5. Home businesses and industries should only provide building and business identification signs that are in keeping with the rural character and the low scale nature of the operation. In many cases, this signage can be undertaken as exempt development. Applicants should refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further details.

### Traffic and Parking

6. Developments which generate significant amounts of traffic will not be permitted. Parking must be provided on-site for visitors.

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## 6.3 Tourist and Visitor Accommodation

### Background

Tourist and visitor accommodation includes a range of accommodation forms, some of which are encouraged in rural areas, while others are not.

This section provides controls for smaller styles of tourist and visitor accommodation generally up to 20–30 guests. If the proposal is for more than 30 guests on-site, this is likely to require access to public transport and centralised water and sewerage systems, and would be more appropriate in a different zone. Rural areas are most appropriate for bed and breakfast accommodation and other forms of small scale tourist and visitor accommodation.

### Objectives

- a) To allow a variety of small scale tourist and visitor accommodation at suitable locations.
- b) To ensure that satisfactory arrangements are made for the accommodation of vehicles and traffic associated with the use; and
- c) To ensure that structures associated with the use are compatible with the rural character and environmental capability of the area.

### Controls

#### Design and Landscaping

- 1. Structures and landscaping associated with the development should be designed to harmonise with the rural character.
- 2. The controls listed in this Chapter relating to rural dwelling design and/or farm buildings are applicable to the design of all tourist and visitor accommodation.
- 3. External finishes should be selected with a view to minimising the visual prominence of the development.

#### Waste Management

- 4. The anticipated method of operation should be described with any application to determine the appropriate method of waste disposal/management.

## **6.4 Rural Industries**

### **Background**

Rural industries, in general, are not permissible in rural and conservation zones. However, agricultural produce industries and stock and sale yards are permissible with consent in some rural zones.

### **Objectives**

- a) To ensure odour and noise do not impact significantly on the amenity of neighbouring properties and uses.
- b) To ensure adequate management of water on-site to promote sustainable water use and avoid contamination of water or land systems.
- c) To ensure appropriate management of wastes; and
- d) To provide adequate access and parking.

### **Controls**

1. All buildings associated with rural industries must comply with the requirements of Section 4 for Farm buildings, with the exception of floor space.
2. Reflective materials should not be used. Colours of any buildings associated with rural industries should be consistent with the colours of other structures on the land, or designed to minimise visual impact.
3. Rural industries shall not operate prior to 6.00am or after 5.00pm on weekdays, or prior to 6.00am and after 2.00pm on Saturdays. No noise shall be generated on Sundays.
4. Sheds, packing areas or holding yards associated with a rural industry must be separated from dwellings on adjacent properties. Separation must be sufficient to minimise impact, particularly due to noise and odour. Distances may vary depending on the nature of the industry and the potential for impact. Development applications must contain information on how separation will be achieved and how it will mitigate likely impacts from the industry.

5. Adequate access and parking arrangements must be made for trucks and employees. All vehicles are to be able to enter and leave the site in a forward direction.
6. Appropriate arrangements must be made for waste disposal. The applicant must provide details of the rates of waste likely to be generated and the proposed method of disposal.
7. Rainwater tanks shall be installed to collect water from all buildings associated with a rural industry. Where appropriate, this water shall be reused as part of the industry processes, or for truck washing or dust suppression.
8. All runoff from the site shall be managed so as to not cause a nuisance to adjoining downstream properties or pollution to waterways. This may require holding runoff in ponds to allow for treatment of nutrients or sediments.
9. The size of sheds and hardstand areas shall be appropriate for the use and the character of the area. Generally, no more than 30% of the site shall be covered by sheds or hardstand areas.
10. Where trucks are likely to visit the site on a daily basis and will travel on unsealed areas of the site, a washdown area shall be provided at the exit to the site. Where possible, water for this washdown area shall be sourced from rainwater tanks and recycled.

## **6.5 Retail Premises**

### **Background**

Retail premises that are permissible with consent in the rural areas include:

- Roadside stalls and cellar door premises in some rural zones.
- Neighbourhood shops in the RU5 Village zone; and
- Retail premises, including food and drink premises, in the commercial centres of the RU5 Village zone (see Schedule 1 Additional permitted uses of Penrith LEP).

## Objectives

- a) To ensure that traffic generation does not adversely affect the safety and efficiency of the local road system.
- b) To ensure the development provides adequate access and parking.
- c) To encourage the establishment of structures which are consistent with the rural character of the locality of the site.
- d) To allow roadside stalls and cellar door premises for the purpose of selling hand crafted goods and agricultural produce produced on the property.
- e) To ensure that roadside stalls and cellar door premises are located where the safety and efficiency of the road system is not impaired; and
- f) To ensure that buildings, structures and advertising associated with the uses do not impact on the rural or landscape character or scenic qualities of the area.

## Controls

### Location and Safety

- 1. Roadside stalls and cellar door premises will only be permitted where the safety and efficiency of the road system is not impaired.
- 2. In the interest of traffic safety, sites with poor visibility for vehicles will be discouraged.
- 3. Parking and structures associated with the use are to be fully contained on the applicant's property.
- 4. Buildings and structures should be setback a minimum of 20m from the front property boundary at the road frontage.

### Size and Design

- 5. Roadside stalls are limited to a maximum of 20m<sup>2</sup> in floor space including storage areas.
- 6. The stall shall be constructed of a material approved by Council. Light coloured and reflective materials will not be permitted.

7. Cellar door premises are to be incorporated into farm buildings and must be in accordance with the controls in Section 4 for Farm buildings in this DCP.

#### Access and Parking

8. The size of the retail component will determine the amount of parking to be provided on site.
9. Access areas are to be stabilised or sealed depending on local drainage conditions.
10. Parking shall be provided on site in a manner which discourages on street parking.
11. The parking for cellar door premises should be located in close proximity to the sales area within the property and not on the road verge.

#### Business Identification Signs

12. A maximum of two business identification signs may be placed on the property for the duration of the sale season of the product.
13. Business identification signs should not be placed on the road reservation or on nearby properties.
14. The size of the sign will be examined on merit and details should be included with the development application.
15. Signage should not impact on the rural character, landscape character or scenic qualities of the area.

## **6.6 Truck Parking Areas**

### **Background**

The use of rural properties (particularly large lot residential and rural living areas) for the purpose of parking a number of trucks or plant equipment is becoming increasingly common, and has significant impact on the amenity of the surrounding area. This equipment is often large and noisy and is sometimes operated at night in close proximity to other dwellings and sensitive adjacent land uses.

Truck parking areas may only be undertaken in rural zones as exempt development. Schedule 2 Exempt development of LEP 2010 includes criteria for truck parking areas. These criteria are designed to ensure that parking for trucks and associated plant has a minimal impact on surrounding properties.

## **Objectives**

- a) To allow limited parking of trucks and associated plant owned and operated by the owner or occupier of a property; and
- b) To limit interference on the amenity of the neighbourhood through limited vehicle movements and associated impacts such as noise and light.

## **Controls**

1. Truck parking areas may only be undertaken in RU1, RU2, RU4, C3 and C4 zones as exempt development. Schedule 2 Exempt development of LEP 2010 contains the criteria for truck parking areas.
2. Truck parking areas that do not satisfy the criteria in Schedule 2 are prohibited.

## C2 Residential

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## C2 Residential

### 1. Single dwellings

The following developments are covered by this section:

- single dwelling development, and
- alterations and additions to existing single dwelling development.

This section provides specific controls for single dwellings in addition to the general controls elsewhere in this DCP.

#### 1.1 Residential character



The residential character of any neighbourhood is determined by:

1. Location and density of development:
  - i. proximity to busy centres or major roads
  - ii. residential density and mix of housing types
  - iii. proximity to heritage precincts
  - iv. frontage to public parks.



2. The local landscape and its configuration:

- i. flat or sloping
- ii. well-vegetated or cleared
- iii. frontages to streams or the Nepean River.



3. Predominant patterns of planning and design

- i. displayed by local buildings and their gardens
- ii. setbacks and building separation
- iii. height, scale and bulk
- iv. garaging
- v. articulated forms and varied plantings.

## Objectives

The objectives of this section are:

- a) To establish overall guidelines for environmentally appropriate development.
- b) To adopt the form and character of established neighbourhoods to guide environmentally appropriate design and development, and to stimulate a vibrant streetscape that preserves traces of Penrith's past.
- c) To ensure that new development does not detract significantly from the quality and amenity of existing dwellings and private gardens.

## 1.2 Setbacks and building envelope

### Objectives

Building setbacks and envelopes are established to:

- a) Reflect the character of established garden suburbs.
- b) Provide for establishment of vegetation and reasonable separation between buildings.
- c) Provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.
- d) Ensure that building design minimises overlooking problems
- e) Achieve site-responsive development.
- f) Protect the amenity of occupants by controlling the visual impacts relating to height and bulk of buildings, and the impact of loss of privacy, overshadowing and loss of views.

### Controls

#### Minimum front and side setbacks

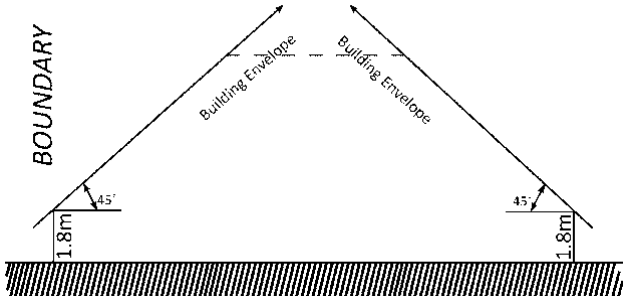
1. Front setback is the greater of either 5.5m, or the average of the setbacks of the adjoining properties.
2. Front setbacks for corner sites are:
  - i. Primary street frontage (measured on the shortest boundary, as in control 1 above.
  - ii. Secondary street frontage is 3m to external walls and 5.5m to garage entrances. Verandahs and pergolas are permitted to encroach 1.5 m beyond the adopted setback.
3. Encroachments to front setbacks:
  - i. Verandahs and pergolas are permitted to encroach 1.5m beyond the setback to the primary street frontage
  - ii. Garages, carports and parking spaces, other than stacked parking or driveways, are not permissible within the front setback.

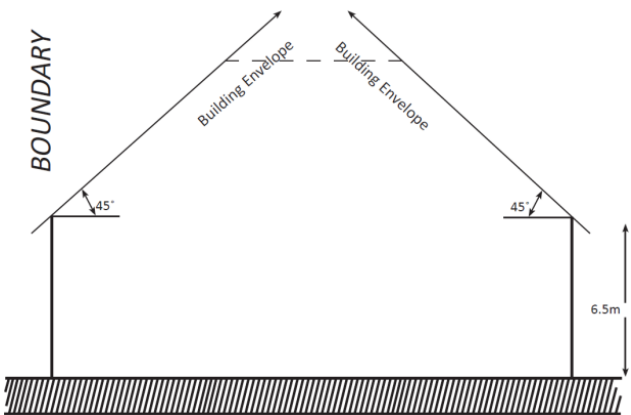
4. Side setbacks to external walls should be a minimum of 900mm.
5. Rear setbacks:
  - i. The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.
  - ii. The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.
  - iii. Minor, partial or point encroachments into the above rear setbacks may be considered on irregular shaped lots.
  - iv. Rear setback areas are to be used predominantly for the provision of a landscaped area.
  - v. Exceptions to rear setbacks – consideration may be given to the erection of a non-habitable building or structure that does not comply with the minimum setback requirements if it can be demonstrated it will have minimal adverse impact on the subject property or any adjoining property.

### Building Envelope

6. Development is to be contained within the building envelope for the site. As shown in Table 1 below, the building envelope means a height plane over the site at 45° from a specified height above natural ground level at the side boundaries of the site.

**Table 1: The building envelope is measured from natural ground level perpendicular to the side boundary at any given point along the wall.**

| Zone                       | Maximum building envelope                                                            |
|----------------------------|--------------------------------------------------------------------------------------|
| R2 Low Density Residential |  |

| Zone                          | Maximum building envelope                                                          |
|-------------------------------|------------------------------------------------------------------------------------|
| R3 Medium Density Residential |  |

7. Encroachments – consideration may be given to minor encroachments to the building envelope for:

- i. eaves and gutters
- ii. chimneys and antennas
- iii. pergolas, or
- iv. where it is demonstrated the encroachment is necessary to improve the design, external appearance or utility of the building and the variation will not impact adversely on the amenity of an adjoining property.

### 1.3 Development on sloping land

#### Objectives

- a) To ensure that development responds to topographical constraints.
- b) To minimise the bulk and scale of dwellings on steep slopes.
- c) To minimise the amount of cut and fill on sloping land.

#### Controls

1. The subdivision layout on cross slopes should incorporate wider/larger lots on steeper land.
2. Floor levels/building platforms are to be stepped in response to the existing topography of the site.

3. Excavation or filling for the purpose of erecting a dwelling or ancillary development should not exceed 600mm in depth as measured from natural ground level.
4. Ground floor levels are to be a maximum of 800mm above natural ground level.
5. All retaining walls forward of the garage line must be constructed with masonry materials and finished to complement the house design.
6. With the exception of corner lots, where slopes exceed 10%, retaining walls may exceed 1m in height for a side boundary and 1.8m in height for a rear boundary, if comprehensive site benching is undertaken at the time of subdivision to produce a whole of site solution.
7. 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).
8. 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.
9. Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.
10. On lots sloping downhill to the street, dwellings shall be designed and constructed to achieve driveway and access gradients of no greater than 20% slope. This may be achieved by cutting the garage space into the slope within the building footprint. Dwellings should be terraced down the slope with activating features such as decks or balconies facing the street.
11. On lots sloping downhill from the street, dwellings shall be designed and constructed to optimise filling to achieve driveway and access gradients of no greater than 20% slope. This may be achieved by elevating garage and entry features within the building footprint. Dwellings should be terraced down the slope with features such as decks and balconies located towards the rear of the dwelling.
12. 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.

## 1.4 Landscaped area

### Objectives

- a) To retain a reasonable proportion of each site for landscaped garden areas.
- b) To conserve significant existing vegetation.
- c) To provide appropriate separation between neighbouring dwellings and preserve private open space corridors along rear fence lines.

### Controls

1. The minimum landscaped area of a site is:

| Zone                          | Minimum landscaped area % of the site |
|-------------------------------|---------------------------------------|
| R1 Residential General        | 40%                                   |
| R2 Low Density Residential    | 50%                                   |
| R3 Medium Density Residential | 40%                                   |
| R4 High Density Residential   | 35%                                   |

2. Calculation of landscaped area does not include areas of the site
  - i. less than 2m in width
  - ii. hard surface areas such as buildings, driveways and paved areas.
3. 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.
4. A portion of the landscaped area should be connected to or directly adjacent to a living area of the dwelling.

## 1.5 Building design/site works

### Objectives

- a) New buildings should show characteristics of established suburban neighbourhoods with:
  - i) dwellings oriented to face the street
  - ii) building forms that are stepped or articulated
  - iii) development that relates to the shape of the surrounding garden areas
  - iv) development that does not detract significantly from the privacy and amenity of existing dwellings and private gardens.
- b) Dwellings should be surrounded by private gardens, their facades should display a variety of materials and shading structures.
- c) Garages should be integrated with the overall architectural form of the dwelling and designed so as not to dominate the street frontage.
- d) Development responds to topography of the site and minimizes site disturbance.

### Controls

#### Articulation

- 1. "Articulate" all building forms and facades:
  - i. stepping floor plans should be capped by a variety of roof forms and pitches
  - ii. every elevation should incorporate windows
  - iii. walls should be overhung by shady verandahs, awnings and carports.

#### Bulk and Scale

- 2. Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries.

3. External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows.
4. All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.

### Design

5. Dwellings should front the street, and display a traditional configuration with:
  - i. The front door and a window to a habitable room facing the street
  - ii. Garages integrated within the building façade
  - iii. The size of driveways minimised, retaining sufficient area for landscaping of front gardens.

### Garages

6. Must be setback at least 1m behind the building line of the dwelling.
7. The 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.

### Corner Lots

8. Development on corner lots is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation.

### Parking

1. 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.

## **1.6 Solar planning**

### **Objectives**

- a) Improve the energy efficiency of dwellings and achieve a high standard of residential amenity.
- b) To ensure adequate residential amenity through the provision of sunlight access and good solar amenity to the living spaces and private open space areas of dwellings.
- c) To recognise the reasonable expectation for a dwelling to have the ability to access sunlight.

### **Controls**

- 1. Demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access:
  - i. maximise potential for solar gain by placing windows in all exterior walls that are exposed to northern sun.
  - ii. 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.
  - iii. 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.
  - iv. where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%.

## 1.7 Garden design and fences

### Objectives

- a) Gardens should be landscaped, surrounded by fences that enable surveillance of public places and are compatible with neighbourhood character.

### Controls

1. Retaining walls:
  - i. generally should be no taller than 600mm.
  - ii. should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing.
  - iii. should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.
2. Fencing:
  - i. Meets the requirements of the Dividing Fences Act 1991.
  - ii. Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.
  - iii. Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction.
  - iv. Fences along shared driveways or fronting a public park should be 1m tall, or if taller, of see-through construction.
  - v. Fences in any location that can be seen from the street or fronts a public park frontage should not be constructed of solid metal panels.
  - vi. If frontage is to a noisy thoroughfare solid masonry walls are acceptable to a maximum of 1.8m if corners and planting beds are incorporated every 5m.
  - vii. Fencing of a "see-through construction" includes panels set into a timber frame or between brick piers, where:
    - any solid base is not taller than 600mm; and
    - panels are spaced timber pickets or palings, or palisade fencing.

3. The rear boundary setback should provide:
  - i. the principal area of private open space
  - ii. a corridor of habitat, and a green backdrop that is visible from the street
  - iii. conservation for any existing corridor of mature trees
  - iv. an interlocking canopy of low to medium-height trees and shrubs; predominantly species indigenous to the soils of Penrith City.
4. Planting along side boundaries is to provide small-to medium height canopy trees for sun-shading and privacy separation between neighbouring dwellings and yards.
5. Planting along narrow service areas is to provide feature plantings of ground covers pavers or an alternative water-permeable material such as river pebbles.
6. Street frontages are to:
  - i. be sympathetic to the natural setting and character in form materials and colour.
  - ii. incorporate mixed species of trees, shrubs, and accent plantings including flowers, ground covers and turf.
  - iii. along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges.
  - iv. maximize natural surveillance from the street to the building and from the building to the street.

## **1.8 Significant landscapes**

### **Background**

Across Penrith, there are many significant natural landscape precincts including:

- frontages to the Nepean River
- escarpment footslopes in Leonay and Emu Heights

- the Cranebrook escarpment
- Glenmore Park, adjacent to the Mulgoa Nature Reserve
- wooded hillsides in South St Marys
- individual streetblocks identified by Council's Register of Significant Trees and Gardens
- in Kingswood: Werrington Creek.

Across Penrith there are several significant landscape precincts such as parklands and open space corridors including:

- parklands and open space corridors:
- corridors along South and Ropes Creeks
- Chapman Gardens, Kingswood; and
- Victoria Park, St Marys.

## **Objectives**

- a) In areas of particular significance to natural conservation or high environmental character, new development should demonstrate detailed design measures to protect that conservation significance or character.

## **Controls**

1. For sites located within significant landscapes:
  - i. maintain natural topography and features such as rock outcrops
  - ii. preserve established trees, preferably as blocks or corridors of several trees
  - iii. ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works
  - iv. preserve clusters of established trees as blocks or corridors
  - v. consider a wider side boundary setback as landscaped corridor to preserve trees and provide vistas between neighbouring buildings

- vi. 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
- vii. on sloping sites dwellings should be split-level designs, with the lowest floor level no higher than 1m above natural ground level
- viii. in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.

## **1.9 Significant townscape**

### **Background**

Across Penrith, there are many significant townscape precincts, including:

- heritage conservation areas of Lemongrove and Derby Street
- the Warwick Street neighbourhood
- the "Duration Cottages" in St Marys
- surrounding Cook Park, St Marys South
- the "Permanent Cottage Area", St Marys North
- post-war subdivision, St Marys North
- other areas identified in the Penrith Heritage Study.

### **Objectives**

- a) In areas of particular significance to urban conservation, new development should demonstrate detailed design measures that protect heritage significance or character.

### **Controls**

- 1. In neighbourhoods with townscape significance, new dwellings should:
  - i. adopt the predominant width, height, scale and stepping of floorplans that are characteristic of existing buildings
  - ii. adopt roof pitches and forms that match neighbouring buildings

- iii. minimise the width and area of driveways visible from public frontages, and conceal garages from public frontages
  - iv. incorporate simple detailing of building forms and openings, rather than attaching "stuck-on" details to gable ends and verandahs
  - v. incorporate garages that are either concealed behind new buildings, or designed like a screened verandah
  - vi. conserve vegetation that has visual or historical significance.
2. For redevelopment of sites that have an existing cottage the existing dwelling wherever possible should be maintained and alterations should be designed so that they are sympathetic to the character or heritage value of the original building by:
- i. maintaining the general configuration of surrounding garden areas and setbacks from side boundaries
  - ii. with additions located to the rear of the existing building
  - iii. within or behind the original roofline
  - iv. capped by a new roof matching the pitch and form of the original
  - v. consider verandahs and awnings to screen elevations and reduce the scale of new walls.

## **2. Dual occupancies**

The following developments are covered by this section:

- dual occupancy development
- alterations and additions to existing dual occupancy development.

This section provides specific controls for dual occupancy development in addition to the general controls elsewhere in this DCP.

### **2.1 Residential character**

#### **Background**

The residential character of any neighbourhood is determined by:



1. Location and density of development:

- i. proximity to busy centres or major roads
- ii. residential density and mix of housing types
- iii. proximity to heritage precincts
- iv. frontage to public parks.



2. The local landscape and its configuration:

- i. flat or sloping
- ii. well-vegetated or cleared
- iii. frontages to streams or the Nepean River.



3. Predominant patterns of planning and design, displayed by:

- i. local buildings and their gardens
- ii. setbacks and building separation
- iii. height, scale and bulk
- iv. garaging
- v. articulated forms and varied plantings.

## **2.2 Preferred configuration for dual occupancy development**

### **Objectives**

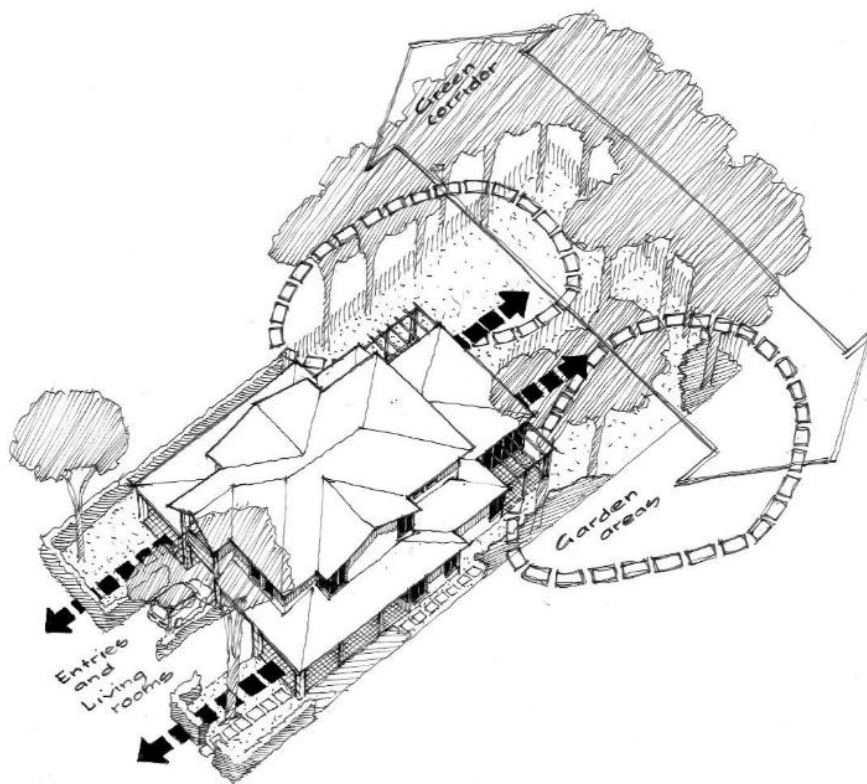
- a) Dual occupancies should adopt key features of established suburban design.
- b) Two dwellings fronting the street, with their entrances, the windows to principal living rooms and private gardens facing the street or rear boundary, as seen in Figure 1.

### **Controls**

- 1. New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:
  - i. traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens
  - ii. patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community
  - iii. the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.
- 2. There are several possible types of dual occupancy development:
  - i. attached: as semi-detached pairs fronting the street, or one dwelling set behind another

- ii. detached: either two dwellings fronting the street, or one dwelling set behind another.
- 3. In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves a "green corridor" of trees and shrubs along rear boundaries:
  - i. conserving remnant vegetation
  - ii. providing new shelter and habitat
  - iii. contributing to streetscape
  - iv. providing a green outlook for dwellings.
- 4. In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves Substantial back garden areas:
  - i. adjoining neighbouring back yards
  - ii. surrounded by stepping building forms, predominantly of a single storey.
- 5. In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens:
  - i. allowing living areas and entrances to remain visible from the street
  - ii. maximising the area available for front garden plantings.

**Figure 1: Preferred configuration for dual occupancy development**



## **2.3 Alternative configuration for dual occupancy development**

### **Background**

Dual occupancy development might also involve retention and renovation of an existing dwelling. In that situation, the new dwelling may be sited behind the dwelling to be retained. Because this form of development replaces the backyard with a new dwelling, it is not entirely consistent with traditional suburban design. Nevertheless, the potential for undesirable visual and amenity impacts can be minimised by adopting features that are typical of traditional development.

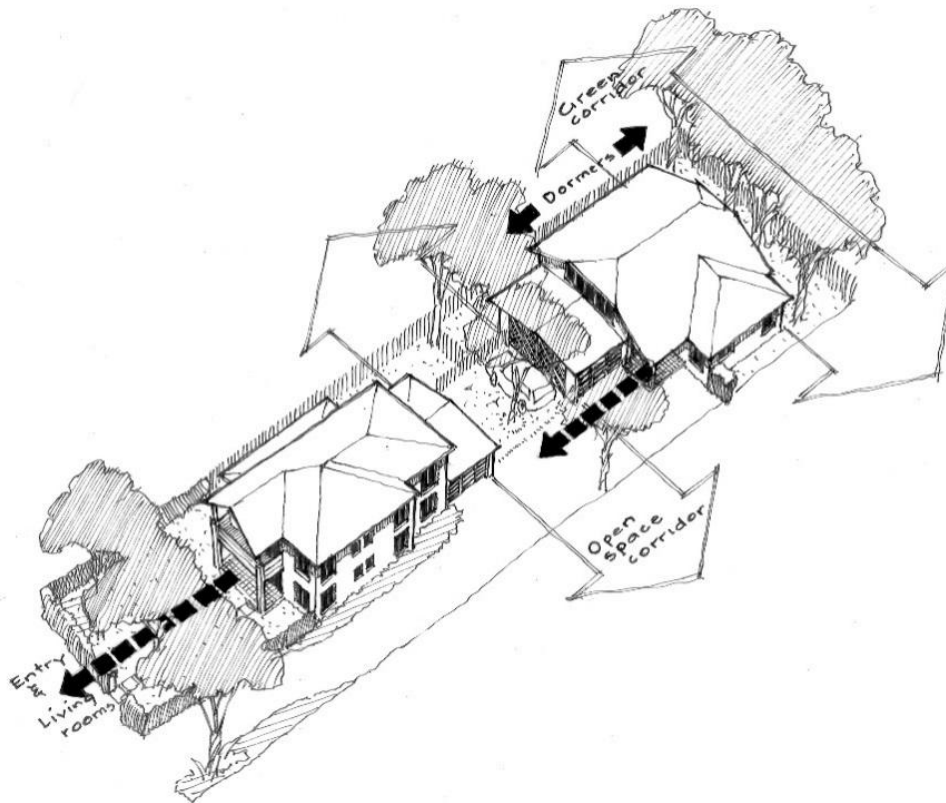
### **Objectives**

- a) Both dwellings, their entrances, the windows to their principal living rooms and private gardens face the street or the rear boundary.

### **Controls**

1. Where dual occupancy development involves two dwellings placed one behind the other a "green corridor" of trees and shrubs along rear boundaries (as shown in Figure 2):
  - i. conserving remnant vegetation
  - ii. providing new shelter and habitat
  - iii. contributing to streetscape
  - iv. providing a green outlook for dwellings.
2. Where dual occupancy development involves two dwellings placed one behind the other buildings should be separated by a corridor of open space to:
  - i. lined with shady trees
  - ii. as garden courtyards
  - iii. open car-parking courts.
3. Where dual occupancy development involves two dwellings placed one behind the other parking areas are to be concealed from the street to avoid the appearance of "garage architecture".
4. Where dual occupancy development involves two dwellings placed one behind the other verandahs and private garden courts are required to fill the front garden to:
  - i. encourages active use by residents
  - ii. provides for attractive street-frontages.

**Figure 2: Alternative configuration for dual occupancy development**



## **How much floor space is appropriate to your site**

### **2.4 Urban form**

#### **Objectives**

- a) New buildings should show characteristics of traditional suburban development: dwellings oriented to face the street, building forms stepped or articulated, and integrated with the shape of surrounding garden areas.

#### **Controls**

1. Both dwellings should front the street, and display a traditional orientation with:
  - i. a semi-detached configuration, and an individual architectural appearance for each dwelling (that is, non-symmetrical)
  - ii. living rooms and entrances facing the street rather than neighbouring properties

- iii. extensive private gardens to the rear adjacent to neighbouring yards
  - iv. garages integrated within the building façade, ensuring that at least one principal living room and the entry to each dwelling are visible from the street
  - v. the size of driveways minimised, retaining sufficient area for attractive front gardens.
2. For any dwelling behind the street frontage:
- i. a single storey appearance
  - ii. living rooms, entrances and any dormer windows should face the street and / or the landscaped rear boundary setback
  - iii. private gardens fill the rear setback
  - iv. conceal garages from the street.
3. Avoid "gun-barrel" style developments with long buildings, long straight driveways and rows of uniform width garden courtyards:
- i. for attached dwellings, use stepped walls to cast shadows and reduce apparent scale of buildings
  - ii. for detached buildings that are set one behind the other, separate each building by an "open space corridor" at least 4m wide running across each site:
    - a combination of garden areas and parking courtyards
    - open parking spaces lined by an "avenue" of shady, overhanging trees
4. "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation:
- i. external walls should not be longer than 5m between distinct corners
  - ii. use a variety of roof forms and pitches
  - iii. provide windows in every elevation
  - iv. use a variety of shady verandahs, awnings and carports.

## 2.5 Front and rear setbacks

### Objectives

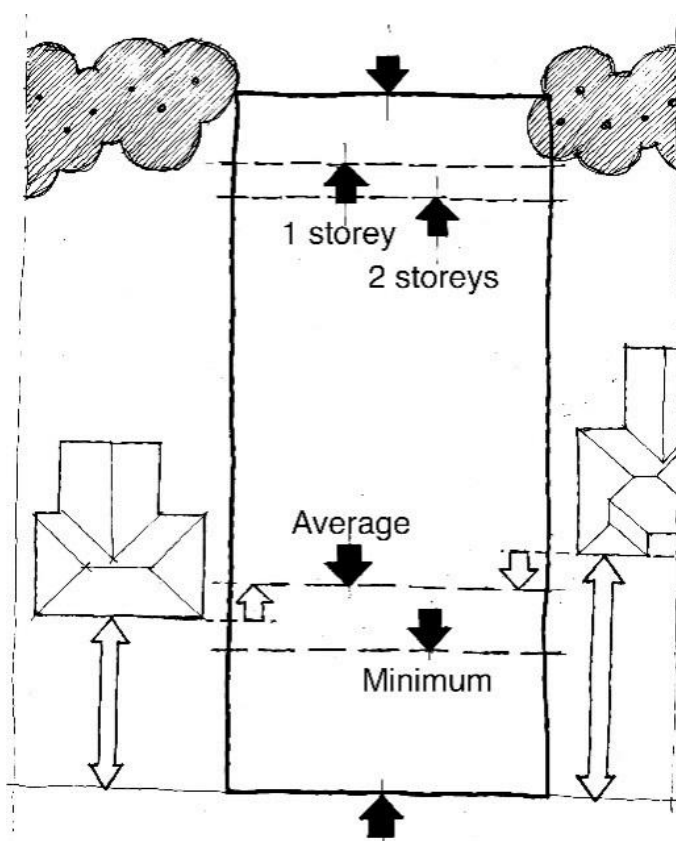
- a) Setbacks are to reflect the character of established garden suburbs and provide for development of flora and fauna corridors (as shown in Figure 3).

### Controls

1. Development must be within the development footprint which is determined by the maximum development footprint for your site by:
  - i. The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.
  - ii. The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.
  - iii. Adopting an average 6m rear setback on irregular shaped allotments.
  - iv. Adopting a front setback that matches the neighbourhood character.
2. Within the rear boundary setback:
  - i. there shall be no building encroachments either above or below ground (eaves excepted)
  - ii. maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs
  - iii. where there are physical encumbrances such as open drains, increase the setback accordingly.
3. Determine an appropriate front setback:
  - i. either average the setbacks of the immediate neighbours or
  - ii. adopt a 5.5m minimum, whichever is the greater dimension
  - iii. and provide extensive landscaping within the front setback area.
4. Permissible encroachments within the front setback are:

- i. verandahs and pergolas only
  - ii. with a maximum 1.5m encroachment.
5. Garages and parking spaces are not permissible within the front setback, other than stacked parking or driveways leading to a garage.

**Figure 3: Front and Rear Setback**



## 2.6 Building envelope and side setbacks

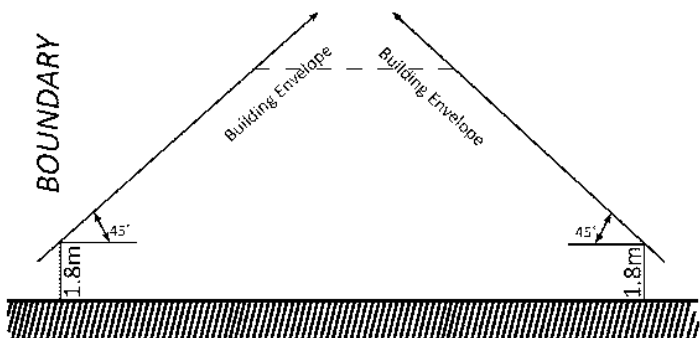
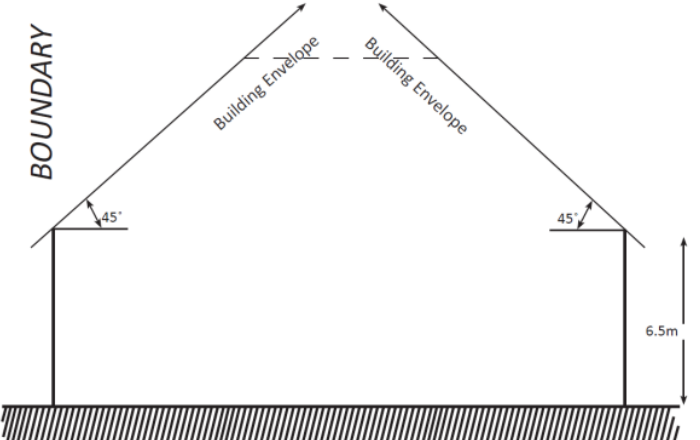
### Objectives

- a) Comply with building envelope controls, minimise disturbance to existing topography and natural soil-profiles, and provide for reasonable landscaped separation between neighbouring buildings.

### Controls

- 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 Table 2

**Table 2: The building envelope is measured from natural ground level perpendicular to the side boundary at any given point along the wall.**

| Zone                          | Maximum building envelope                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R2 Low Density Residential    |  <p>The diagram illustrates the maximum building envelope for R2 Low Density Residential. It shows a cross-section of a building with a gabled roof. The roof slopes are labeled 'Building Envelope' and are at a 45-degree angle to the horizontal. The vertical height from the natural ground level (indicated by a hatched line) to the boundary line is marked as 1.8m on both sides. The boundary line is labeled 'BOUNDARY'.</p>     |
| R3 Medium Density Residential |  <p>The diagram illustrates the maximum building envelope for R3 Medium Density Residential. It shows a cross-section of a building with a gabled roof. The roof slopes are labeled 'Building Envelope' and are at a 45-degree angle to the horizontal. The vertical height from the natural ground level (indicated by a hatched line) to the boundary line is marked as 6.5m on both sides. The boundary line is labeled 'BOUNDARY'.</p> |

2. The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:
  - i. side boundaries only, and
  - ii. existing ground level.
3. Only minor encroachments through the building envelope shall be permitted:
  - i. eaves to main roofs
  - ii. chimneys and antennas
  - iii. pergolas.
4. Cut and fill and ground floor heights are restricted by the following:

- i. provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level
  - ii. restrict cut-and-fill to a maximum of 500mm
  - iii. provide effective sub-soil drainage.
- 5. Pitches for main roofs are to be in accordance with the following:
  - i. for single-storey dwellings: not greater than 35 degrees, providing for attic rooms
  - ii. for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings.
- 6. Setbacks from side boundaries should be varied to articulate walls to side boundaries by the following:
  - i. maximise setbacks (and landscaped area) beside neighbouring cottage back-yards
  - ii. Otherwise, a minimum 900 mm setback at ground level for walls no longer than 10m
  - iii. a greater set-back for second storey walls, consistent with the building envelope.
- 7. Zero setbacks from the side boundary are not permissible except for single garages with an open appearance. In addition these garages are to be no taller than 2.1 m at the boundary.
- 8. For any dwelling placed behind another fronting the street, attic rooms are permissible subject to:
  - i. being within the prescribed building envelope
  - ii. within a hipped or gabled roof where the maximum roof pitch is 35 degrees
  - iii. provided that dormer windows do not face side boundaries.

## 2.7 Driveways and parking areas

### Objectives

- a) Provide on-site parking at a level that encourages use of public transport. Minimise the area required for parking, encourage efficient land use and maximise the area available for landscaping and gardens.

### Controls

1. Provide onsite parking in accordance with transport, access and parking section of this DCP.
2. Garages for attached dwellings should:
  - i. occupy not more than 50% of any street frontage
  - ii. flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation.
3. For dwellings located one behind the other, driveways should:
  - i. be separated from dwellings by a landscaped verge at least 1m wide
  - ii. where possible, also separated from boundary fences by a landscaped verge
  - iii. prevent adverse long-term effect upon any vegetation that must be preserved
  - iv. provide for effective and healthy landscaping along all site boundaries
  - v. drain by gravity to Council's stormwater network.

## 2.8 Landscape area

### Objectives

- a) Retain a reasonable proportion of each site for landscaped garden areas, conserve significant existing vegetation, and provide reasonable separation between neighbouring dwellings.

### Controls

- 1. Landscaped areas should be:

| Zone                          | Minimum landscaped area % of the site |
|-------------------------------|---------------------------------------|
| R1 General Residential        | 40%                                   |
| R2 Low Density Residential    | 50%                                   |
| R3 Medium Density Residential | 40%                                   |
| R4 High Density Residential   | 35%                                   |

- 2. Landscaped areas should provide:

- i. effective separation between neighbouring dwellings
- ii. healthy growth of new trees and shrubs
- iii. long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties)
- iv. private courtyards for all dwellings and a green outlook
- v. civic gardens along street frontages.

- 3. Landscaped areas are required to:

- i. have a minimum width of 2m and serve as functional spaces
- ii. should include private courtyards measuring a minimum of 30m<sup>2</sup>
- iii. may include verandahs or patios that open directly to private courtyards
- iv. do not include substantially paved areas such as buildings, driveways and covered garages

- v. that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.

## **2.9 Solar planning**

### **Objectives**

- a) Improve the energy efficiency of dwellings and achieve a high standard of residential amenity.
- b) To ensure adequate residential amenity through the provision of sunlight access and good solar amenity to the living spaces and private open space areas of dwellings.
- c) To recognise the reasonable expectation for a dwelling to have the ability to access sunlight.

### **Controls**

- 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:
  - i. Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions
  - ii. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas
  - iii. Demonstrating shadows cast by neighbouring buildings
  - iv. Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun
  - v. Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings
  - vi. 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

- vii. 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 reduce sunlight to the specified areas by more than 20%.

## **2.10 Significant landscape and townscapes**

### **Background**

Across Penrith, there are many significant townscape precincts, including:

- heritage conservation areas of Lemongrove and Derby Street
- the Warwick Street neighbourhood
- the "Duration Cottages" in St Marys
- surrounding Cook Park, St Marys South
- other areas identified in the Penrith Heritage Study.

Across Penrith, there are many significant landscape precincts including:

- frontages to the Nepean River
- footslopes to the escarpment in Emu Heights and Leonay
- Glenmore Park, adjacent to the Mulgoa Nature Reserve
- wooded hillsides in St Marys South
- individual streetblocks, such as the block surrounded by Derby, Lethbridge, Doonmore and Evan Streets
- Cranebrook escarpment.

### **Objectives**

- a) In areas of particular significance to urban conservation, environmental character, new development should demonstrate detailed design measures that protect and complement heritage significance or character.

### **Controls**

1. Development of sites located in areas of landscape significance are to:

- i. maintain natural topography and features such as rock outcrops
  - ii. preserve established trees, preferably as blocks or corridors of several trees
  - iii. ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works
  - iv. incorporate new plantings that reinforce the visual and habitat values
  - v. use split-level building designs that step up hillside sites
  - vi. ensure that the lowest floor level is not higher than 1m above natural ground
  - vii. on sloping sites, garages and parking areas may be located at street-level within the front set-back, subject to an "open" design similar to a screened carport
  - viii. in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.
2. In neighbourhoods with townscape significance, new development should:
- i. conserve vegetation that has visual or historical significance
  - ii. adopt the predominant width, height, scale and stepping of floor plans demonstrated by existing buildings
  - iii. adopt roof pitches and forms that match neighbouring buildings
  - iv. minimise the width and area of driveways visible from public frontages, and conceal garages from public frontages (corner sites excepted)
  - v. incorporate simple detailing of building forms and openings, rather than attaching "stuck-on" details to gable ends and verandahs.
3. Redevelopment of sites with an existing cottage within a significant landscape or townscape areas are to:
- i. maintain the existing dwelling wherever possible
  - ii. locate a new dwelling within the former backyard

- iii. emphasise the use of verandahs and awnings around all elevations to reduce the scale of long walls.

## **2.11 Corner sites and park frontages**

### **Objectives**

- a) For allotments facing two streets or adjoining a public park, apply traditional principles of orientation and articulation to both of the public frontages.

### **Controls**

1. Measure the building envelope relative to the longest common residential boundary and the rear setback and the averaged front setback may be measured relative to the shortest residential boundary.
2. Minimum setbacks from the secondary street frontage to external walls is to be no less than 3m.
3. Minimum setbacks from the secondary street frontage to garage entrances is to be 5.5m.
4. Minimum setbacks from the secondary street frontage to verandahs is to be 3m.
5. Living rooms, dwelling entrances and verandahs may face either street frontage.
6. Garages should have an "open" design (similar to screened carports or verandahs), and should architecturally divide each development into two individual dwellings.
7. Development should appear as two buildings, with facades to both buildings not longer than 20m facing either street (excluding attached garages of an "open" design).
8. Dormer windows to attic rooms may face either street frontage, but should not overlook a side boundary.
9. The area of driveways visible from the street should be minimised, providing for maximum front garden areas.
10. Garden areas facing the street should be landscaped as private courtyards attached to dwellings.

## 2.12 Building design

### Background

The preferred form for dual occupancy development is a pair of dwellings, either attached or detached, that directly face a street frontage.

### Objectives

- a) New developments should appear as individual dwellings surrounded by gardens, with facades that incorporate a variety of materials and shading structures.

### Controls

1. Dormer windows apply traditional design practices including:
  - i. capped by hipped or gabled roofs, within the building envelope, and no taller than the ridgeline of the building's principal roof
  - ii. appear predominantly glazed, or open and have a vertical proportion
  - iii. occupy not more than 25% of any roof measured in elevation
  - iv. meet guidelines for privacy and solar planning
  - v. dormer face to sit above the roof plane, i.e. not to rise continuous from ground level.
2. Development should demonstrate a variety of architectural features:
  - i. to express the street frontage as two individual dwellings: attached features such as balconies and verandahs
  - ii. to down-play the appearance of garages awnings and balconies that overhang garage entries are to be used and the garage shutters used should incorporate windows, or semi-transparent screens of lattice, battens or similar materials
  - iii. to minimise scale and bulk the alignment of walls should be stepped and corners should be overhung by verandahs or awnings, or broken by windows and doors

- iv. to accentuate articulation of building forms incorporate a variety of windows and doors in all visible walls, use a range of projecting roofs, awnings and verandahs and provide a combination of building materials: painted and face brickwork, and light-weight cladding.

## **2.13 Energy efficiency**

### **Background**

- a) Dwellings shall be configured and constructed to minimize the energy required for space heating, cooling or lighting.

### **Controls**

1. All new dual occupancy development should employ construction techniques that provide appropriate thermal mass such as:
  - i. ground floor: slab-on-ground
  - ii. walls: masonry internal walls to ground floor are desirable.
2. All new dual occupancy development should adopt an appropriate orientation for rooms and windows including:
  - i. living areas – facing within 30 degrees of solar north is desirable
  - ii. windows – at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable
3. All new dual occupancy development should provide effective shading from summer sun including:
  - i. overhanging eaves: at least 450mm wide
  - ii. adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights
  - iii. pergolas over courtyards.
4. All new dual occupancy development should employ effective glazing including:
  - i. for any large south-facing window: high performance glass e.g. double glazing in thermal break frames

- ii. windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames
  - iii. all windows and external doors: weather-stripping should be used.
- 5. All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation including:
  - i. living areas and bedrooms with two external walls for windows
  - ii. particularly important for attic rooms.

## **2.14 Design of dwellings and private courtyards**

### **Objectives**

- a) Dwellings and their private courtyards should achieve high levels of amenity, and demonstrate traditional practices of suburban design

### **Controls**

- 1. A reasonable area of private open space should be provided for each dwelling:
  - i. a minimum of 30m<sup>2</sup>
  - ii. including one area measuring at least 6m by 4m, suitable for outdoor dining
  - iii. located immediately next to, and level with, living or dining rooms
  - iv. also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall
  - v. with access direct to the street or a common driveway through a courtyard at least 2m wide; or via a carport with an open design.
- 2. Landscaped areas should maximise the area available for private courtyards and gardens:
  - i. the front and rear boundary setbacks should be used for private residential gardens
  - ii. common open space should be restricted to the verges of any shared driveway.

3. Rooms within a dual occupancy development should have dimensions and an area that:
  - i. can accommodate the range of furniture typically associated with their function
  - ii. recognise that furnishing options may be restricted by the location of windows and doors
  - iii. acknowledge that access and furnishing options may be restricted by raked attic ceilings
  - iv. provide flexibility to meet the needs of future occupants e.g. home business activities and aged residents.

## **2.15 Garage design**

### **Objectives**

- a) Garages should be designed to serve a variety of purposes, and their appearance should contribute to the overall diversity of building form and design.

### **Controls**

1. Garage and parking areas should be planned to:
  - i. minimise disruption to traditional or established streetscapes by concealing from the street;
  - ii. provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation (as shown in Figure 4)
  - iii. minimise transmission of noise to adjoining dwellings
  - iv. provide secure parking
  - v. allow for maintenance access to rear garden courtyards
  - vi. provide for effective and healthy landscaping along verges and boundaries.
  - vii. permit all turning movements, full opening of vehicle doors as defined by AS 2890.6-2009.

2. For dwellings that require two spaces:
  - i. provide at least one covered space
  - ii. for dwellings located one behind the other: the second space may be an open court facing the side driveway
  - iii. for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space. Please refer to Figure 5.
3. Garages and parking spaces are not permissible within the front setback.
4. Design of covered garages to consider the following:
  - i. low, open appearance similar to a wide verandah
  - ii. if exposed at the end of a building, enclosed by semi-transparent screens that provide for natural ventilation and effective security (rather than surrounded by masonry walls)
  - iii. with shutters that have windows or are semi-transparent screens providing natural ventilation and effective security.

**Figure 4: Dimensions permit turns, opening of doors and storage**

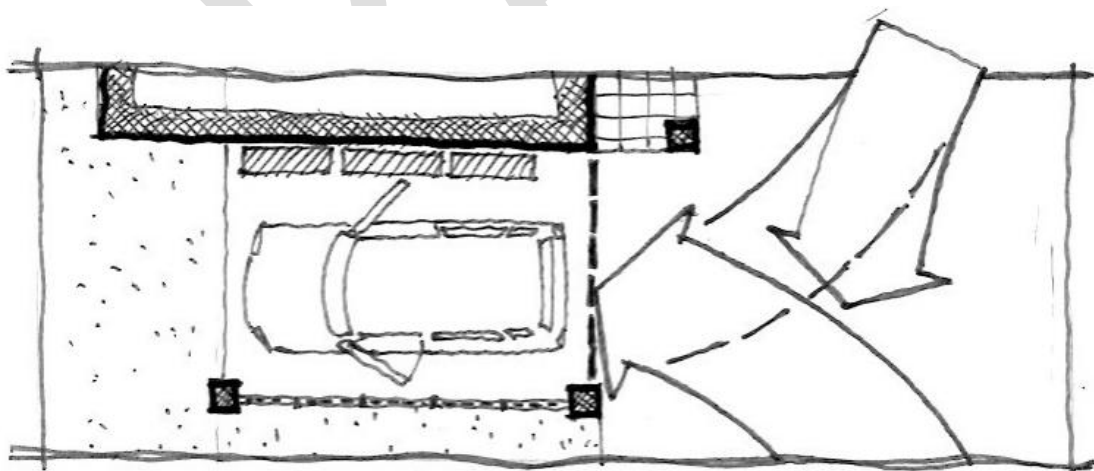
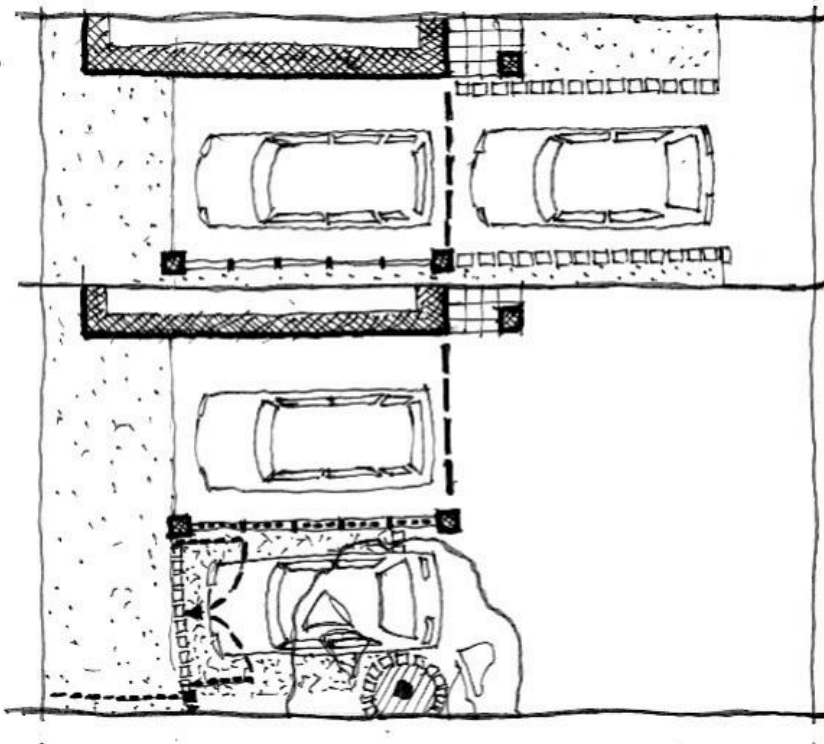


**Figure 5: Two spaces – one covered plus one open, either stacked or paired**



## 2.16 Garden design

### Objectives

- a) Gardens should be landscaped according to the function of each area and should provide a backdrop that is appropriate to each adjacent room.

### Controls

1. The rear boundary setback should provide:
  - i. private garden courtyards
  - ii. a corridor of habitat, and a green backdrop that is visible from the street
  - iii. conservation for any existing corridor of mature trees or
  - iv. an interlocking canopy of low to medium-height trees and shrubs
  - v. predominantly species indigenous to the soils of Penrith City.
2. Alongside boundaries, provide:

- i. small-to medium height canopy trees for sun-shading and privacy separation between dwellings
  - ii. within the verges to any common driveway: hedges fronting windows to any dwelling
- 3. Alongside boundaries within private courtyards provide:
  - i. feature plantings of ground covers and shrubs growing to fence height at maturity
  - ii. a level area of well-drained turf, or an alternative water-permeable material such as river pebbles.
- 4. Street frontage plantings should provide:
  - i. private gardens for street-front dwellings
  - ii. a civic garden frontage appropriate to the established neighbourhood character
  - iii. mixed species of trees, shrubs, and accent plantings including flowers and ground covers
  - iv. level areas of well-drained turf
  - v. along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees underplanted with dense hedges.

**Figure 6: Garden design for a dual occupancy development**

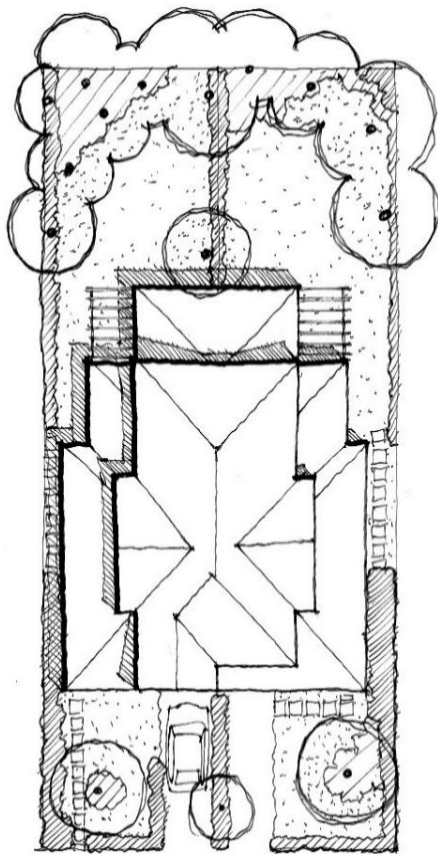


Figure 6 above depicts:

- Thickly planted rear gardens
- Courtyard shade and screening
- Median planting dividing driveways
- Civic street frontage.

## **2.17 Paving design**

### **Objectives**

- a) Design driveways and paved areas as attractive and functional components of development, complementing the designs of garden areas and buildings, and providing effective management for stormwater run-off.

### **Controls**

1. Hard paved surfaces should:
  - i. maximise the area available for landscaping and gardens

- ii. impose no adverse long term effect on any vegetation that Council requires preserved.
2. Driveways and associated parking courts should:
- i. provide an attractive "address" for any dwellings without a direct frontage to the street
  - ii. minimise the area and width of driveways along the street-frontage
  - iii. be overlooked by continuously occupied rooms such as kitchens and living rooms
  - iv. be divided into panels by bands of contrasting materials or pavers
  - v. provide barrier-free access continuous from the street to the entrance of each dwelling
  - vi. provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence
  - vii. incorporate materials and a profile that maximise the potential for direct infiltration of rainfall (other than in areas of recognised high soil salinity)
  - viii. collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.
3. Courtyard paving should be provided:
- i. at the threshold to each doorway leading from a dwelling
  - ii. at least 1m wide
  - iii. beneath clothes lines
  - iv. where outdoor storage of garbage bins is proposed
  - v. in the form of widely spaced pavers, or porous unit paving, maximising direct infiltration of rainfall.

**Figure 7: Paving design**

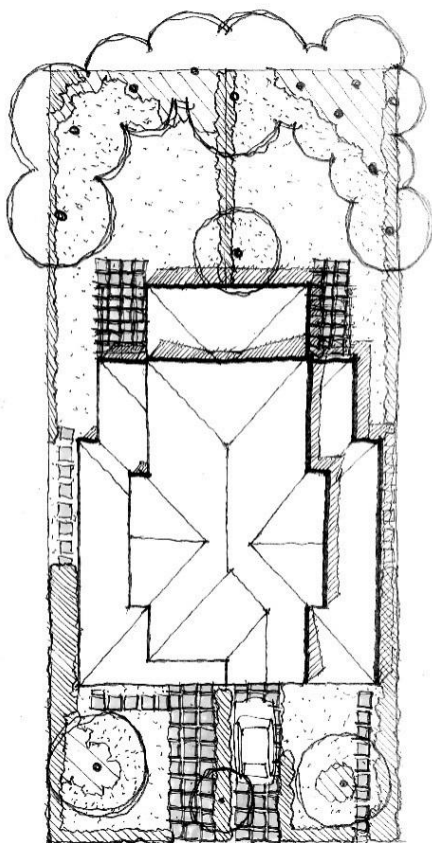


Figure 7 above diagram depicts:

- Courtyard paving – a threshold at least 1m wide outside each doorway and beneath clothes lines
- Driveways – step around verge plantings alongside dwellings or trees planted into pavement cut-outs or median plantings
- Feature paving at the threshold to the street.

## **2.18 Fences and retaining walls**

### **Objectives**

- a) Fences, courtyard walls and boundary retaining walls should be compatible with neighbourhood character and should be integrated with the design of buildings and garden areas.

### **Controls**

1. Be sympathetic to the natural setting and character in form, materials and colour.

2. Maximise natural surveillance from the street to the building and from the building to the street.
3. Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act.
4. Fences should be no taller than:
  - i. 1.8m generally
  - ii. 2.4m on sloping sites, including the height of any retaining wall.
5. Fences along boundaries forward of the front building alignment:
  - i. should not be taller than 1.2m, or if taller, of see-through construction
  - ii. should not be constructed of metal panels
  - iii. 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.
6. Fences along boundaries along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction.
7. Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise.
8. Fences along boundaries in any location that can be seen from the street or a public park frontage should not be constructed of metal panels.
9. Fences along boundaries fronting noisy thoroughfares:
  - i. solid masonry walls are acceptable to a maximum of 1.8m
  - ii. incorporating corners and planting beds every 5m
10. Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.
11. Fencing of a "see-through" construction includes:
  - i. panels set into a timber frame or between brick piers
  - ii. where any solid base is not taller than 1m

- iii. panels are spaced pickets or palings, or lattice.

12. Retaining walls:

- i. generally should be no taller than 500mm
- ii. should not cut through roots of any tree required by Council to be preserved
- iii. should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing
- iv. should provide drainage for any associated planter-bed
- v. should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.

## **2.19 Visual and acoustic privacy and outlook**

### **Objectives**

- a) Provide an outlook from dwellings and their private open space and achieve levels of acoustic and visual privacy that are reasonable for a residential neighbourhood.
- b) The recommended night-time internal noise levels in living and sleeping areas is 35-40 dB(A). – WHO.
- c) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.
- d) To ensure that building design minimises overlooking problems.

### **Controls**

- 1. Demonstrate a package of measures that achieves reasonable privacy:
  - i. 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.
  - ii. dormer windows generally to be oriented to face the street or the rear boundary.

iii. private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise.

iv. screening measures, including:

- offsetting of windows or
- oblique orientation for windows or
- external screens to windows or
- courtyard walls and pergolas.

note: landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening.

v. rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide.

vi. 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.

vii. all balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.

viii. for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:

- are offset by a distance sufficient to limit views between windows or
- have sill heights of 1.7 m above floor level or
- have fixed obscure glazing in any part of the window below 1.7 m.

2. Demonstrate measures that protect dwellings from external noise sources:

i. windows to ground-level living rooms screened by landscaped verges at least 2m wide.

- ii. within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms.
- iii. sound resisting construction of separating walls, floors and windows, in accordance with BCA.
- iv. zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones.
- v. plant and equipment should be effectively screened and located away from sleeping areas.
- vi. along frontages to noisy arterial roads or the rail corridor:
  - locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices.
  - comply with the requirements of relevant noise and vibration guidelines published by the NSW Government. The NSW Government sets standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. These standards apply in all cases.
  - provide a detailed acoustic design report that demonstrates compliance with the above requirements.
  - provide a certificate of compliance at completion of construction.
  - under extreme circumstances identified by Council, employ fixed glazing with air-conditioning for street-frontage bedrooms.

## **2.20 Safety and Security**

### **Objectives**

- a) Achieve a high level of passive security within and surrounding dwellings.

### **Controls**

- 1. Encourage a sense of community:

- i. dwelling entrances, the window to at least one continuously occupied room and private courtyards should face the street and/or a common driveway.
  - ii. fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.
- 2. Ensure that at least one continuously occupied room in each dwelling (a kitchen or living room) overlooks:
  - i. the front street
  - ii. driveways and garage forecourts.
- 3. Prevent concealment of intruders by:
  - i. uniform lighting levels across common areas such as driveways
  - ii. planning which does not provide hidden recesses
  - iii. along common pathways: selection of appropriate plant species according to height and density.

## **2.21 Access and Adaptability**

### **Objectives**

- a) Ensure that dwellings are accessible to persons with impaired sight or partial mobility.

### **Controls**

- 1. Demonstrate that planning and design measures do not prevent access by people with disabilities:
  - i. access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances
  - ii. stair nosings should have a distinctive colour and texture
  - iii. dwellings should have:
    - dimensions consistent with AS 1428.1-Design for access and mobility

- hallways at least 1m wide
  - circulation areas in bathrooms at least 1m wide.
2. Demonstrate that dwellings have been designed to meet the needs of an ageing population:
- i. incorporate design measures which are appropriate to people with disabilities
  - ii. employ lever-type door handles and traditional cruciform tap-handles
  - iii. provide for future low-cost modifications to bathrooms:
    - future removal of hobs from shower recesses
    - provision for future attachment of grab-rails to walls.
  - iv. provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers & attachment of grab-rails.
  - v. provide appropriate levels and location of lighting.

## **2.22 Storage and Services**

### **Objectives**

- a) Ensure that each dwelling has reasonable private storage space and waste management areas/facilities, and that meters, service cupboards and aerials are integrated with the design of buildings.

### **Controls**

1. Provide storage for household items:
- i. at least 10m<sup>3</sup> per dwelling either
  - ii. as cupboard space within the dwelling in addition to wardrobes or
  - iii. within a lockable garage, not encroaching upon the parking space or
  - iv. in weather-proof lockers that are not visible from the street.

2. Letter boxes should be provided according to Australia Post specifications:
  - i. adjacent to the front boundary
  - ii. located conveniently for residents entering the site (by car or on foot)
  - iii. integrated with the design of landscaped areas, fences and buildings.
3. Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for:
  - i. additional telephone lines and outlets
  - ii. additional electrical outlets
  - iii. satellite or cable-based reception.

### **3. Secondary dwellings**

The following developments are covered by this section:

- secondary dwellings
- alterations and additions to existing secondary dwellings.

This section provides specific controls for secondary dwellings in addition to the general controls elsewhere in this DCP.

#### **Objectives**

- a) To encourage a diversity of affordable housing.
- b) To provide housing and accommodation options for a range of family types and age groups.
- c) To promote innovative housing solutions compatible with the surrounding residential environment.
- d) To require secondary dwellings to be compatible with the existing built environment and residential character.

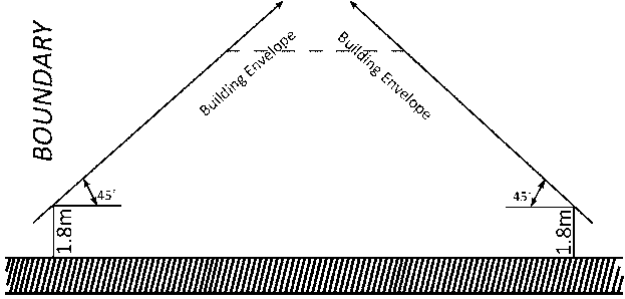
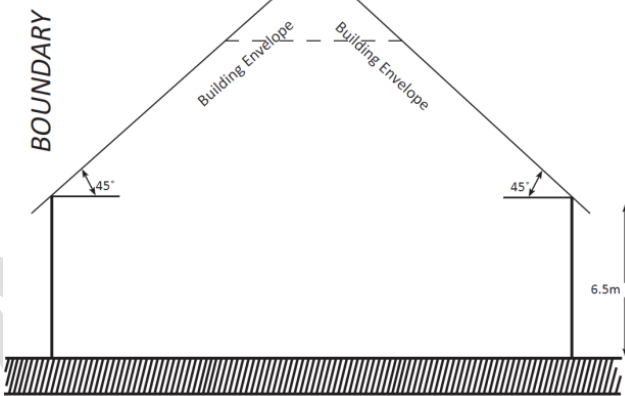
- e) To ensure that conversion of existing structures to secondary dwellings incorporates a satisfactory level of design and appearance which results in a high quality of residential amenity.
- f) To ensure that secondary dwelling development does not compromise the provision of onsite car parking provided for an existing or new dwelling house on the lot.
- g) Provide an outlook from dwellings and their private open space and achieve levels of acoustic and visual privacy that are reasonable for a residential neighbourhood.
- h) To ensure adequate residential amenity through the provision of sunlight access and good solar amenity to the living spaces and private open space areas of dwellings.
- i) To recognise the reasonable expectations for a dwelling to have the ability to access sunlight.

### **3.1 General**

#### **Controls**

1. The minimum lot size for a secondary dwelling is 450m<sup>2</sup>. On battleaxe allotments this does not include the area of the access handle.
2. Conversions of existing outbuildings will only be considered where:
  - i. The building meets the standards required by the Building Code of Australia (BCA)
  - ii. The principal dwelling complies with the provisions of this DCP- e.g. compliance with parking requirements.
3. Secondary dwellings shall have a maximum of two bedrooms.
4. 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 Table 3.

**Table 3: The building envelope is measured from natural ground level perpendicular to the side boundary at any given point along the wall.**

| Zone                          | Maximum building envelope                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R2 Low Density Residential    |  <p>The diagram illustrates the maximum building envelope for R2 Low Density Residential. It shows a cross-section of a building with a gabled roof. The roof slopes are at a 45-degree angle. The building is set back from the side boundary by 1.8m on both sides. The ground level is indicated by a hatched area at the base. The side boundary is labeled 'BOUNDARY'.</p>     |
| R3 Medium Density Residential |  <p>The diagram illustrates the maximum building envelope for R3 Medium Density Residential. It shows a cross-section of a building with a gabled roof. The roof slopes are at a 45-degree angle. The building is set back from the side boundary by 6.5m on both sides. The ground level is indicated by a hatched area at the base. The side boundary is labeled 'BOUNDARY'.</p> |

5. Encroachments – consideration may be given to minor encroachments to the building envelope for:
  - i. Eaves and gutters
  - ii. Chimneys and antennas
  - iii. Pergolas, or
  - iv. Where it is demonstrated the encroachment is necessary to improve the design, external appearance or utility of the building and the variation will not impact adversely on the amenity of an adjoining property.

## 3.2 Site coverage

### Controls

1. The erection of a secondary dwelling must not compromise the landscape requirements for the primary dwelling.
2. Landscaped areas should be:

**Table 4 Minimum landscape area**

| Zone                          | Minimum landscaped area % of the site |
|-------------------------------|---------------------------------------|
| R1 General Residential        | 40%                                   |
| R2 Low Density Residential    | 50%                                   |
| R3 Medium Density Residential | 40%                                   |
| R4 High Density Residential   | 35%                                   |

- i. a minimum width of 2m
  - ii. do not include substantially paved areas such as buildings, driveways and covered garages
  - iii. alongside boundaries: should increase in width next to the back yards of neighbouring dwellings.
3. Landscaped areas should provide:
  - i. long-term survival of existing vegetation that is required by Council to be preserved (both on-site and upon neighbouring properties)
  - ii. effective separation between neighbouring dwellings
  - iii. side boundary setbacks that facilitate effective day lighting and natural ventilation of dwellings
  - iv. private gardens and a green outlook from dwellings
  - v. conditions for healthy growth of new trees and shrubs
  - vi. "civic" gardens along street frontages.

### 3.3 Siting and design

#### Controls

1. For the conversion of an existing building, or part of an existing dwelling, into a secondary dwelling, applicants must demonstrate that the setbacks of the existing building, structure or garage have minimal impact on the following:
  - i. Scale and streetscape of the surrounding locality
  - ii. Surrounding properties, particularly in respect to overshadowing, loss of privacy and visual impact.
2. All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.
3. For new secondary dwellings, the following controls apply:
  - i. Secondary dwellings must be located behind the front building line of the primary dwelling
  - ii. The minimum setback to the secondary street frontage is 3m
  - iii. The minimum side setback for a detached secondary dwelling is 900mm
  - iv. The minimum rear setback for a detached secondary dwelling is 3m
  - v. Where located above a garage facing a rear laneway, the building may be built to the rear boundary.
4. Notwithstanding any compliance with the front, side and rear setback controls, the applicant must also demonstrate that the proposed building setbacks:
  - i. Maintain the established street character
  - ii. Allow neighbours adequate access to sunlight and views
  - iii. Preserve established tree and vegetation corridors
  - iv. Provide adequate separation between buildings to protect adjoining buildings from overlooking and loss of amenity

- v. Reduce the visual bulk of new building work.

### **3.4 Private open space**

#### **Controls**

1. The secondary dwelling must have more than 24m<sup>2</sup> of usable private open space.
2. The private open space area must be more than 4m wide.
3. The living area of the secondary dwelling should connect to the private open space areas.

### **3.5 Design and materials**

#### **Controls**

1. Secondary dwellings must complement and enhance the primary dwelling on site by interpreting and translating any positive characteristics found on site in terms of construction, façade design and materials.
2. Metal or corrugated iron materials should be avoided, with the exceptions of roofs.
3. External building materials and their colours should be compatible with the character of the locality.

### **3.6 Facilities**

#### **Controls**

1. As a minimum, the secondary dwelling should include:
  - i. A kitchen/kitchenette
  - ii. A bathroom
  - iii. A living room
  - iv. A bedroom.
2. A common laundry may be provided to service both the principal and secondary dwellings.

## 4. Multi dwelling housing

The following developments are covered by this section:

- multi dwelling housing development
- alterations and additions to existing multi dwelling housing development

This section provides specific controls for multi dwelling housing in addition to the general controls elsewhere in this DCP.

### 4.1 Residential character

#### Background

The residential character of any neighbourhood is determined by:



1. Location and density of development:
  - i. proximity to busy centres or major roads
  - ii. residential density and mix of housing types
  - iii. proximity to heritage precincts
  - iv. frontage to public parks.



2. The local landscape and its configuration:
  - i. flat or sloping
  - ii. well-vegetated or cleared
  - iii. frontages to streams or the Nepean River.



3. Predominant patterns of planning and design
  - i. displayed by local buildings and their gardens
  - ii. setbacks and building separation
  - iii. height, scale and bulk
  - iv. garaging
  - v. articulated forms and varied plantings.

## **4.2 Preferred configuration of new dwellings**

### **Objectives**

- a) New multi dwelling housing development should adopt key features of established suburban design.
- b) Dwellings, their entrances and private courtyards look towards the street, or to the rear boundary.

### **Controls**

1. New multi dwelling housing development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:

- i. traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens.
  - ii. patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community.
  - iii. the use of traditional features softens the popular perception that redevelopment is changing the traditional character of the City of Penrith.
2. Within the relevant zones, established development is detached buildings or semi-detached pairs which are:
  - i. separated from one another by landscaped courtyards
  - ii. stepped floor plans and projecting verandahs
  - iii. capped by a variety of pitched roofs.
3. Within the relevant zones, established development provides a "green corridor" of trees and shrubs along the rear boundary:
  - i. conserving remnant vegetation
  - ii. providing new shelter and habitat
  - iii. contributing to streetscape.
4. Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts (as shown in Figure 8):
  - i. encourages active use by residents
  - ii. provides for attractive front gardens.
5. Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture".

**Figure 8: Preferred configuration of new dwellings**



## **How much floor space is appropriate to your site?**

### **4.3 Development site**

#### **Objectives**

- a) Identify planning and design options that are appropriate to the shape and size of each development lot, and to the location of neighbouring buildings.
- b) Identify planning and design responses that address impacts on surrounding streetscapes.

#### **Controls**

1. A minimum lot frontage and lot width of 22m is required for multi dwelling housing development within the following zones:
  - i. the R3 Medium Density Residential Zone
  - ii. the R4 High Density Residential Zone
2. Where an adjoining property with a frontage of under 22m is likely to be isolated by a proposed development, applicants should provide documentation which demonstrates that a reasonable attempt has been made to purchase and incorporate the isolated site.

3. If a property has been isolated by adjacent development despite Development Site control 2, development applications for multi-dwelling housing will be considered on a merits basis.
4. For the purposes of calculating lot size and lot width, the lot does not include the area of any access corridor or right-of-carriageway.

## **4.4 Urban form**

### **Objectives**

- a) New buildings should show characteristics of traditional suburban development: dwellings oriented to face the street, building forms stepped or articulated, and integrated with the shape of surrounding garden areas.

### **Controls**

1. For dwellings fronting the street, adopt a traditional orientation:
  - i. living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties
  - ii. private gardens fill the front setback area
  - iii. garages are concealed behind dwellings.
2. Dwellings behind the street frontage should adopt similar principles:
  - i. living rooms and entrances face the street, and / or the landscaped rear boundary setback
  - ii. private gardens fill the rear setback area.
3. Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width garden courtyards:
  - i. break buildings into separate blocks, each one not longer than 20m
  - ii. provide "open space corridors" between buildings at least 4m wide across each site (this does not include front/rear setback areas)
  - iii. a combination of garden areas and parking courtyards

- iv. open parking spaces that are lined by an "avenue" of shady, overhanging trees
  - v. along common driveways, step the alignment of buildings, and / or their external walls plus eaves
  - vi. at the head of common driveways, a distinctive building or landscape feature should terminate the vista from the street.
4. "Articulate" building forms by design measures that cast deep shadows:
- i. separate neighbouring buildings by irregularly shaped garden courts that are at least 3m wide
  - ii. external walls should not be longer than 5m between distinct corners
  - iii. the upper storey surrounded by a larger ground floor plan that incorporates projecting rooms, shady verandahs and carports
  - iv. use a variety of roof forms and pitches
  - v. include windows in every elevation.

## **4.5 Front and rear setbacks**

### **Objectives**

- a) Setbacks are to reflect the character of established garden suburbs and provide for development of flora and fauna corridors.

### **Controls**

1. Determine the maximum development footprint for your site:
  - i. The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.
  - ii. The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.
  - iii. adopt a front setback that matches the neighbourhood character.
2. Within the rear boundary setback:
  - i. there shall be no building encroachments either above or below ground (eaves excepted)

- ii. maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs
  - iii. where there are physical encumbrances such as open drains, increase the setback accordingly.
- 3. Determine an appropriate front setback:
  - i. either average the setbacks of the immediate neighbours; or
  - ii. a 5.5m minimum whichever is the greater dimension.
- 4. Permissible encroachments within the front setback are verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.
- 5. Garages and parking spaces are not permissible within the front setback.

Figure 9 illustrates these features.

**Figure 9: Multi Dwelling Housing Development**



## 4.6 Building envelope and side setbacks

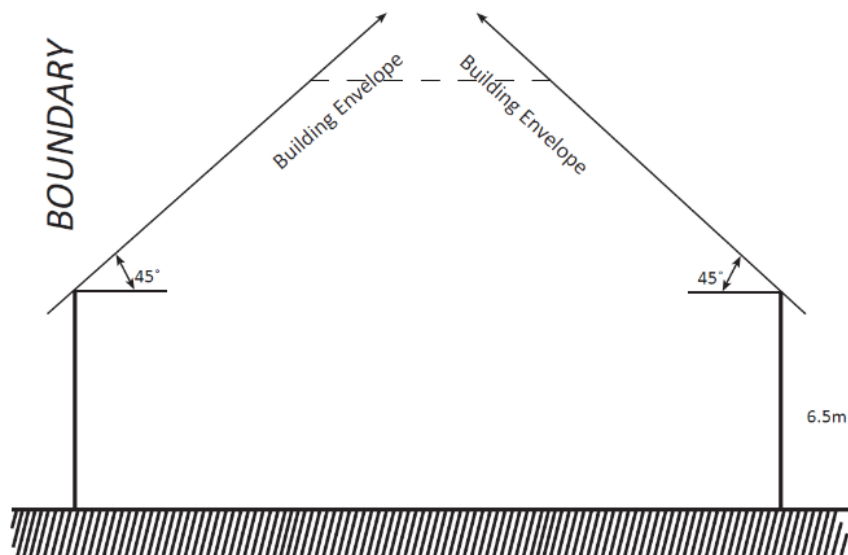
### Objectives

- a) Comply with building envelope controls, minimise disturbance to existing topography and natural soil-profiles, and provide for reasonable landscaped separation between neighbouring buildings.

### Controls

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 Figure 10.

**Figure 10: The building envelope is measured from natural ground level perpendicular to the side boundary at any given point along the wall.**



2. The building envelope shall be measured relative to:
  - i. Side boundaries only and
  - ii. Existing ground level.
3. Only minor encroachments through the building envelope shall be permitted:
  - i. eaves to main roofs
  - ii. chimneys and antennas

- iii. pergolas.
- 4. Cut and fill and maximum ground floor heights:
  - i. on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level
  - ii. restrict cut-and-fill to a maximum of 500mm
  - iii. provide effective sub-soil drainage.
- 5. Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual bulk of the building.
- 6. Provide reasonable separation and landscaping between neighbouring buildings, consistent with the following parts of this section:
  - i. Driveways and parking
  - ii. Landscaped area
  - iii. Solar planning
  - iv. Privacy and outlook.
- 7. Setbacks from side boundaries should be varied to articulate walls to side boundaries:
  - i. a minimum setback of 2m, but only
  - ii. along not more than 50% of any boundary.
- 8. Zero setbacks from the side boundary are not permissible except for single garages or carports with an open appearance according to - Garage design, not taller than 2.1 m at the boundary.

## **4.7 Driveways and parking areas**

### **Objectives**

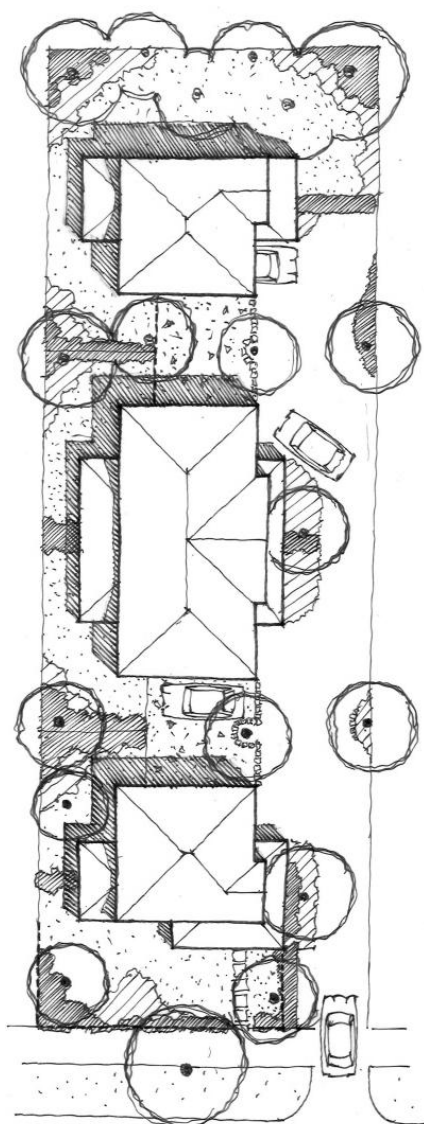
- a) Provide on-site parking at a level that encourages use of public transport. Minimise the area required for parking, encourage convenient parking, allow easy access to parking areas and maximise the area available for landscaping and gardens.

## Controls

1. Provide onsite parking in accordance with the Transport, access and parking chapter of this DCP.
2. Driveways should:
  - i. have a minimum paved width of 3m providing one-way movement
  - ii. incorporate passing-bays and queue space at the street frontage where more than 5 dwellings are served, and driveways are longer than 30m
  - iii. minimise the paved area within the front setback
  - iv. be separated from dwellings by a landscaped verge at least 1m wide
  - v. where possible, also separated from boundary fences by a landscaped verge
  - vi. prevent adverse long-term effect upon any vegetation that must be preserved
  - vii. provide for effective and healthy landscaping along all site boundaries
  - viii. provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence
  - ix. drain by gravity to Council's stormwater network.
3. Garages and parking spaces should:
  - i. not be located in the front setback
  - ii. should not directly face the street
  - iii. be setback at least 6.5m from the outside driveway kerb.
4. Basement carparking may be permitted on development lots with a minimum lot frontage of 22m.

Figure 11 illustrates the key features required for driveway and parking areas.

**Figure 11: Aerial illustration of multi dwelling housing**



## **4.8 Landscaped area**

### **Objectives**

- a) Retain a reasonable proportion of each site for landscaped garden areas, conserve significant existing vegetation, and provide reasonable separation between neighbouring dwellings.

### **Controls**

1. Landscaped areas should provide:
  - i. effective separation between neighbouring dwellings
  - ii. healthy growth of new trees and shrubs

- iii. long-term survival of existing vegetation required by Council to be preserved
  - iv. private courtyards for all dwellings and a green outlook
  - v. front gardens that contribute to an attractive streetscape
  - vi. where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.
  - vii. The area of common open space proposed can be reduced where larger areas of private open space are provided for individual dwellings. Where there is no common open space proposed private courtyards must be a minimum of 40m<sup>2</sup>.
2. Landscaped area must meet the following requirements:
- i. Landscaped areas should be:

| Zone                          | Minimum landscaped area<br>% of the site |
|-------------------------------|------------------------------------------|
| R1 General Residential        | 40                                       |
| R3 Medium Density Residential | 40                                       |
| R4 High Density Residential   | 35                                       |

- ii. have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy
- iii. may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances
- iv. do not include substantially-paved areas such as buildings, driveways and covered garages
- v. should include verges that surround car parking areas and open driveways
- vi. should provide a reasonable area of private open space in accordance with the part within this section on design

- vii. where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.

## **4.9 Solar Planning**

### **Objectives**

- a) Improve the energy efficiency of dwellings and achieve a high standard of residential amenity.
- b) To ensure adequate residential amenity through the provision of sunlight access and good solar amenity to the living spaces and private open space areas of dwellings.
- c) To recognise the reasonable expectation for a dwelling to have the ability to access sunlight.

### **Controls**

- 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:
  - i. Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions
  - ii. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas
  - iii. Demonstrating shadows cast by neighbouring buildings
  - iv. Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun
  - v. Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings
  - vi. 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

- vii. 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%.
- viii. Applications shall include shadow diagrams for two-storey buildings or additions prepared by a qualified technician for 9am, 12 noon and 3pm on June 21 and any other time required by Council.

## **4.10 Significant townscapes and landscapes**

### **Background**

Across Penrith, there are many significant townscape precincts, including:

- heritage conservation areas of Lemongrove and Derby Street
- the Warwick Street neighbourhood
- the "Duration Cottages" in St Marys
- surrounding Cook Park, St Marys South
- other areas identified in the Penrith Heritage Study.

Across Penrith, there are many significant landscape precincts including:

- footslopes to the escarpment in Emu Heights and Leonay
- wooded hillsides in St Marys South
- individual streetblocks, such as the block surrounded by Derby, Lethbridge, Doonmore and Evan Streets
- frontages to the Nepean River
- Cranebrook escarpment
- Chapman Gardens.

### **Objectives**

- a) In areas of particular significance to urban conservation, environmental character, new development should demonstrate detailed design measures that protect and complement heritage significance or character.

## Controls

1. In neighbourhoods with townscape significance, new development should:
  - i. conserve vegetation that has visual or historical significance
  - ii. adopt the prevailing configuration of garden areas, particularly the street's predominant front boundary setback
  - iii. adopt the predominant width, height, and scale of existing buildings
  - iv. ensure that floor plans are stepped or articulated similar to the shape or form of surrounding buildings
  - v. adopt roof pitches, ceiling heights and forms that match neighbouring buildings
  - vi. minimise the width and area of driveways visible from public frontages
  - vii. conceal garages from public frontages (corner sites excepted).
2. In areas with significant vegetation:
  - i. aim to preserve established trees as blocks or corridors
  - ii. ensure that the location of buildings and pavements does not affect long term survival of established trees
  - iii. incorporate new plantings that reinforce the visual and habitat values
  - iv. in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.
3. New development should not aim to provide a direct copy of traditional buildings:
  - i. simple detailing of building forms and openings is preferred to the use of "stuck-on" detailing applied to gable ends and verandahs
  - ii. the pitch and form of roofs, and articulation of floor plans are of particular importance

- iii. frequent use of shadow-casting elements such as verandahs and awnings is important to reduce the scale of long walls
- iv. traditional proportions for window and door openings should be employed
- v. use of traditional joinery details for windows, doors and verandahs and fences should be concentrated in elevations that are visible from public places

## **4.11 Corner sites and park frontages**

### **Objectives**

- a) For allotments facing two streets or adjoining a public park, apply traditional principles of orientation and articulation to both of the public frontages.

### **Controls**

1. For allotments with a second street frontage, the second frontage should adopt key principles from other parts of this chapter including:
  - i. The development site
  - ii. Urban form
  - iii. Landscaped area.
2. For corner lots and park frontages:
  - i. the rear and front setbacks may be measured relative to the shortest boundaries
  - ii. living rooms, dwelling entrances and verandahs may face either public frontage
  - iii. building forms should be articulated
  - iv. dormer windows may face either public frontage
  - v. the area of driveways visible from public frontages should be minimised.
3. For frontages to a second street:

- i. minimum setback to dwellings and garage entrances should be 5.5m
  - ii. minimum verandah setback should be 3m
  - iii. each building should be no wider than 20m
  - iv. adjacent buildings should be separated by garden corridors at least 2m wide that provide direct access from rear courtyards to the street
  - v. garden areas facing the street should be landscaped as private courtyards.
4. Along park frontages:
- i. dwellings and private courtyards should face the park
  - ii. minimum dwelling or verandah setback should be 2m, for not more than 50% of the total building elevation
  - iii. each building should be no longer than 20m
  - iv. adjacent buildings should be separated by "open space corridors" at least 5m wide
  - v. screen plantings are not necessary.

## **4.12 Building design**

### **Objectives**

- a) New developments should appear as a collection of single or semi-detached dwellings separated by gardens and ancillary structures, with facades designed to incorporate a variety of materials and shading structures.
- b) A variety of overhanging roofs and projections at ground floor level; a range of materials and finishes; windows inserted into every visible wall; garages concealed to the rear of dwellings
- c) Articulated forms, projecting verandahs and varied finishes facing the side boundary.

## Controls

1. Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of two storey buildings:
  - i. stepped alignment of wall
  - ii. projections in the ground floor plan
  - iii. rooms that extend beyond the upper storey
  - iv. attached verandahs and carports
  - v. a variety of shadow-casting roofs
  - vi. wide eaves
  - vii. projecting verandahs and awnings
  - viii. pergolas.
2. Development should incorporate features that are typical of housing in established areas:
  - i. stepped walls and articulated roof-forms
  - ii. windows and doors inserted into all visible walls
  - iii. a variety of materials including lightweight cladding and brickwork both face and painted.
3. Variety in architectural features should be apparent in all visible facades:
  - i. facing the street
  - ii. facing side driveways
  - iii. facing neighbouring residential properties.

## 4.13 Energy efficiency

### Objectives

- a) Dwellings shall be configured and constructed to minimise the energy required for space heating, cooling or lighting.

## Controls

1. All new multi dwelling housing development should employ construction techniques that provide appropriate thermal mass such as:
  - i. ground floor: slab-on-ground
  - ii. walls: masonry internal walls to ground floor are desirable.
2. All new two storey townhouse development should provide effective insulation including:
  - i. roofs and top-floor ceilings: sarking and batts with a minimum total rating of R3
  - ii. walls: sarking and batts with a minimum total rating of R1.5.
3. All new multi dwelling housing development should adopt an appropriate orientation for rooms and windows including:
  - i. living areas – facing within 30 degrees of solar north is desirable
  - ii. windows – at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable
4. Where multi dwelling housing development cannot achieve the desired orientation, higher compliance with other energy efficiency standards shall be achieved.
5. All new multi dwelling housing development should provide effective shading from summer sun including:
  - i. Overhanging eaves: at least 450mm wide
  - ii. Adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights
  - iii. Pergolas over courtyards.
6. All new multi dwelling housing development should employ effective glazing including:
  - i. for any large south-facing window: high performance glass e.g. double glazing in thermal break frames

- ii. windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames
  - iii. all windows and external doors: weather-stripping should be used.
- 7. All new multi dwelling housing development should adopt a configuration for dwellings that promotes cross-ventilation including:
  - i. living areas and bedrooms with two external walls for windows
  - ii. particularly important for attic rooms.

#### **4.14 Design of dwellings and private courtyards**

##### **Objectives**

- a) Dwellings and their private courtyards should achieve high levels of amenity and demonstrate traditional practices of suburban design.

##### **Controls**

- 1. A reasonable area of private open space should be provided for each dwelling:
  - i. a minimum of 25m<sup>2</sup>
  - ii. including one area measuring at least 5m by 4m, suitable for outdoor dining
  - iii. located immediately beside, and level with, living or dining rooms
  - iv. also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall
  - v. with access direct to the street or common driveway
  - vi. through a courtyard at least 2m wide or
  - vii. via a carport with an open design.
- 2. Landscaped areas should maximise the area available for private courtyards and gardens:
  - i. the front and rear boundary setbacks should be used for private gardens

- ii. common open space should be restricted to driveway verges.
- 3. Rooms within a villa development should have dimensions and an area that:
  - i. can accommodate the range of furniture typically associated with their function
  - ii. recognise that furnishing options may be restricted by the location of windows and doors
  - iii. acknowledge that access and furnishing options may be restricted by raked attic ceilings
  - iv. provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.

#### **4.15 Garage design**

##### **Objectives**

- a) Garages should be designed to serve a variety of purposes, and their appearance should contribute to the overall diversity of building form and design.

##### **Controls**

- 1. Garage and parking areas should be planned to:
  - i. minimise disruption to traditional or established streetscapes by concealing from the street
  - ii. provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation
  - iii. minimise transmission of noise to adjoining dwellings
  - iv. provide secure parking
  - v. allow for maintenance access to rear garden courtyards
  - vi. provide for effective and healthy landscaping along verges and boundaries.
  - vii. permit all turning movements, full opening of vehicle doors as defined by AS 2890.1-1993

2. Basements should have:

- i. a low appearance, rising no higher than 1.5m above ground
- ii. natural ventilation, either screen walls; or terraced embankments, with each step a maximum of 500mm, and landscaped as part of the side boundary court
- iii. a "capping" of private courtyards or balconies opening from the lowest level of dwellings (if basements extend beyond the main building walls)
- iv. vehicle entrances designed to complement the architecture and landscaping of each building
- v. individual up and down ramps
- vi. a central median
- vii. overhung by balcony structures
- viii. undercover storage:
  - garbage and recycling bins in a secured area located close to the street entrance and detailed according to Council codes and
  - household items: in secured enclosures for each dwelling or associated with secured private parking spaces.

3. For dwellings that require two spaces:

- i. provide at least one covered space
- ii. for dwellings located one behind the other: the second space may be an open court facing the side driveway
- iii. for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space
- iv. stacked parking is permitted where the second space is supplied between a driveway and another space, stacked spaces are not permitted behind garages.

4. Garages and parking spaces are not permissible within the front setback.

5. Design of covered garages to consider the following:

- i. low, open appearance similar to a wide verandah
- ii. if exposed at the end of a building, enclosed by semi-transparent screens that provide for natural ventilation and effective security (rather than surrounded by masonry walls)
- iii. with shutters that have windows or are semi-transparent screens providing natural ventilation and effective security.

## **4.16 Garden design**

### **Objectives**

- a) Gardens should be landscaped according to the function of each area and should provide a backdrop that is appropriate to each adjacent room.

### **Controls**

- 1. The rear boundary setback should provide:
  - i. private garden courtyards
  - ii. a corridor of habitat, and a green backdrop that is visible from the street
  - iii. conservation for any existing corridor of mature trees or
  - iv. an interlocking canopy of low to medium-height trees and shrubs
  - v. predominantly species indigenous to the soils of Penrith City.
- 2. Alongside boundaries, provide:
  - i. small-to medium height canopy trees for sun-shading and privacy separation between dwellings
  - ii. within the verges to any common driveway: hedges fronting windows to any dwelling
- 3. Alongside boundaries within private courtyards provide:
  - i. feature plantings of ground covers and shrubs growing to fence height at maturity

- ii. a level area of well-drained turf, or an alternative water-permeable material such as river pebbles
- iii. street frontage plantings should provide
- iv. private gardens for street-front dwellings
- v. a civic garden frontage appropriate to the established neighbourhood character
- vi. mixed species of trees, shrubs, and accent plantings including flowers and ground covers
- vii. level areas of well-drained turf
- viii. along noisy thoroughfares:
- ix. noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges.

#### **4.17 Paving design**

##### **Objectives**

- a) Design driveways and paved areas as attractive and functional components of development, complementing the designs of garden areas and buildings, and providing effective management for stormwater run-off.

##### **Controls**

- 1. Hard paved surfaces should:
  - i. maximise the area available for landscaping and gardens
  - ii. impose no adverse long term effect on any vegetation that Council requires preserved.
- 2. Driveways and associated parking courts should:
  - i. provide an attractive "address" for any dwellings without a direct frontage to the street
  - ii. minimise the area and width of driveways along the street-frontage

- iii. be overlooked by continuously occupied rooms such as kitchens and living rooms
  - iv. be divided into panels by bands of contrasting materials or pavers
  - v. provide barrier-free access continuous from the street to the entrance of each dwelling
  - vi. provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence
  - vii. incorporate materials and a profile that maximise the potential for direct infiltration of rainfall (other than in areas of recognised high soil salinity)
  - viii. collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.
3. Courtyard paving should be provided:
- i. at the threshold to each doorway leading from a dwelling: at least 1m wide
  - ii. beneath clothes lines
  - iii. where outdoor storage of garbage bins is proposed
  - iv. in the form of widely spaced pavers, or porous unit paving, maximising direct infiltration of rainfall.

## **4.18 Fences and retaining walls**

### **Objectives**

- a) Fences, courtyard walls and boundary retaining walls should be compatible with neighbourhood character and should be integrated with the design of buildings and garden areas, and provide casual surveillance of public and common areas.

### **Controls**

- 1. Fences should be no taller than:
  - i. 1.8m generally and

- ii. 2.4m on sloping sites, including the height of any retaining wall.
- 2. Fences along boundaries forward of the front building alignment:
  - i. should not be taller than 1.2m, or if taller, of see-through construction
  - ii. should not be constructed of metal panels
  - iii. 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.
  - iv. Be sympathetic to the natural setting and character in form, materials and colour
  - v. Maximise natural surveillance from the street to the building and from the building to the street.
  - vi. Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences 1991.
- 3. Fences along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction
- 4. Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise
- 5. Fences along boundaries in any location that can be seen from the street or a public park frontage should not be constructed of metal panels
- 6. Fences along boundaries fronting noisy thoroughfares:
  - i. solid masonry walls are acceptable to a maximum of 1.8m and
  - ii. incorporating corners and planting beds every 5m
- 7. Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.
- 8. Fencing of a "see-through" construction includes panels set into a timber frame or between brick piers where:
  - i. any solid base is not taller than 1m

- ii. panels are spaced pickets or palings, or lattice.
9. Retaining walls:
- i. generally should be no taller than 500mm
  - ii. should not cut through roots of any tree required by Council to be preserved
  - iii. should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing
  - iv. should provide drainage for any associated planter-bed
  - v. should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.

#### **4.19 Visual and acoustic privacy and outlook**

##### **Objectives**

- a) Provide an outlook from dwellings and their private open space and achieve levels of acoustic and visual privacy that are reasonable for a residential neighbourhood.
- b) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.
- c) To ensure that building design minimises overlooking problems.

##### **Controls**

- 1. Demonstrate a package of measures that achieves reasonable privacy:
  - i. 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
  - ii. dormer windows generally to be oriented to face the street or the rear boundary
  - iii. private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise:
    - screening measures, including:

- offsetting of windows or
- oblique orientation for windows or
- external screens to windows or
- courtyard walls and pergolas.

note: landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening.

- 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.
- iv. for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:
- are offset by a distance sufficient to limit views between windows; or
  - have sill heights of 1.7 m above floor level; or
  - have fixed obscure glazing in any part of the window below 1.7 m.
- v. All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.
2. Demonstrate measures that protect dwellings from external noise sources:
- i. windows to ground-level living rooms screened by landscaped verges at least 2m wide
  - ii. within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms
  - iii. sound resisting construction of separating walls, floors and windows, in accordance with BCA

- iv. zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones
- v. plant and equipment should be effectively screened and located away from sleeping areas
- vi. along frontages to noisy arterial roads or the rail corridor
- vii. locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices.

## **4.20 Safety and security**

### **Objectives**

- a) Achieve a high level of passive security within and surrounding dwellings.

### **Controls**

- 1. Encourage a sense of community:
  - i. dwelling entrances, the window to at least one continuously occupied room and private courtyards should face the street and/or a common driveway
  - ii. fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.
- 2. Ensure that at least one continuously occupied room in each dwelling (a kitchen or living room) overlooks:
  - i. the front street
  - ii. driveways and garage forecourts.
- 3) Prevent concealment of intruders by:
  - i. uniform lighting levels across common areas such as driveways
  - ii. planning which does not provide hidden recesses
  - iii. along common pathways: selection of appropriate plant species according to height and density.

## 4.21 Accessibility and adaptability

### Objectives

- a) Ensure that dwellings are accessible to persons with impaired sight or partial mobility.

### Controls

1. Demonstrate that planning and design measures do not prevent access by people with disabilities:
  - i. Access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances.
  - ii. Stair nosings should have a distinctive colour and texture.
  - iii. Dwellings should have:
    - Dimensions consistent with AS1428.1-1998 Design for access and mobility and AS4299-1995 Australian Adaptable Housing
    - Hallways at least 1m wide
    - Circulation in bathrooms at least 1m wide.
  - iv. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standards AS1428-1998 and AS4299-1995.
  - v. Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard regarding parking for people with a disability.
2. Demonstrate that dwellings have been designed to meet the needs of an ageing population:
  - i. incorporate design measures which are appropriate to people with disabilities and
  - ii. employ lever-type door handles and traditional cruciform tap-handles and

- iii. provide for future low-cost modifications to bathrooms
- iv. future removal of hobs from shower recesses
- v. provision for future attachment of grab-rails to walls.
- vi. provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers & attachment of grab-rails.
- vii. provide appropriate levels and location of lighting.

## **4.22 Storage and services**

### **Objectives**

- a) Ensure that each dwelling has reasonable private storage space and waste management areas/facilities, and that meters, service cupboards and aerials are integrated with the design of buildings.

### **Controls**

1. Provide storage for household items:
  - i. at least 10m<sup>3</sup> per dwelling, either:
  - ii. as cupboard space within the dwelling in addition to wardrobes or
  - iii. within a lockable garage, not encroaching upon the parking space or
  - iv. in weather-proof lockers that are not visible from the street.
2. Letter boxes should be provided according to Australia Post specifications:
  - i. adjacent to the front boundary
  - ii. located conveniently for residents entering the site (by car or on foot)
  - iii. integrated with the design of landscaped areas, fences and buildings.
3. Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for:

- i. additional telephone lines and outlets
- ii. additional electrical outlets
- iii. satellite or cable-based reception.

## 5. Residential flat buildings

The following developments are covered by this section:

- residential flat buildings and
- alterations and additions to existing residential flat buildings.

This section provides specific controls for residential flat buildings in addition to the general controls elsewhere in this DCP.

### 5.1 Residential Character

#### Objectives

- a) In established areas new development should be planned and designed to reflect the character of traditional neighbourhoods established prior to 1970.

#### Background

The residential character of any neighbourhood is determined by:



1. Location and density of development:
  - i. proximity to busy centres or major roads
  - ii. residential density and mix of housing types
  - iii. proximity to heritage precincts

- iv. frontage to public parks.



## 2. The local landscape and its configuration:

- i. flat or sloping
- ii. well-vegetated or cleared
- iii. frontages to streams or the Nepean River.



## 3. Predominant patterns of planning and design

- i. displayed by local buildings and their gardens
- ii. setbacks and building separation
- iii. height, scale and bulk
- iv. garaging
- v. articulated forms and varied plantings.

## 5.2 Preferred configuration for residential flat buildings

### Objectives

- a) New residential flat building development should adopt key features of established suburban design.
- b) Dwellings, their entrances and private courtyards look towards the street, or to the rear boundary.

### Controls

1. New residential flat building development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:
  - i. traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens
  - ii. patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community
  - iii. the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.
2. Within the relevant zones, established development is detached buildings or semi-detached pairs which are:
  - i. separated from one another by landscaped courtyards
  - ii. stepped floor plans and projecting verandahs
  - iii. capped by a variety of pitched roofs.
3. Within the relevant zones, established development provides a "green corridor" of trees and shrubs along the rear boundary:
  - i. conserving remnant vegetation
  - ii. providing new shelter and habitat
  - iii. contributing to streetscape.

4. Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts:
  - i. encourages active use by residents
  - ii. provides for attractive front gardens.
5. Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture".

## **How much floor space is appropriate to your site?**

### **5.3 The development site**

#### **Objectives**

- a) Identify planning and design options that are appropriate to the shape and size of each development lot, and to the location of neighbouring buildings.

#### **Controls**

1. Determine a minimum lot width for residential flat buildings: adopt a minimum lot width of 20m in the R4 High Density Residential zone.
2. For the purposes of calculating lot size and lot width, the lot does not include the area of any access corridor or right-of-carriageway.

### **5.4 Urban form**

#### **Objectives**

- a) New buildings should show characteristics of traditional suburban development: dwellings oriented to face the street, building forms stepped or articulated, and integrated with the shape of surrounding garden areas.

#### **Controls**

1. For dwellings fronting the street, adopt a traditional orientation:
  - i. living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties

- ii. private gardens fill the front setback area
  - iii. garages are concealed behind dwellings.
- 2. Dwellings behind the street frontage should adopt similar principles:
  - i. living rooms and entrances face the street and / or the landscaped rear boundary setback
  - ii. private gardens fill the rear setback area.
- 3. Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width side setback:
  - i. step the alignment of all facades – generally one corner and a substantial indentation for every 10m run of wall
  - ii. divide buildings into separate wings – a deep indentation located centrally in the longest walls; or a central garden courtyard
  - iii. vary the width of side setbacks – a combination of garden courtyards and access ways
  - iv. lined by an "avenue" of shady overhanging trees
  - v. cap the stepped floor plan with a variety of pitched roof forms
  - vi. windows should be inserted into every elevation.

## **5.5 Landscaped area**

### **Objectives**

- a) Retain a reasonable proportion of each site for landscaped garden areas, conserve significant existing vegetation, and provide reasonable separation between neighbouring dwellings.

### **Controls**

- 1. Landscaped areas should provide:
  - i. effective separation between neighbouring dwellings
  - ii. healthy growth of new trees and shrubs

- iii. long-term survival of existing vegetation required by Council to be preserved
  - iv. private courtyards for all dwellings and a green outlook
  - v. front gardens that contribute to an attractive streetscape; and
  - vi. where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.
2. Landscaped area must meet the following requirements:
- i. Landscaped areas should be:

| Zone                        | Minimum landscaped area % of the site |
|-----------------------------|---------------------------------------|
| R1 General Residential      | 40%                                   |
| R4 High Density Residential | 35%                                   |

- ii. have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy
- iii. may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances
- iv. do not include substantially paved areas such as buildings, driveways and covered garages
- v. should include verges that surround car parking areas and open driveways
- vi. should provide a reasonable area of private open space in accordance with the part within this section on design
- vii. where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.

## 5.6 Front and rear setbacks

### Objectives

- a) Setbacks are to reflect the character of established garden suburbs and provide for development of flora and fauna corridors.

### Controls

1. Determine the maximum development footprint for your site:
  - i. The minimum rear setback for a single storey building (or any single storey component of a building) is 4m
  - ii. The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.
2. Within the rear boundary setback:
  - i. there shall be no building encroachments either above or below ground (eaves excepted)
  - ii. maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs
  - iii. where there are physical encumbrances such as open drains, increase the setback accordingly.
3. Determine an appropriate front setback:
  - i. either average the setbacks of the immediate neighbours; or
  - ii. 5.5m minimum whichever is the greater dimension.
4. Permissible encroachments within the front setback are verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.
5. Garages and parking spaces are not permissible within the front setback.

## 5.7 Side setbacks

### Objectives

- a) Minimise disturbance to existing topography and natural soil-profiles, and provide for reasonable landscaped separation between neighbouring buildings.

### Controls

1. Cut and fill and maximum ground floor heights:
  - i. on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level
  - ii. restrict cut-and-fill to a maximum of 500mm and
  - iii. provide effective sub-soil drainage.
2. Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual scale.
3. Zero setbacks from the side boundary are not permissible, other than awnings to main building entrances.

## 5.8 Visual and acoustic privacy and outlook

### Objectives

- a) Provide an outlook from dwellings and their private open space and achieve levels of acoustic and visual privacy that are reasonable for a medium-density residential neighbourhood.
- b) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.
- c) To ensure that building design minimises overlooking problems.

### Controls

1. Demonstrate a package of measures that achieves reasonable visual privacy between adjacent dwellings:
  - i. windows oriented towards their own private garden courtyard and / or

- ii. at least 9m between any windows that face each other and / or
- iii. screening measures, including:

- offsetting of windows or
- oblique orientation for windows or
- external screens to windows or
- courtyard walls and pergolas

note: landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening.

- iv. for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:
  - are offset by a distance sufficient to limit views between windows or
  - have sill heights of 1.7m above floor level or
  - have fixed obscure glazing in any part of the window below 1.7m.

## **5.9 Solar planning**

### **Objectives**

- a) Improve the energy efficiency of dwellings and achieve a high standard of residential amenity.
- b) To ensure adequate residential amenity through the provision of sunlight access and good solar amenity to the living spaces and private open space areas of dwellings.
- c) To recognise the reasonable expectation for a dwelling to have the ability to access sunlight.

### **Controls**

- 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:

- i. Providing shadow diagrams prepared by a qualified technician
- ii. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas
- iii. Demonstrating shadows cast by neighbouring buildings
- iv. Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun
- v. Ensuring that the proposed development provides a minimum of 4 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
- vi. 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
- vii. 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%.

## **5.10 Significant townscapes and landscapes**

### **Objectives**

- a) In areas of particular significance to urban conservation, environmental character, new development should demonstrate detailed design measures that protect and complement heritage significance or character.

### **Controls**

- 1. In neighbourhoods with townscape significance, new development should:
  - i. conserve vegetation that has visual or historical significance
  - ii. adopt the prevailing configuration of garden areas, particularly the street's predominant front boundary setback
  - iii. adopt the predominant width, height, and scale of existing buildings

- iv. ensure that floor plans are stepped or articulated similar to the shape or form of surrounding buildings
  - v. adopt roof pitches, ceiling heights and forms that match neighbouring buildings
  - vi. minimise the width and area of driveways visible from public frontages
  - vii. conceal garages from public frontages (corner sites excepted).
2. In areas with significant vegetation:
- i. aim to preserve established trees as blocks or corridors
  - ii. ensure that the location of buildings and pavements does not affect long term survival of established trees
  - iii. incorporate new plantings that reinforce the visual and habitat values
  - iv. in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values.
3. New development should not aim to provide a direct copy of traditional buildings:
- i. simple detailing of building forms and openings is preferred to the use of "stuck-on" detailing applied to gable ends and verandahs
  - ii. the pitch and form of roofs, and articulation of floor plans are of particular importance
  - iii. frequent use of shadow-casting elements such as verandahs and awnings is important to reduce the scale of long walls
  - iv. traditional proportions for window and door openings should be employed
  - v. use of traditional joinery details for windows, doors and verandahs and fences should be concentrated in elevations that are visible from public places.

## 5.11 Corner sites and park frontages

### Objectives

- a) For allotments facing two streets or adjoining a public park, apply traditional principles of orientation and articulation to both of the public frontages.

### Controls

1. For allotments with a second street frontage, the second frontage should adopt key principles from other parts of this section including:
  - i. the development site
  - ii. urban form
  - iii. landscaped area
  - iv. side setbacks.
2. For corner lots and park frontages:
  - i. the rear and front setbacks may be measured relative to the shortest boundaries
  - ii. living rooms, dwelling entrances and verandahs may face either public frontage
  - iii. building forms should be articulated for both frontages
  - iv. all fences along public frontages should be designed in accordance with the parts in this section on fences and retaining walls
  - v. driveway access should be from the shortest street frontage, with garages concealed from both public frontages
3. For frontages to a second street:
  - i. minimum setback to dwellings and garage entrances should be 5.5m
  - ii. minimum verandah setback should be 3m
  - iii. garden areas facing the street should be landscaped as private courtyards.

- iv. Facing the street corner, the profile of the buildings should be varied with:
  - a distinctive roof element and/or
  - limited encroachments: external walls to corner rooms that measure up to 5 m in width may extend 2m beyond both street front setbacks
- 4. Along park frontages:
  - i. dwellings and private courtyards should face the park
  - ii. minimum dwelling or verandah setback should be 2m, for not more than 50% of the total building elevation
  - iii. screen plantings should be employed to conceal driveways and basement parking.

## **5.12 Building design**

### **Objectives**

- a) New developments should appear as a collection of single or semi-detached dwellings separated by gardens and ancillary structures, with facades designed to incorporate a variety of materials and shading structures.
- b) A variety of overhanging roofs and projections at ground floor level; a range of materials and finishes; windows inserted into every visible wall; garages concealed in basements.
- c) Basement parking enables access from dwellings to private open space, located both at ground level, and/or set upon a podium not higher than 1.5m above ground.

### **Controls**

- 1. Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of buildings and to reflect typical features of established cottage developments:
  - i. walls with alignments that step in both plan and section
  - ii. windows and doors inserted into all visible walls

- iii. a variety of pitched roofs, predominantly hipped.
  - iv. lower storeys that project beyond the line of the top storey, and are capped by roofs; or terraces to the upper storey apartments
  - v. the top storey designed as a "penthouse" with extensive glazing in the form of windows and large doors surrounded by terraces and pergolas
  - vi. a variety of overhangs that cast shadows including:
    - roofs with wide eaves
    - awnings and pergolas
    - balconies enclosed by corner columns and a variety of balustrades
    - wide terraces at ground level
  - vii. variation in building materials, for example:
    - a "solid" masonry base
    - intermediate levels that appear lighter: coloured or painted brickwork, with projecting "screens" of balconies that are located in particular at corners of buildings
    - a lightweight "penthouse" upper storey, capped by overhanging roofs and open pergolas, with terraces and balconies surrounded by open-style balustrades.
2. Variety in architectural features should be apparent in all visible facades including:
- i. facing the street
  - ii. facing side driveways
  - iii. facing neighbouring residential properties.
3. Basements for car parks should rise no higher than 1.5m above ground provide a minimum 2.2m vertical clearance for vehicles.

## 5.13 Energy efficiency

### Objectives

- a) Dwellings shall be configured and constructed to minimize the energy required for space heating, cooling or lighting.

### Controls

1. Adopt a configuration for dwellings that promotes cross-ventilation:
  - i. corner apartments with two external walls
  - ii. apartments that sit between two opposite external walls.
2. Adopt an appropriate orientation for rooms and windows:
  - i. living areas – facing within 30 degrees of solar north is desirable
  - ii. windows – at least 50% of glazing facing solar north is desirable; unprotected glazing facing east, west or south shall be avoided; for every room, windows in two external walls are desirable
  - iii. where the desired orientation cannot be achieved, higher compliance with other energy efficiency standards shall be achieved.
3. Provide effective shading from summer sun and employ effective glazing:
  - i. overhanging eaves: at least 450mm wide
  - ii. external, adjustable screening for windows, doors and skylights to habitable rooms
  - iii. pergolas over courtyards
  - iv. for any large south-facing window: high performance glass e.g. double glazing in thermal break frames
  - v. windows and doors facing east, south or west: high performance glass e.g. double glazing in thermal break frames
  - vi. all windows and external doors: weather-stripping should be used.

## 5.14 Design of dwellings and private courtyards

### Objectives

- a) Dwellings and their private courtyards should achieve high levels of amenity and demonstrate traditional practices of suburban design.

### Controls

1. Common circulation areas should facilitate access by people carrying parcels and removal of furniture:
  - i. corridors at least 1.2m wide
  - ii. stairs with landings at least 1.2m deep.
2. A reasonable area of private open space should be provided for each dwelling:
  - i. for dwellings at ground level:
    - a minimum of 20m<sup>2</sup>
    - as courtyards at ground level and / or
    - terraces located not higher than 1.5m above ground level
    - for street-front dwellings: individual entrances to terraces or courtyards from the street
  - ii. for dwellings above ground – balconies that are a minimum of 10m<sup>2</sup>
  - iii. all required open space should include one area:
    - measuring at least 2.5m by 2.5m
    - suitable for outdoor dining
    - located immediately next to, and level with, a living or dining room
    - incorporating an area for outdoor clothes drying that is visually screened to a height of at least 1.5m above floor level

- Landscaped areas should maximise the area available for private courtyards and gardens.
3. Dwellings should have rooms that are planned and oriented:
    - i. to maximise privacy
    - ii. to provide a "green" outlook across open space
    - iii. to facilitate natural ventilation and day lighting.
  4. Rooms should have dimensions and an area that:
    - i. can accommodate the range of furniture typically associated with their function
    - ii. recognise that furnishing options may be restricted by the location of windows and doors.

## **5.15 Garages**

### **Objectives**

- a) Garages should be designed to serve a variety of purposes, and their appearance should contribute to the overall diversity of building form and design.

### **Controls**

1. Garage and parking areas should be planned to:
  - i. minimise disruption to traditional or established streetscapes by concealing from the street
  - ii. provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation
  - iii. minimise transmission of noise to adjoining dwellings
  - iv. provide secure parking
  - v. allow for maintenance access to rear garden courtyards
  - vi. provide for effective and healthy landscaping along verges and boundaries.

- vii. permit all turning movements, full opening of vehicle doors as defined by AS 2890.1-1993
2. Basements should have:
- i. a low appearance, rising no higher than 1.5m above ground
  - ii. natural ventilation, either screen walls; or terraced embankments, with each step a maximum of 500mm, and landscaped as part of the side boundary court
  - iii. a "capping" of private courtyards or balconies opening from the lowest level of dwellings (if basements extend beyond the main building walls)
  - iv. vehicle entrances designed to complement the architecture and landscaping of each building
  - v. individual up and down ramps
  - vi. a central median
  - vii. overhung by balcony structures
  - viii. undercover storage:
    - garbage and recycling bins in a secured area located close to the street entrance and detailed according to Council codes and
    - household items: in secured enclosures for each dwelling, or associated with secured private parking spaces.
3. For dwellings that require two spaces: parking may be arranged in a stacked configuration.
4. Garages and parking spaces are not permissible within the front setback.

## **5.16 Garden design**

### **Objectives**

- a) Gardens should be landscaped according to the function of each area and should provide a backdrop that is appropriate to each adjacent room.

## Controls

1. The rear boundary setback should provide:
  - i. private garden courtyards
  - ii. a corridor of habitat, and a green backdrop that is visible from the street
  - iii. conservation for any existing corridor of mature trees or
  - iv. an interlocking canopy of low to medium-height trees and shrubs
  - v. predominantly species indigenous to the soils of Penrith City.
2. Alongside boundaries, generally provide:
  - i. small-to medium height canopy trees for sun-shading and privacy separation between dwellings
  - ii. within the verges to any common driveway: hedges fronting windows to any dwelling
3. Along driveway verges and surrounding parking basements:
  - i. screen plantings of small to medium canopy trees
  - ii. beds of continuous ground cover
  - iii. common pathways to building entrances according to the section below on Paving Design
4. Street frontage plantings should provide:
  - i. private gardens for street-front dwellings
  - ii. a civic garden frontage appropriate to the established neighbourhood character
  - iii. mixed species of trees, shrubs, and accent plantings including flowers and ground covers
  - iv. level areas of well-drained turf
  - v. along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees under planted with dense hedges.

## 5.17 Paving design

### Objectives

- a) Design driveways and paved areas as attractive and functional components of development, complementing the designs of garden areas and buildings, and providing effective management for stormwater run-off.

### Controls

1. Hard paved surfaces should:
  - i. maximise the area available for landscaping and gardens
  - ii. impose no adverse long term effect on any vegetation that Council requires preserved.
2. Generally paving should:
  - i. provide an attractive "address" for any dwellings without a direct frontage to the street
  - ii. minimise the area and width of driveways along the street-frontage
  - iii. be overlooked by continuously occupied rooms such as kitchens and living rooms
  - iv. be divided into panels by bands of contrasting materials or pavers
  - v. provide barrier-free access continuous from the street to the entrance of each dwelling
  - vi. provide for landscaping as continuous verges along both sides
  - vii. collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement
  - viii. Incorporate outdoor storage of garbage bins awaiting collection.

## 5.18 Fences and retaining walls

### Objectives

- a) Fences, courtyard walls and boundary retaining walls should be compatible with neighbourhood character and should be integrated with the design of buildings and garden areas and provide casual surveillance of public and common areas.

### Controls

1. Fencing must:
  - i. Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act 1991
  - ii. Be sympathetic to the natural setting and character in form, materials and colour
  - iii. Maximise natural surveillance from the street to the building and from the building to the street.
2. Fences should be no taller than:
  - i. 1.8m generally and
  - ii. 2.4m on sloping sites, including the height of any retaining wall.
3. Fences along boundaries forward of the front building alignment:
  - i. should not be taller than 1.2m, or if taller, of see-through construction
  - ii. should not be constructed of metal panels
  - iii. 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.
4. Fences along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction.
5. Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise.

6. Fences along boundaries in any location that can be seen from the street or a public park frontage should not be constructed of metal panels.
7. Fences along boundaries fronting noisy thoroughfares:
  - i. solid masonry walls are acceptable to a maximum of 1.8m
  - ii. incorporating corners and planting beds every 5m.
8. Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.
9. Fencing of a "see-through" construction includes panels set into a timber frame or between brick piers:
  - i. any solid base is not taller than 1m
  - ii. panels are spaced pickets or palings, or lattice.
10. Retaining walls:
  - i. generally should be no taller than 500mm
  - ii. should not cut through roots of any tree required by Council to be preserved
  - iii. should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing
  - iv. should provide drainage for any associated planter-bed
  - v. should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.

## **5.19 Safety and security**

### **Objectives**

- a) Achieve a high level of passive security within and surrounding dwellings.

### **Controls**

1. Encourage a sense of community:
  - i. Each common stairwell should serve no more than 10 dwellings.
  - ii. The public street and /or common pathways should be overlooked by:

- Entrances to dwellings or to ground level; terraces
  - Windows to living rooms, dining rooms and/or kitchens
  - Private terraces and balconies
- iii. fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.
2. Ensure that at least one continuously occupied room in each dwelling (a kitchen or living room) overlooks:
- i. the front street
  - ii. driveways and garage forecourts.
3. Prevent concealment of intruders by:
- i. uniform lighting levels across common areas such as driveways
  - ii. planning which does not provide hidden recesses
  - iii. along common pathways: selection of appropriate plant species according to height and density.

## **5.20 Accessibility and adaptability**

### **Objectives**

- a) To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, while also contribution to the vitality and vibrancy of the public domain.

### **Controls**

1. Demonstrate that planning and design measures do not prevent access by people with disabilities:
- i. access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances
  - ii. stair nosings should have a distinctive colour and texture
  - iii. dwellings should have:

- dimensions consistent with AS 1428.1-Design for access and mobility.
  - hallways at least 1m wide.
  - circulation areas in bathrooms at least 1 m wide.
2. Demonstrate that dwellings have been designed to meet the needs of an ageing population:
    - i. incorporate design measures which are appropriate to people with disabilities
    - ii. employ lever-type door handles and traditional cruciform tap-handles
    - iii. provide for future low cost modifications to bathrooms:
      - future removal of hobs from shower recesses
      - provision for future attachment of grab-rails to walls.
    - iv. provide for future low-cost modifications to kitchens including replacement of under bench shelves with drawers & attachment of grab-rails
    - v. provide appropriate levels and location of lighting.
  3. 10% of all dwellings or a minimum one dwelling, whichever is greater, must be designed in accordance with the Australian Adaptable Housing Standard (AS4299-1995), to be capable of adaptation for people with a disability or elderly residents.
  4. Where possible, the mandatory adaptable dwellings shall be located on the ground floor.
  5. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299-1995).
  6. Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard regarding parking for people with a disability.

## 5.21 Storage and services

### Objectives

- a) Ensure that each dwelling has reasonable private storage space and waste management areas/facilities, and that meters, service cupboards and aerials are integrated with the design of buildings.

### Controls

1. Provide storage for household items:
  - i. at least 10m<sup>3</sup> per dwelling either
  - ii. as cupboard space within the dwelling in addition to wardrobes or
  - iii. within a lockable garage, not encroaching upon the parking space or
  - iv. in weather-proof lockers that are not visible from the street.
2. Letter boxes should be provided according to Australia Post specifications:
  - i. adjacent to the front boundary
  - ii. located conveniently for residents entering the site (by car or on foot)
  - iii. integrated with the design of landscaped areas, fences and buildings.
3. Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for:
  - i. additional telephone lines and outlets
  - ii. additional electrical outlets
  - iii. satellite or cable-based reception.

## 6. Boarding houses

### Background

The following developments are covered by this section:

- boarding houses
- alterations and additions to existing boarding houses.

This section provides supplementary directions for boarding houses in addition to those contained within State Environmental Planning Policy (Housing) 2021 (SEPP) and the general controls elsewhere in this DCP.

Where controls specified elsewhere in the DCP are inconsistent with this section and would otherwise apply, this section prevails.

Boarding house developments should be compatible with local character and provide suitable amenity for tenants and the community.

### Objectives

- a) To ensure that boarding houses fit the local character or desired future local character of the area.
- b) To minimise negative impacts on neighbourhood amenity.
- c) To ensure boarding house premises are designed to be safe and accessible.
- d) To respond to increasing neighbourhood densities resulting from boarding house development.
- e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.

### 6.1 Local Character

#### Controls

1. Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.
2. A neighbourhood analysis must be completed to identify the desired future character of the neighbourhood. It is recommended that

community consultation be undertaken as part of the analysis to determine aspirations for the future character.

3. Key elements that contribute to consideration of local and neighbourhood character include:
  - i. Surrounding land uses
  - ii. Social and Historic Context
  - iii. Scale
  - iv. Built Form
  - v. Natural Environment
  - vi. Density
  - vii. Amenity
  - viii. Safety and Security
  - ix. Social dimensions and housing affordability
  - x. Aesthetics

## **6.2 Built form, street impact and appearance**

### **Controls**

1. The entrance to the boarding house must be in a prominent position addressing the street.
2. New boarding houses must not reduce the achievement of access to a minimum of 3 hours sunlight in the main living area and in at least 50% of private open space between 9am and 3pm on 21 June for adjoining properties.
3. Boarding houses must be designed to have a sympathetic relationship with adjoining development.
4. Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.
5. There must be no basement encroachments to setbacks either above or below ground.

6. Minimum setbacks for boarding houses in R2 and R3 Zones are provided in Table 4. The intent of this control is to ensure consistency with local character by replicating streetscape patterns of buildings and private gardens in established neighbourhoods, which have visual and symbolic richness that are valued by their community.

**Table 4: Minimum setback and building envelope requirements for boarding houses in R2, R3 and R4 Zones, and residential flat buildings or high density mixed use development.** Where controls specified elsewhere in this part of the DCP are inconsistent with this table and would otherwise apply, the controls in this table prevail.

| Setbacks | Minimums in R2 and R3 Zones                                                                                                                                      | Minimums for Multi dwelling housing scale development in R4 zone                                                                                                 | Minimums for Residential flat building or high density mixed use development                                |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Front    | a) average setbacks of the adjoining neighbours; or<br>b) a 5.5m minimum setback, whichever is the greater.                                                      | a) average setbacks of the adjoining neighbours; or<br>b) a 5.5m minimum setback, whichever is the greater.                                                      | a) average setbacks of the adjoining neighbours; or<br>b) a 5.5m minimum setback, whichever is the greater. |
| Side     | 2m along not more than 50% of the building length.<br><br>The remaining 50% is to achieve a minimum setback of 3m, these areas are to be a minimum of 1.5m wide. | 2m along not more than 50% of the building length.<br><br>The remaining 50% is to achieve a minimum setback of 3m, these areas are to be a minimum of 1.5m wide. | Zero setbacks from the side boundary are not permissible.                                                   |
| Rear     | 4m for a single storey building                                                                                                                                  | 4m for a single storey building (or                                                                                                                              | 4m for a single storey building (or                                                                         |

|                                                                    |                                                                                                                                       |                                                                                                                                   |                                                                                                                                   |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
|                                                                    | <p>(or any single storey component of a building)</p> <p>6m for a two storey building (or any two storey component of a building)</p> | <p>any single storey component of a building)</p> <p>6m for a two storey building (or any two storey component of a building)</p> | <p>any single storey component of a building)</p> <p>6m for a two storey building (or any two storey component of a building)</p> |
| Secondary Street Frontages                                         | <p>3m</p> <p>In an R3 Zone, 5.5m with a 3m minimum setback for single storey verandahs</p>                                            | <p>5.5m</p> <p>3m minimum setback for single storey verandahs</p>                                                                 | <p>Zero setbacks from the side boundary are not permissible, other than awnings to main building entrances.</p>                   |
| Building Envelope                                                  | <p>Refer to Figure 12 and Figure 13 below.</p>                                                                                        | <p>Comply with controls for Multi Dwelling Housing in this DCP</p>                                                                | <p>Comply with controls for Residential Flat Buildings in this DCP</p>                                                            |
| Compatibility of landscaping with streetscape in the front setback | <p>In an R2 Zone: 50% landscaped area</p> <p>In an R3 Zone: 40% landscaped area</p>                                                   | <p>40% landscaped area</p>                                                                                                        | <p>40% landscaped area</p>                                                                                                        |

**Figure 12: Building Envelope for Boarding Houses in R2 Zones, for consistency with desired local character.**

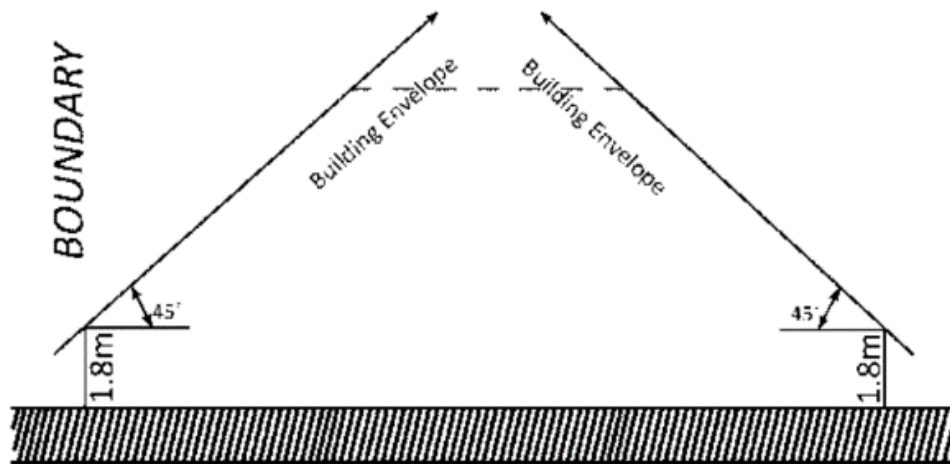
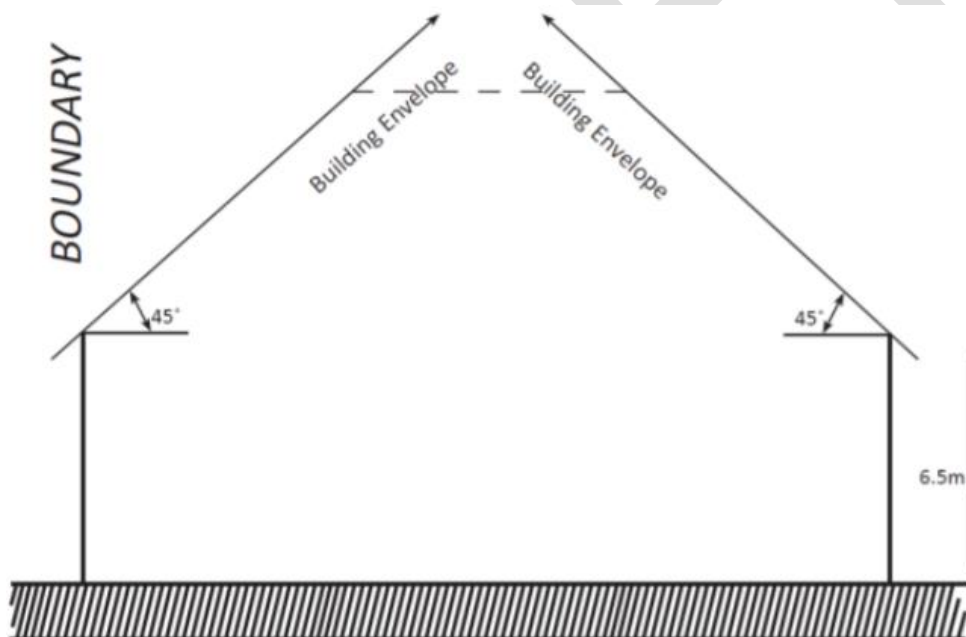


**Figure 13: Building Envelope for Boarding Houses in R3 Zones, for consistency with desired local character.**



7. In an R2 or R3 Zone, boarding houses should comply with controls for Single Dwellings where these controls do not conflict with the requirements of the SEPP.
8. A boarding house proposal of a scale similar to a multi dwelling housing development should comply with the controls and objectives for Multi Dwelling Housing within this DCP, where they are not in conflict with the requirements of the SEPP and the objectives of the zone.

9. A boarding house proposal of a scale similar to a residential flat building or high density mixed use development should comply with the controls and objectives for Residential Flat Buildings within this DCP, where they are not in conflict with the requirements of the SEPP, and the objectives of the zone.

### **6.3 Compatibility with street in the front setback**

#### **Controls**

1. In order to be compatible with the streetscape, boarding houses must supply the following elements within the front setback, in addition to complying with other relevant Landscape Design controls in this DCP and Built form, streetscape impact and appearance controls in this section:
  - i. A minimum of 18m<sup>2</sup> deep soil area must be provided to support larger plants and trees used to soften the form of the building and provide shade. Deep soil areas are to be a minimum width and length of 3m. Deep soil zone may form part of the landscaped area calculation.
  - ii. A watering system that does not rely on lodgers to maintain plantings.

### **6.4 Tenant amenity, safety and privacy**

#### **Controls**

1. Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:
  - i. communal spaces including laundry, bathroom, waste facilities, private open space, kitchen and living areas are accessible to all lodgers
  - ii. if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible
  - iii. cross ventilation should be achieved in common areas including corridors, common kitchen areas, living areas, laundry, waste and kitchen facilities
  - iv. all opening windows are to be provided with fly screens
  - v. secure mailboxes shall be provided on the property allowing resident only access.

- vi. Communal kitchen facilities must be provided with a minimum area of:
- 7m<sup>2</sup> for up to 6 lodgers.
  - or 11m<sup>2</sup> for more than 6, up to 12 lodgers.
  - A minimum of 15m<sup>2</sup> will be provided above 12 lodgers, plus 1m<sup>2</sup> for each additional lodger over 12; or all bedrooms shall contain kitchenette facilities with a fridge, adequate cupboards and shelves and a microwave. For fire safety reasons no other cooking appliances are permitted.
- vii. Common rooms must be provided at a minimum rate of 2m<sup>2</sup> per lodger, or a minimum of 13m<sup>2</sup> where there are fewer than 6 lodgers. Common rooms do not include circulation space or laundry, bathroom, waste and kitchen facilities.

## **6.5 Visual and acoustic amenity impacts**

### **Controls**

1. Boarding houses are to provide:
  - i. bedrooms separate from significant noise sources
  - ii. sound insulation between bedrooms to provide reasonable amenity
  - iii. communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings and
  - iv. screen fencing, plantings, and acoustic barriers in appropriate locations.

## **6.6 Location**

### **Controls**

1. Boarding Houses shall not be located in cul-de-sacs.

## 6.7 Plan of management

### Controls

1. An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to:
  - i. boarding house staffing arrangements, including the location of 24/7 contact details for any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises
  - ii. house rules and how they will be publicised to residents, including details of:
    - guest behaviour
    - activities and noise
    - visitor policy
    - the use of alcohol and/or drugs
    - cleaning of communal spaces following use
    - location of smoking area.
  - iii. plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities
  - iv. measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where adjoining sites contain residential activities, should be restricted to 10pm
  - v. waste minimisation, recycling and collection arrangements are to be identified
  - vi. maintenance strategy including, but not limited to
    - monthly gardening and pruning of vegetation

- pest management plan
  - cleaning and sanitation program including end of lease arrangements
  - quarterly external clean and graffiti removal
  - waste management plan
  - indicative arrangements for council officer's 12 month inspection, required under the Boarding House Act 2012.
- vii. internal signage arrangements, including:
- the name and contact number of the property caretaker or manager
  - emergency contact numbers for essential services
  - house rules
  - a copy of the annual fire safety statement and current fire safety schedule
  - floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room and
  - information on local social services.
- viii. minimum lease period with conditions including:
- resident agreement to comply with boarding house rules;
  - minimum lease period of 3 months; and
  - 6 and 12 month rental terms available.
- ix. a social impact assessment
- x. a complaint register that is available for inspection by Council
- xi. indicative arrangements for Council monitoring and review of required management actions and
- xii. any further relevant considerations. Council may request further information to be provided.

## 7. Non-residential development

The following developments are covered by this section:

- Any proposed non-residential development proposed in a residential zone.

This section provides specific controls for non-residential development in residential zones in addition to the general controls elsewhere in this DCP.

### Objectives

- a) Non-residential development should be planned and designed according to principles of traditional suburban design, and to preserve the amenity of residential neighbourhoods.

### Controls

1. Principles of urban form and urban design that apply to permissible residential development should be adopted for non-residential development.
2. Particular attention should be paid to the development site including front setbacks, rear setbacks dual frontage situations.
  - i. Urban form including:
    - traditional building design features
    - traditional garden frontages
    - orientation of building entrances
    - continuously occupied rooms facing the street
    - detailed consideration of significant townscapes or landscapes
    - signs
    - driveways and parking including:
      - 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
- ii. landscaped area- provision and design of the required minimum area with detailed design of gardens and paving
- iii. side setbacks to provide for effective landscaped separation from adjacent developments
- iv. solar planning and energy efficiency – minimised overshadowing of adjacent properties and minimise requirements for mechanical heating and cooling of interiors
- v. privacy – protect the amenity of adjacent properties
- vi. storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent developments.
- vii. privacy – protect the amenity of adjacent properties
- viii. storage and building services – sufficient to meet requirements generated by the proposed development and located to protect the amenity of adjacent residents.

## 8. Proposed road pattern designs

The following developments are covered by this section:

- Development patterns shall be consistent with the road patterns as shown in Figure 14, Figure 15, Figure 16 and Figure 17:

This section provides specific controls for development where specific road patterns have been identified. In the event of any inconsistency between this section and the rest of this DCP, the requirements of this section prevail.

**Figure 14: Proposed road pattern for Kohlenberg Close in the vicinity of Brougham Street, Emu Plains**



**Figure 15: Proposed road pattern for Acorn Street in the vicinity of Grey Street, Emu Plains**



**Figure 16: Proposed road pattern in the vicinity of Towle Close, Emu Plains**



**Figure 17: Proposed road pattern in the vicinity of Stock Avenue, Kingswood**



## Objectives

- a) To facilitate the creation and construction of public roads
- b) To create a strong nexus between public roads and future development
- c) To maintain and enhance the amenity, safety and access of these public roads.

## Controls

### Street frontage

1. Development on land that abuts a proposed road (as shown in Figure 14, Figure 15, Figure 16 and Figure 17) shall be oriented to the proposed road and provide pedestrian and vehicular access to the proposed road.

### Fencing

1. Any fencing along the frontage to the proposed road must be “see-through” construction and should not be taller than 1.2m.
2. Fencing of a “see-through” construction includes panels set into a timber frame or between brick piers where:
  - i. Any solid base is not taller than 1m and
  - ii. Panels are spaced pickets or palings, or lattice.

### Landscaping

3. Despite the landscaped area controls contained elsewhere within the Vegetation management section of the Environmental chapter of this DCP: a maximum of 10% reduction in the minimum landscaped area requirement may apply to development of the specified sites where an application proposes construction of the proposed road and subsequent dedication of the land.

## C3 Employment and non-residential uses

### Contents

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## C3 Employment and non-residential uses

### 1. Bulky goods retailing

#### Controls

##### General

1. The built form is to provide consistent landscaped front setbacks and an active street address.
2. Where bulky goods developments also comprise ancillary café or service uses, locate these uses within the primary street frontage to generate activity and interest at street level.
3. Provide pedestrian footpaths on all streets.
4. Entrances to bulky goods premises must be on the primary street frontage.
5. Awnings are to be provided at entry points.
6. Bulky goods developments are to be located on or close to the main street alignment.
7. Provide consistent street planting and footpaths are to be provided along Blaikie Road to establish the public domain.
8. Setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area as illustrated in Figures Figure 1, Figure 2 and Figure 3:
  - i. is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide.
  - ii. promotes the function and operation of the development.

##### Vegetation and landscape

9. The siting and layout of a development should preserve all on-site trees, significant strands of vegetation, and remnant or native bushland in accordance with the requirements of the Vegetation Management and Landscape Design sections of this DCP. Where this is not practical, the

development application must justify the loss of vegetation and outline what measures are to be taken to replace it.

10. Applicants should refer to the Landscape design section in the Environment Chapter of this DCP regarding the implementation and maintenance of landscaping for the site.
11. Smaller scale and less visually prominent planting should be provided to add variety and interest in the appearance of the site.
12. Landscape materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged.
13. Paving and structures shall complement the architectural style of existing buildings.
14. Outdoor staff break areas should be provided and integrated into landscape areas. These areas should be provided with shade and reasonable amenity.
15. Shade trees should be provided in outdoor staff break areas and along pedestrian paths and walkways.
16. Plant species should be carefully selected to meet service authority requirements in easement locations.

**Figure 1: Illustration of building setbacks - smaller plan (plan view)**

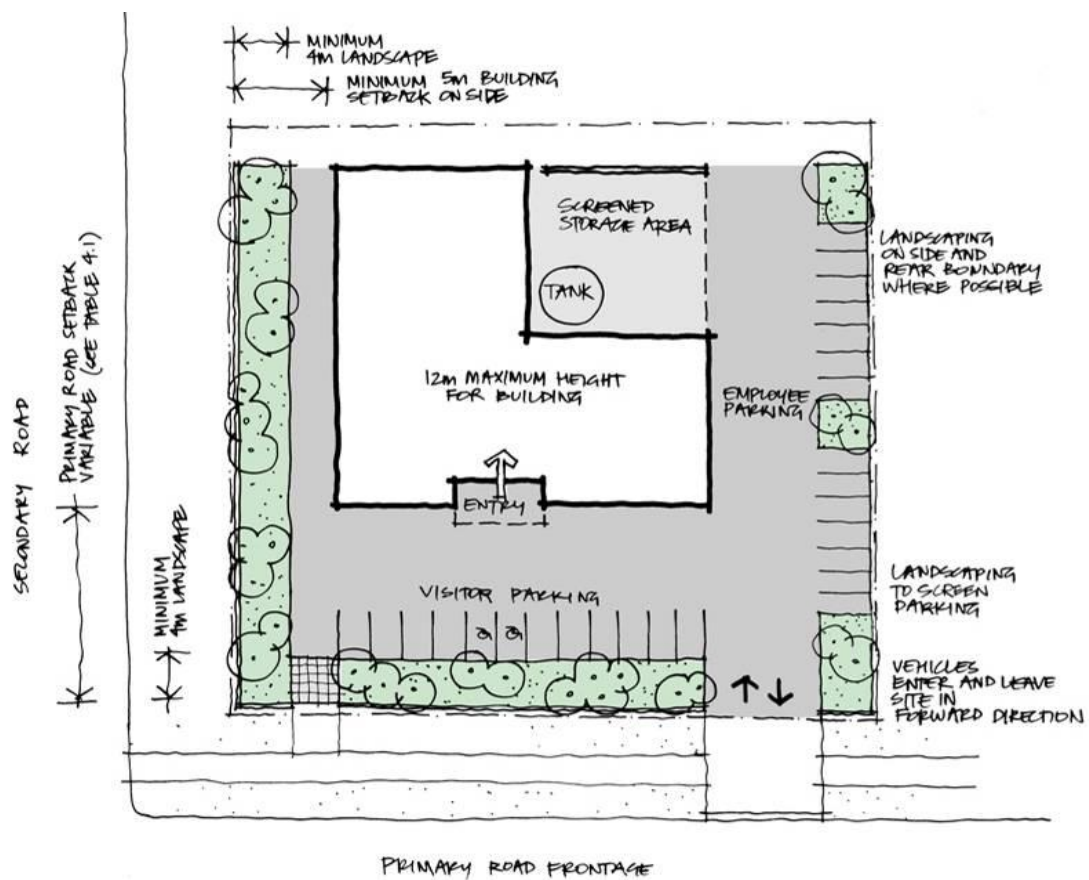


**Figure 2: Illustration of building setbacks - smaller site (cross sections)**

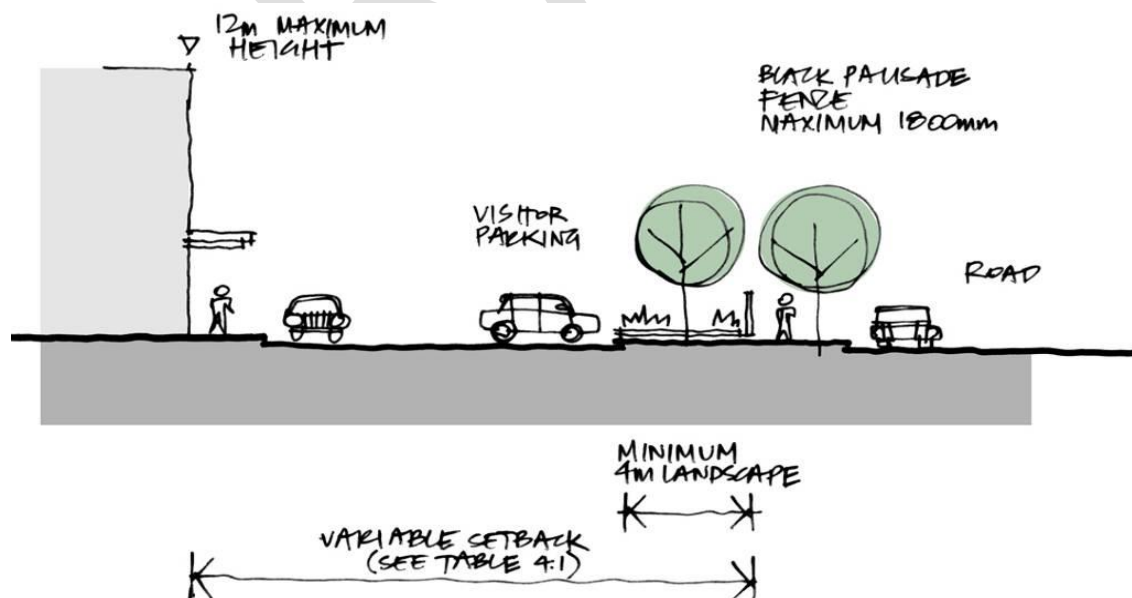
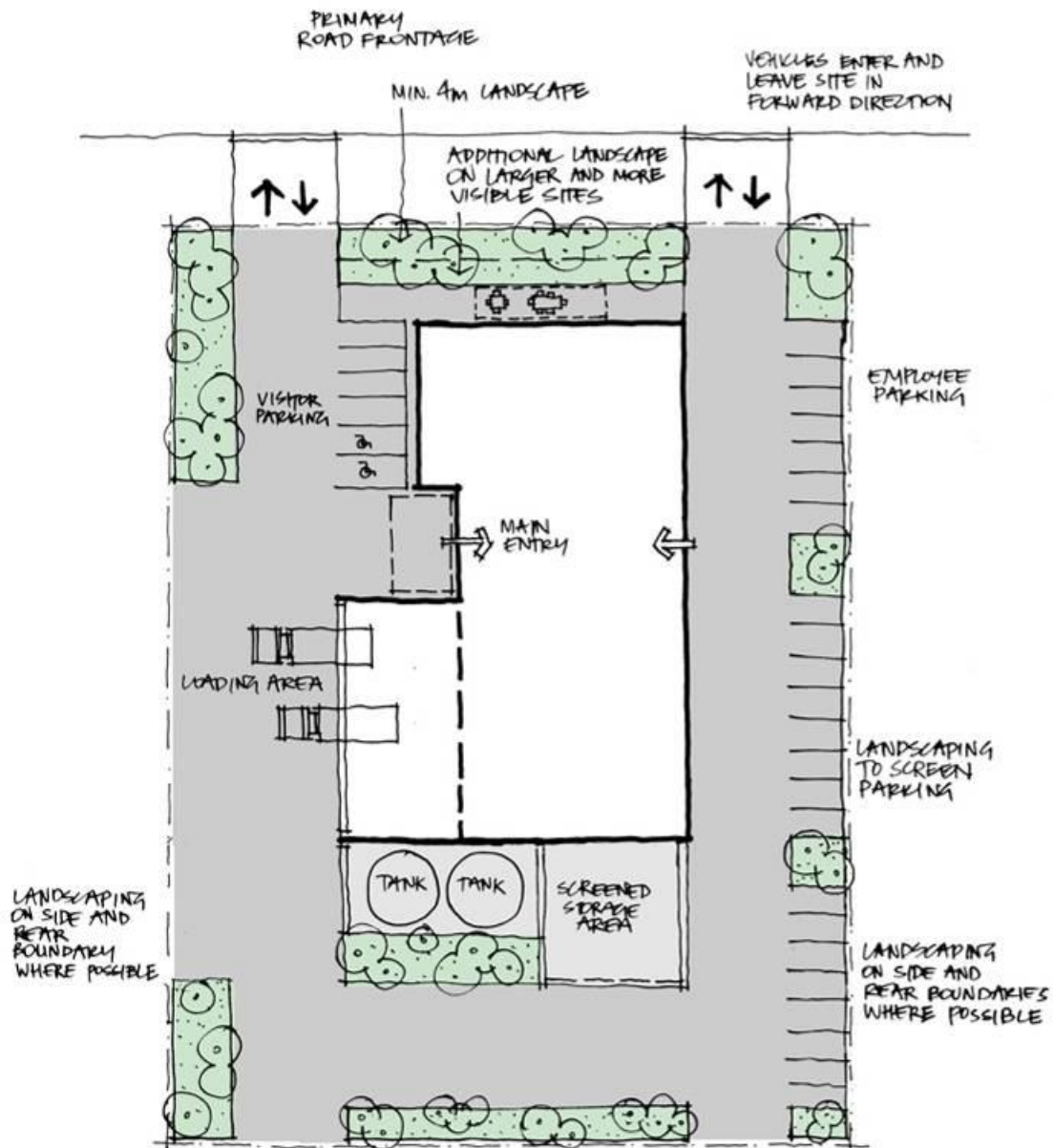


**Figure 3: Illustration of building setbacks – larger site (plan view)**



## 2. Sex services premises

### Background

The impact of individual sex services premises can vary in relation to their nature and scale. The concentration of this type of use can also exacerbate negative impacts. The nature of these uses means that specific controls are required to minimise potential impacts on the community and ensure separation from sensitive land uses, such as residences, schools, parks and

playgrounds, churches and other places that children may attend for recreational, educational or cultural activities.

The controls in this section seek to reduce negative impacts, while at the same time allow premises to operate in suitable locations and at a suitable scale.

## **Objectives**

- a) To ensure that the design and location of sex services premises do not adversely impact on the amenity of the area or neighbouring properties, in particular, land uses that are frequented by children.
- b) To increase the safety of staff and visitors of the sex services premises through the consideration of safety and security aspects in the design and location of premises, and through the provision of appropriate safety measures.
- c) To ensure that the safety of all staff and visitors is maintained when approaching, entering and leaving the premises, including the use of appropriate lighting.
- d) To ensure that sex services premises are accessible to all adult members of the community.
- e) To ensure that the design (including colour, signage and lighting) and external treatment of the sex services premises do not detract from the character and appearance of the streetscape.
- f) To ensure that the interior of the sex services premises, sex workers or sex related products associated with the premises are not visible from outside of the premises.
- g) To ensure that the nuisance to neighbouring properties is minimised through the clear numbering of sex services premises.
- h) To ensure that adequate facilities are provided inside the premises in accordance with relevant occupational health and safety legislation and provide for the comfort and safety of visitors and staff.
- i) To ensure that the internal layout of the premises maximises the safety and security of staff and visitors.

- j) To ensure that the safety and security of staff and visitors is maintained through the use of security systems and implementation of procedures identified in the Plan of Management.
- k) To ensure that the premises operate in accordance with health standards and any recommended guidelines.
- l) To ensure compliance with the provisions of the NSW Liquor Act 1982 as it prohibits solicitation or the provision of commercial sexual services on premises having liquor licences.

## **Controls**

### Locational and access controls

1. Sex services premises must not be located:
  - i. Adjacent to or directly opposite to (including elevation) a sensitive land use unless separated by at least another non-sensitive land use, including a road at least 30 metres wide
  - ii. On the same floor or level that contains a dwelling
  - iii. In a mixed use development where the primary access to the premises is the same access to the residential floor(s)/ level(s) in that development.
2. Sex services premises and adult entertainment premises must not be located within a radius of 75m from an existing, approved sex services premises or restricted premises (e.g. adult book store). The radius must be measured from the centre of the primary access to the proposed sex services premises or adult entertainment premises.

**Adult entertainment** premises is a form of restricted premises that provides entertainment such as strip club premises or premises which sells or displays restricted material but does not include hotel accommodation, a pub, home occupation (sex services) or sex services premises.

3. Access to and within the sex services premises is to be provided in accordance with the Building Code of Australia and the Commonwealth's *Disability Discrimination Act 1992* to ensure that the premises is accessible to all adult members of the community. In this regard, access arrangements must demonstrate:

- i. Major entrances to the premises, to which the public are entitled to enter, must be designed and constructed to provide equitable treatment of staff and visitors.
- ii. Compliance with the minimum standards of grade, doorway, width and connectivity in accordance with the *Disability Discrimination Act 1992*.

#### External design of premises

4. The external appearance of the sex services premises should respect the architectural character of the streetscape so that the sex service premises does not become a prominent feature of the street.
5. The premises must be clearly numbered, with the number clearly visible from the street and/or foyer or hallway.
6. All entrances and exits to the sex services premises should be designed to facilitate the privacy of staff and visitors without compromising personal safety (through avoiding the use of isolated and poorly lit back lanes).
7. The sex services premises, including the signage, must not display sex-related products, images considered by Council to be sexually explicit, lewd or offensive, sex workers or nude or semi dressed staff from windows, doors or outside of the premises. Details of any proposed signage associated with the sex services premises, including its location and design/wording, are to accompany the development application.
8. The interior of the sex services premises must not be visible from outside of the premises, including from the footpath.
9. Where the interior of the sex services premises may be visible from neighbouring buildings, adequate measures should be taken to screen the interior of the premises (e.g. window screens and blinds).

#### Internal design of premises

10. Adequate design measures ensuring the safety and security of staff and visitors to the sex services premises must be provided and, where appropriate, should include:

- i. Reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors.
- ii. Minimisation of alcoves and entrapment spaces in its floor layout.
- iii. Adequate safety and surveillance systems.

**Note:** Operators must comply with the requirements of the *Workplace Surveillance Act 2005*, which prohibits surveillance of staff in staff facilities and where located elsewhere in the premises, requires notification of staff and provision of adequate signage. Where camera surveillance is used, it must not be focused on or record staff providing sex services on a client. The *NSW Summary Offences Act 1988* makes it an offence to film people for the purposes of sexual arousal when in a state of undress or involved in a sexual act without their consent.

- 11. Specialist activities involving restraints (such as bondage, suspension) or equipment (ropes, pulleys, slings, poles, etc) must ensure the safety of participants and compliance with the Building Code of Australia and any relevant Australian Standards.
- 12. For rooms where bondage and discipline activities are to be administered, the room(s) is to be fitted out with the following elements:
  - iv. Provision of a hand wash basin
  - v. Provision and storage of first aid kits
  - vi. Flooring, walls, shelves and any other equipment that is smooth, impervious and easy to clean.
- 13. Each working room should contain water-proof bins fitted with removable plastic liners or mesh bins, and its own sanitary facilities for use by sex workers or their clients. If design or building constraints prevent the provision of adequate sanitary facilities in, or adjacent to, the working rooms, then these facilities must be provided elsewhere in the premises and should aim to maximise access to these facilities from working rooms.
- 14. As a minimum, the following staff facilities must be located within the premises, adjacent to and accessible from cubicles or work areas, and in a secure area inaccessible to visitors:
  - i. Sanitary facilities (toilet, hand basin and shower)

- ii. Rest area with seating
  - iii. Dining area with food preparation and storage areas
  - iv. Sink with running water, water boiling facilities and fridge
  - v. Lockers to store personal belongings.
15. If spa pools, saunas or steam rooms are proposed, details are to be shown on the plans accompanying the development application. Additional shower facilities will be required. Any working rooms that contain a spa pool must also provide a shower in the working room.
16. Safety and security systems, including secure entry and controlled internal and external access, preferably with remote door release mechanisms, are to be provided.
17. Where there are three or more working rooms in the sex services premises, intercoms and duress alarm systems are to be installed in all working rooms and staff areas, which are linked to a central base and monitored at all times.
18. Storage space(s) must be provided for both soiled and clean linen, and safe sex equipment.
19. If food handling and sales is proposed, details of the food handling and preparation area(s) must be shown on the plans accompanying the development application. These areas must comply with the *Food Act 2003* and *Food Regulation 2004*, and *AS4674-2004 Design, Construction and Fit-out of Food Premises*.
- Note:** It is an offence under the *NSW Liquor Act 2007* to allow sex services to take place in liquor licensed premises.
20. The use of the premises must not give rise to 'offensive noise' or transmission of vibration to any place of a different occupancy. Offensive noise is defined under the *Protection of the Environment Operations Act 1997*.

### Operational matters

21. Current, written information must be provided to staff and visitors regarding sexually transmitted infections. The information must be available in the reception/visitor assessment areas.

If the sex services premises are staffed by sex workers of a predominantly non-English speaking background, then the premises operator must provide current written information on sexually transmitted infections in the language spoken by the sex workers.

22. A Plan of Management must be submitted with the development application, with particular regard to procedures that ensure sex workers can perform their work in a safe manner with minimum risk to their health. The Plan of Management should include (but not be limited to):

- i. Demonstration of compliance with NSW WorkCover's Health and Safety Guidelines for Brothels (2001)
- ii. Security and safety provisions, including procedures for staff duress events, particularly for premises where intercom and alarm systems are not required, and ensuring that loitering around and adjacent to the entrance of the premises does not occur
- iii. Any security staff, or other staff or contractor who may, as part of their responsibilities, enter the footpath or public domain
- iv. Risk management protocols to assist sex workers and staff to manage risk exposures, such as blood and body fluid splashes, needle stick injuries and the like
- v. Provision of adequate training of sex workers to carry out visual examination of potential clients to detect whether there is any visible evidence of sexually transmitted infections
- vi. Provision and management of clean linen and clean towels for use for each client, including an adequate number of receptacles for the separate storage of clean linen and soiled linen
- vii. Provision and management of safe sex practices, including products, the storing and cleaning of sex service toys/equipment (including condoms, dental dams, gloves and any other safe sex products)
- viii. Details to ensure that sex workers and their clients are educated in the practice of safe sex to minimise risk to health.

23. It is recommended that private contractors be used to launder towels, sheets and linen used in the premises. As a minimum, it is recommended that linen be washed in a hot water wash that is at water temperature of

70°C using laundry detergent and that all items of linen are thoroughly dried before reuse.

24. Spruikers are not permitted in association with the operation of the sex services premises.

**Spruiker** means a person or persons located in a public place, including a footpath, who seek to entice people to enter the premises.

25. The operator and management of the sex services premises must ensure compliance with the approved Plan of Management.

26. It is recommended that the following steps be followed to ensure the continuing good health of sex workers:

- i. Sex workers are to be immunised against Hepatitis A and B.
- ii. Sex workers are to attend a sexual health centre or private doctor for sexual health assessment, counselling and education appropriate to individual needs. The frequency of assessment is a matter for determination by the individual sex worker in consultation with his/her clinician.
- iii. Evidence of attendance for sexual health tests are not to be used as an alternative to safe sex practices.
- iv. Sexual health certificates of attendance do not imply freedom from sexually transmitted infections.
- v. Each client is to be examined by the sex worker to detect any visible evidence of sexually transmitted infections.

#### Expansion or Intensification of Existing Premises

27. In the event that an existing premises seeks to expand its operations or intensify its use, the provisions of this section, including the locational and access controls, will be applied.

## 3. Restricted premises

### Background

Restricted premises are premises that, due to their nature, restrict access to customers over 18 years of age, and include sex shops and similar premises.

The impact of restricted premises can vary in relation to their nature and scale. The nature of these uses means that specific controls are required to minimise potential impacts on the community and ensure separation from sensitive land uses such as residences, schools, parks and playgrounds, churches and other places that children may attend for recreational, educational or cultural activities.

The controls in this section seek to reduce negative impacts while at the same time allow premises to operate in suitable locations and at a suitable scale.

### Objectives

- a) To ensure that the design and location of restricted premises does not adversely impact on the amenity of the area or neighbouring properties, in particular, land uses that are frequented by children.
- b) To ensure that the interior of restricted premises or any restricted material / sex-related products associated with the premises are not visible from the public domain.
- c) To ensure that restricted premises are accessible to all adult members of the community.
- d) To ensure that consideration is given to all aspects of the development, including its operation, and in particular those aspects associated with preserving the amenity of neighbouring premises, and ensuring the safety and security of staff and visitors.
- e) To ensure that underage persons are unable to enter restricted premises.

### Controls

#### Locational and access controls

1. The primary entrance of restricted premises must not be located:

- i. Adjacent to or directly opposite to (including elevation) a sensitive land use unless separated by at least another non-sensitive land use, including a road at least 30 metres wide
  - ii. On the same floor or level of a building that contains a dwelling
  - iii. In a mixed use development where the primary access to the premises is the same access to the residential floor(s)/ level(s) in that development.
2. Restricted premises must not be located within a radius of 75 metres from an existing, approved sex services premises or restricted premises, including adult entertainment premises. The radius must be measured from the centre of the primary access to the proposed adult entertainment premises or sex services premises.

**Adult entertainment premises:** is a form of restricted premises that provides entertainment such as strip club premises or premises which sells or displays restricted material but does not include hotel accommodation, a pub, home occupation (sex services) or sex services premises.

3. Access to and within restricted premises is to be provided in accordance with the Building Code of Australia and the *Commonwealth's Disability Discrimination Act 1992* to ensure that the premises is accessible to all adult members of the community. In this regard, access arrangements must demonstrate:
  - i. Major entrances to the premises, to which the public are entitled to enter, must be designed and constructed to provide equitable treatment of staff and visitors.
  - ii. Compliance with the minimum standards of grade, doorway, width and connectivity in accordance with the *Disability Discrimination Act 1992*.

#### External and internal design of premises

4. The external appearance of restricted premises should respect the architectural character of the streetscape so that the premises does not become a prominent feature of the street.
5. The premises must be clearly numbered, with the number clearly visible from the street/foyer.

6. Restricted premises, including the signage, must not display any restricted material including sex-related products or toys, images considered by Council to be sexually explicit, lewd or offensive, from windows, doors or outside of the premises. Details of any proposed signage associated with the restricted premises, including location and design/wording, are to accompany the development application for the use/activity.

**Restricted material** means publications classified Category 1 restricted, Category 2 restricted or RC (Refused Classification) under the Commonwealth's Classification (Publications, Films and Computer Games) Act 1995.

7. Adequate design measures ensuring the safety and security of staff and visitors to the restricted premises must be provided and, where appropriate, should include:
  - i. Reception/counter area that incorporates design measures and management procedures to ensure the safety and security of staff and visitors.
  - ii. Minimisation of alcoves and entrapment spaces in its floor layout.
  - iii. Adequate safety and surveillance systems.
8. The interior of restricted premises must not be visible from outside of the premises, including the footpath.
9. Where the interior of the restricted premises may be visible from neighbouring buildings, adequate measures should be taken to screen the interior of the premises (e.g. window screens and blinds).
10. If food handling and sales is proposed (including drinks), details of the bar and food handling and preparation area(s) must be shown on the plans accompanying the development application. These areas must comply with the Food Act 2003 and Food Regulation 2004, and AS4674-2004 Design, Construction and Fitout of Food Premises.
11. If private viewing areas/booths or cinema rooms are proposed, there are potential health risks in the transfer of body fluids between customers utilising this facility. As a minimum:

- i. A hand wash basin is to be provided adjacent to private viewing areas/booths or cinema rooms, and is available for customers to use at all times.
  - ii. A safety and surveillance system is to be located at the entrance of these areas as an additional safety and security measure.
  - iii. These areas must be cleaned on a daily basis with spot cleaning to occur as necessary.
  - iv. Waste receptacles are to be provided in all areas/booths or cinema rooms.
12. The use of the premises must not give rise to 'offensive noise' or transmission of vibration to any place of a different occupancy. Offensive noise is defined under the *Protection of the Environment Operations Act 1997*.

#### Operational matters

13. A Plan of Management must be submitted with the development application. The Plan of Management should include (but not limited to):
- i. Security and safety provisions, including ensuring that loitering around and adjacent to the entrance of the premises does not occur
  - ii. Any security staff, or other staff or contractor who may, as part of their responsibilities, enter the footpath or public domain
  - iii. Hours of operation, including noise
  - iv. Risk management and cleaning protocols in relation to private viewing areas/booths or cinema rooms
  - v. Where appropriate, the management of the food / bar handling and preparation areas in accordance with relevant health guidelines and the NSW Liquor Act 2007.
14. Spruikers are not permitted in association with the operation of restricted premises.
15. The operator and management of the restricted premises must ensure compliance with the approved Plan of Management.

### Expansion or intensification of Existing Premises

16. In the event that an existing premises seeks to expand its operations or intensify its use, the provisions of this section, including the locational and access controls, will be applied.

## **4. Industrial development**

### **Background**

This section provides controls and objectives for all industrial land in the City of Penrith.

This section provides specific controls for industrial development in addition to the general controls elsewhere in this DCP.

### **General objectives**

- a) To promote industrial development which can operate in a functional, safe and environmentally friendly manner.
- b) To minimise conflict between industrial land uses and adjacent sensitive land uses.
- c) To ensure that development of land to which this section applies will not significantly affect the function, efficiency and safety of all classified roads and other major roads.
- d) To promote development of a visually attractive form, design and scale, where urban elements, streetscape and built forms are integrated with the existing environment.
- e) To retain existing vegetation and promote the integration of significant landscaped areas into the site design to minimise the impacts of built form and hardstand areas.
- f) To manage traffic impacts and access issues for larger vehicles and loading facilities.
- g) To address visual impacts and safety requirements of large external storage areas.
- h) To promote employment generation that has considered access to public transport and supporting services for improved amenity.

## Other relevant sections of this DCP

Penrith DCP 2014 is a multi-layered document that recognises the relationship of a number of issues to achieving sustainable outcomes. Therefore, to address issues associated with industrial development, it is important to read all relevant parts of this DCP.

Council will consider each development application on its merit, having regard to this section and other relevant sections of the DCP, and other relevant environmental planning instruments, contributions plans or Council policies. Compliance with this Section alone does not guarantee that consent will be granted to an application.

### **4.1 Key precincts**

The main industrial areas in Penrith can be broken down into ten precincts, each with different characters (see Figure 4). This Section provides different controls for each of the precincts. The industrial precincts are:

- Precinct 1: Dunheved/St Marys (north of Christie Street) shown in Figure 5.
- Precinct 2: Dunheved/St Marys (south of Christie Street) shown in Figure 5.
- Precinct 3: St Marys (east of Forrester Road) shown in Figure 5.
- Precinct 4: North Penrith (west of Castlereagh Road) shown in Figure 6.
- Precinct 5: North Penrith (east of Castlereagh Road) shown in Figure 6.
- Precinct 6: South Penrith (east of Mulgoa Road) shown in Figure 7.
- Precinct 7: Emu Plains (north of Old Bathurst Road) shown in Figure 8.
- Precinct 8: Emu Plains (south of Old Bathurst Road) shown in Figure 8.
- Precinct 9: Kingswood shown in Figure 9.

In addition, the area known as Waterside Corporate is zoned for industrial uses, but most of the controls for this area are contained in the Waterside Corporate Section of this Plan. However, where there are no specific controls included in D3 Cranebrook chapter, the controls of this Section apply.

This section also applies to land known as the Erskine Park Employment Area which is currently zoned for industrial uses under State Environmental Planning Policy (Industry and Employment) 2021.

**Figure 4: Key precincts**

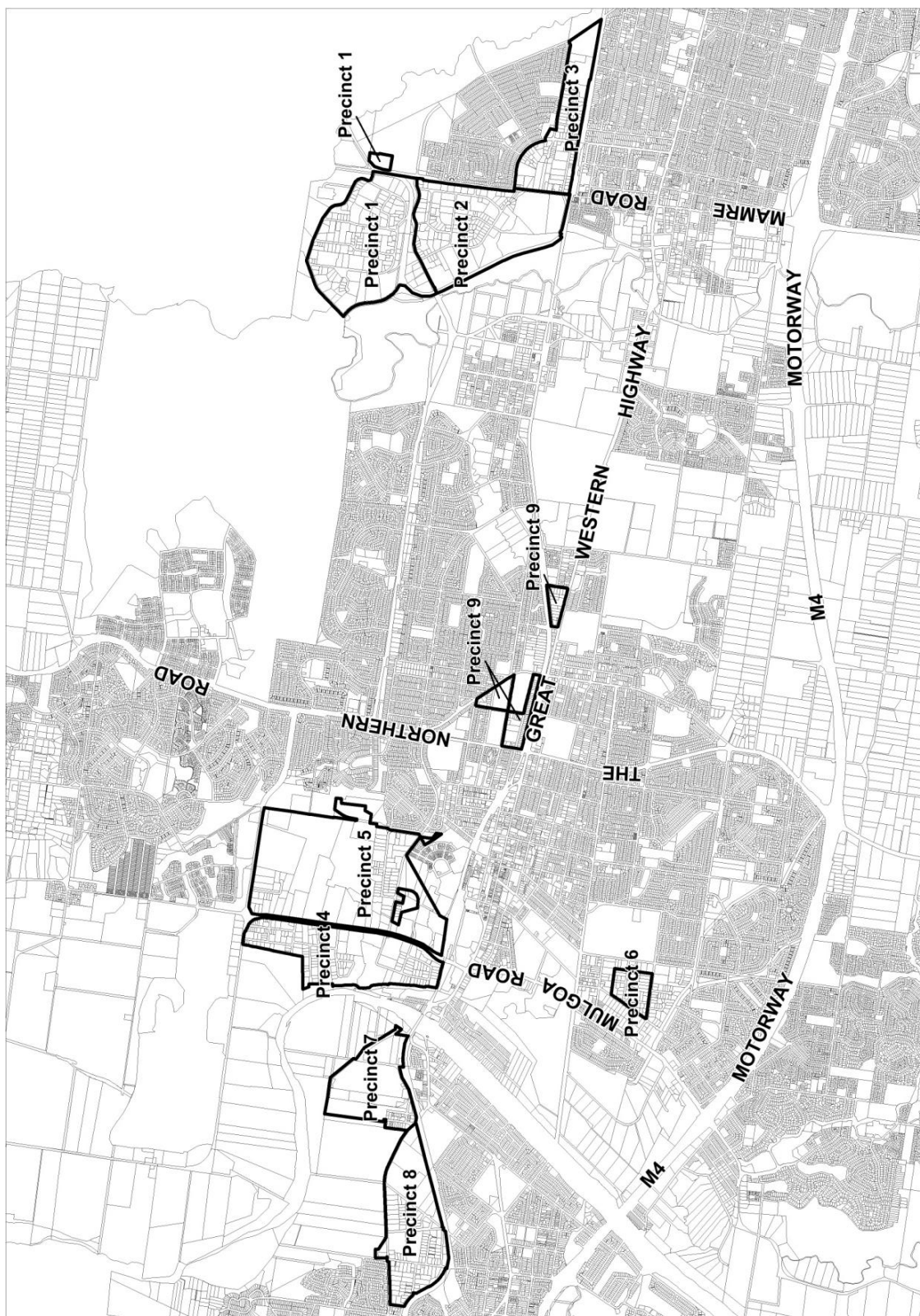


**Figure 5: Precincts 1, 2 and 3 – Dunheved / St Marys**

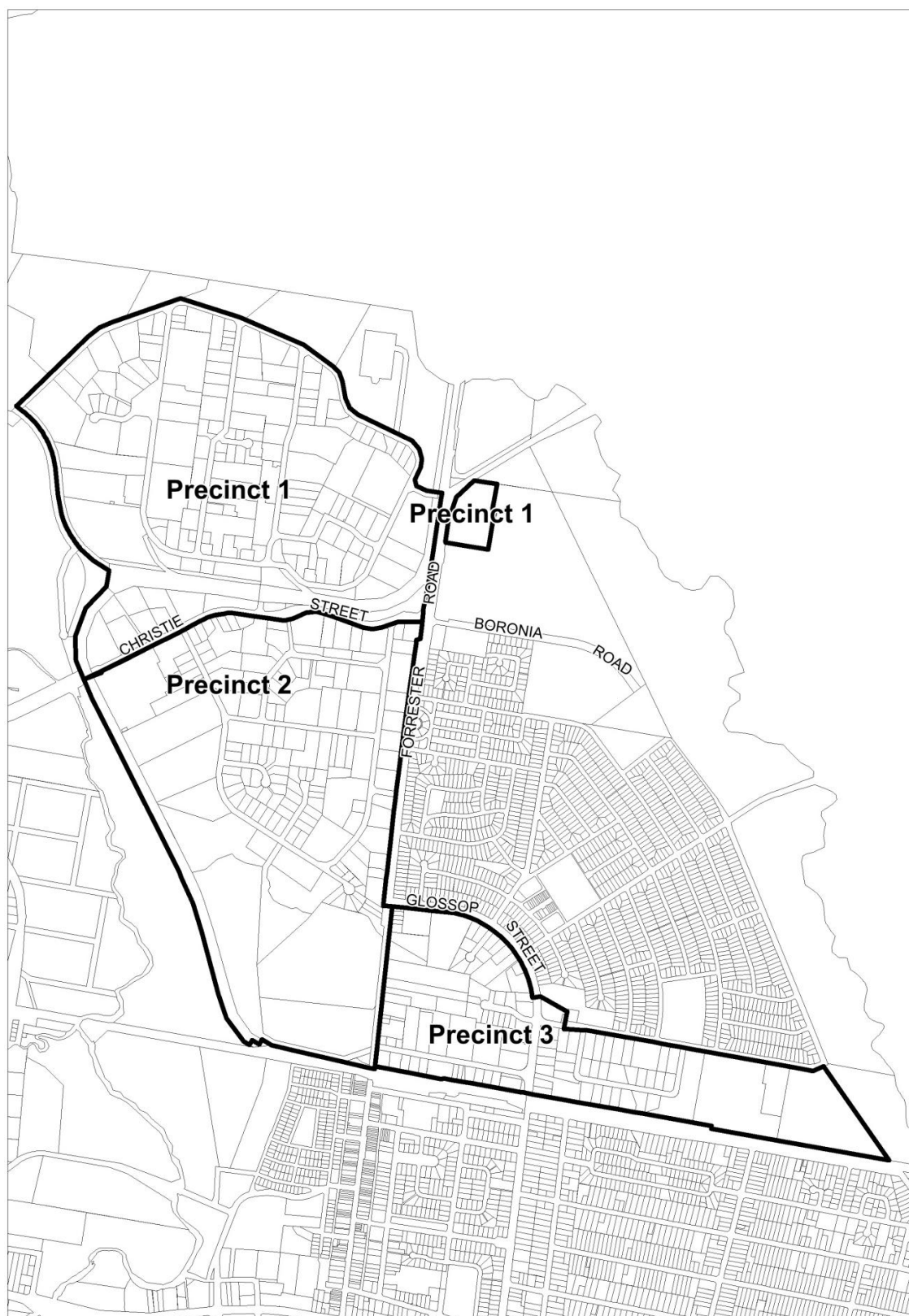


**Figure 6: Precinct 4 and 5 – North Penrith**

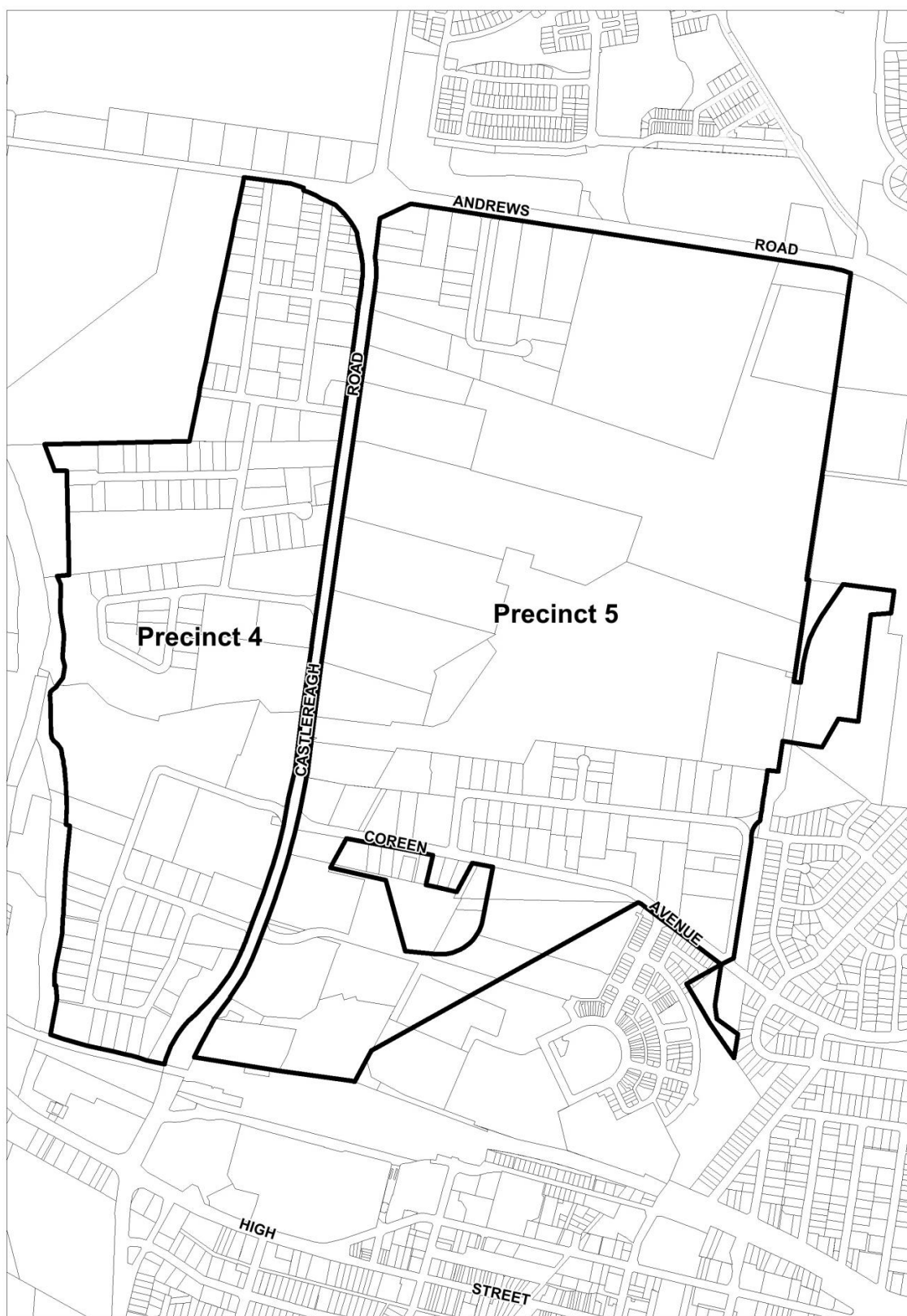


**Figure 7: Precinct 6 – South Penrith**

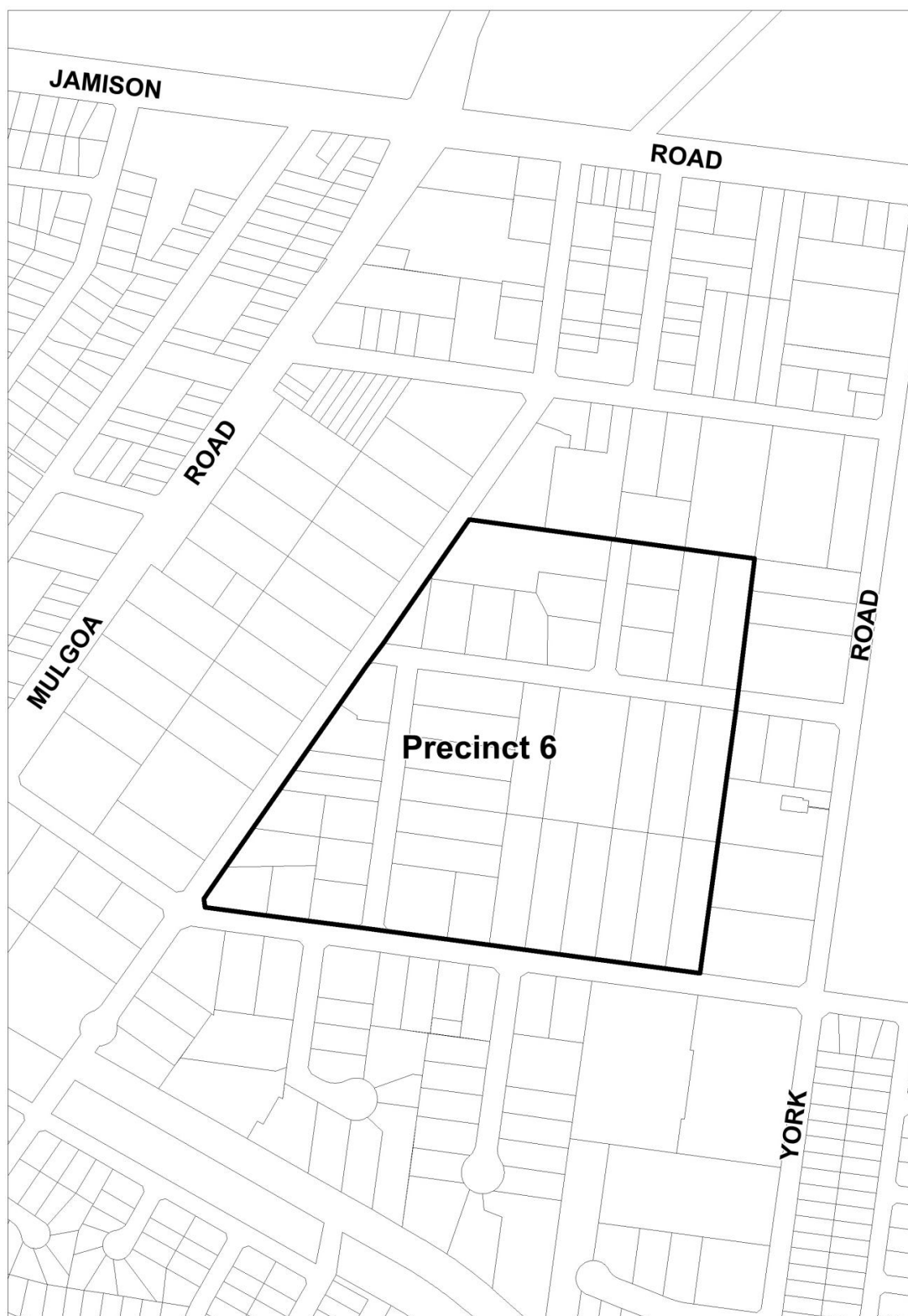


**Figure 8: Precincts 7 and 8 – Emu Plains**

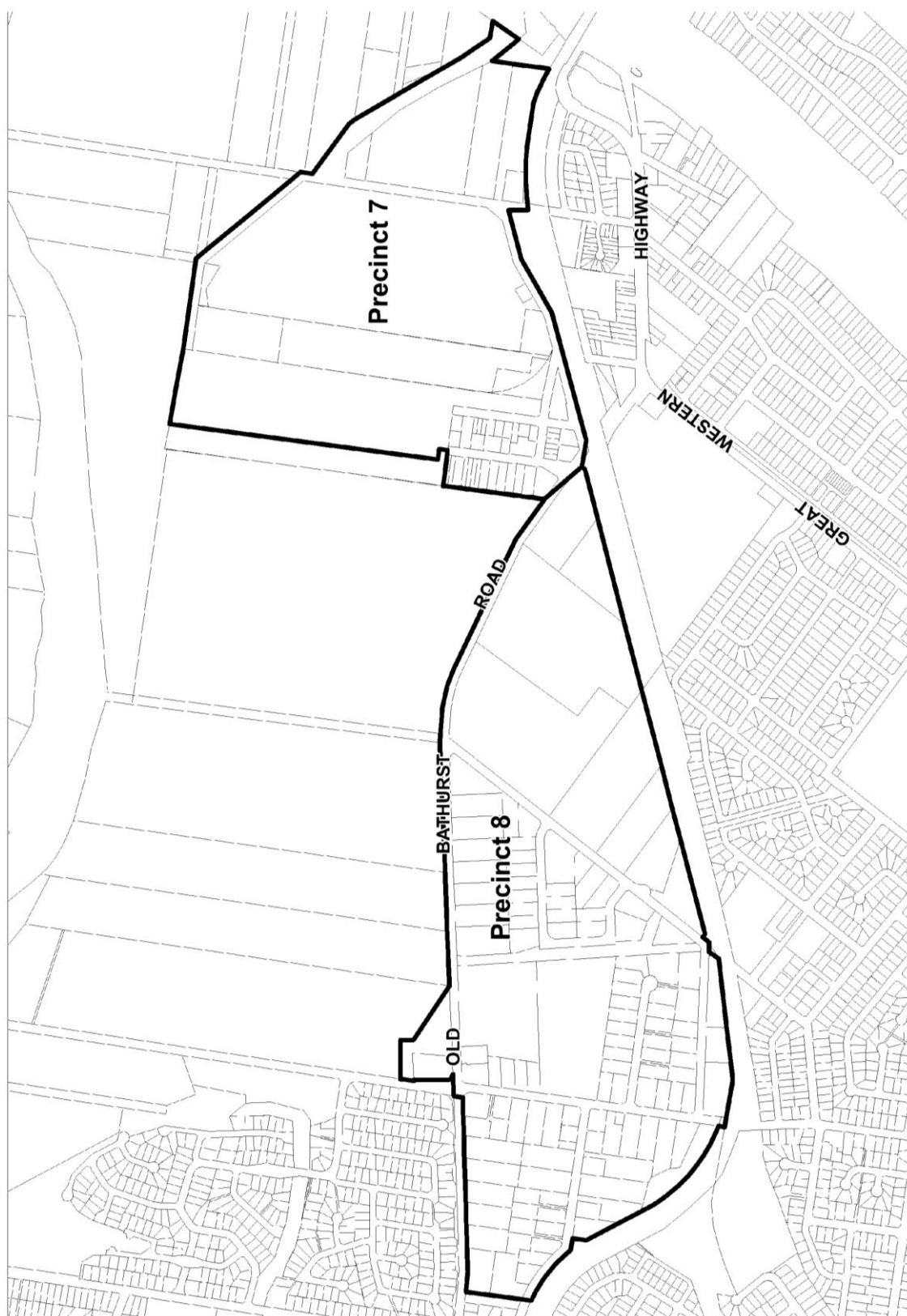


**Figure 9: Precincts 9 – Kingswood**



## 4.2 Building height

### Background

Industrial development should achieve a scale and height in keeping with the existing and desired future character of the area.

Development may not be permitted up to the maximum height specified on the Height of Buildings Map, if it will have an adverse impact on views to or from areas of visual importance or on heritage significance. This section provides guidance to applicants regarding building heights for industrial development.

### Objectives

- a) To encourage building forms that respond to the topography of the site and the relative position of the site to other allotments within, and to, the street.
- b) To ensure a scale of building which complements the existing environment in which the site is located addressing visibility from key public spaces and the scale and context of the existing and desired streetscape.

### Controls

In addition to height controls in the LEP, buildings on land in Precincts 4, 7 and 8 will need to satisfy the following additional controls:

- 1. For Precincts 4 and 7 (areas adjacent to the Nepean River), the development must not be visually obtrusive when viewed from the Nepean River and must not adversely affect the scenic quality of the river.
- 2. For Precincts 7 (north of Old Bathurst Road) and 8 (south of Old Bathurst Road), the application must demonstrate that the development will not adversely affect the scenic quality of the precinct, particularly when viewed from elevated locations.

## 4.3 Building setbacks and landscape

### Objectives

- a) To enhance the visual quality of industrial development through appropriate setbacks, building and landscape design, particularly when viewed from public areas.
- b) To ensure new development retains existing trees or significant stands of vegetation in the overall site layout.
- c) To provide functional areas of planting that enhance the presentation of a building.
- d) To screen undesirable views and minimise the visual impact of hard surface areas.
- e) To create industrial precincts with their own intrinsic and unique landscape characteristics, which enhance the existing and/or natural landscape and character of an area.

### Controls

#### Setbacks

1. Setbacks for industrial development are to be in accordance with the standards specified in Table 1. These setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area:
  - i. Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide.
  - ii. Promotes the function and operation of the development.
  - iii. Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development.
  - iv. Does not detract from the streetscape values of the locality.

Figure 10 and Figure 11 illustrate appropriate building setbacks.
2. In Precincts 1 and 2 (Dunheved/St Marys), 7 (Emu Plains adjacent to the rail station) and 9 (Kingswood) variations to the required setbacks will be

considered on merit, taking account of site areas and street frontage widths, access to the site, availability of on-site parking and access areas, landscaping provision and the setbacks of adjoining Table 1:

**Table 1: Building setbacks for industrial development**

| Location                                                                                                                                                                | Minimum Building Setback           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Lots fronting: <ul style="list-style-type: none"> <li>• Castlereagh Road</li> <li>• Mulgoa Road</li> </ul>                                                              | 20 metres                          |
| Lots fronting: <ul style="list-style-type: none"> <li>• Andrews Road</li> <li>• Old Bathurst Road</li> </ul>                                                            | 15 metres                          |
| Lots adjacent to: <ul style="list-style-type: none"> <li>• Nepean River (Precinct 7 – Emu Plains)</li> <li>• Western Railway (Precinct 7 and 8 – Emu Plains)</li> </ul> | 10 metres                          |
| Lots within the vicinity of “Craithes” (within Precinct 4 – North Penrith, west of Castlereagh Road)                                                                    | See Figure 13 and Figure <b>14</b> |
| Lots adjoining “Combewood” (within Precinct 5 – North Penrith, east of Castlereagh Road)                                                                                | See Figure 15                      |
| All other locations                                                                                                                                                     | 9 metres                           |
| Secondary road frontages                                                                                                                                                | 5 metres                           |

**Figure 10: Illustration of building setbacks - smaller site (plan view)**

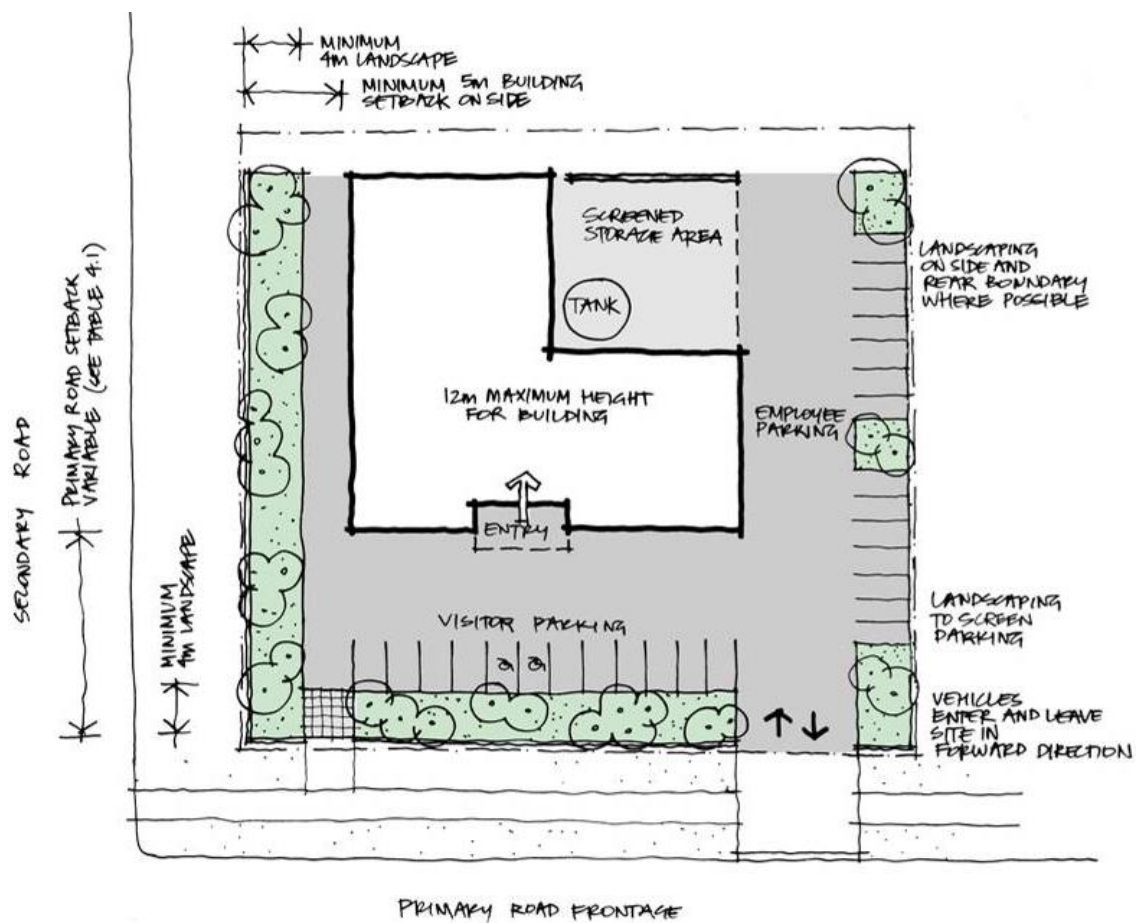
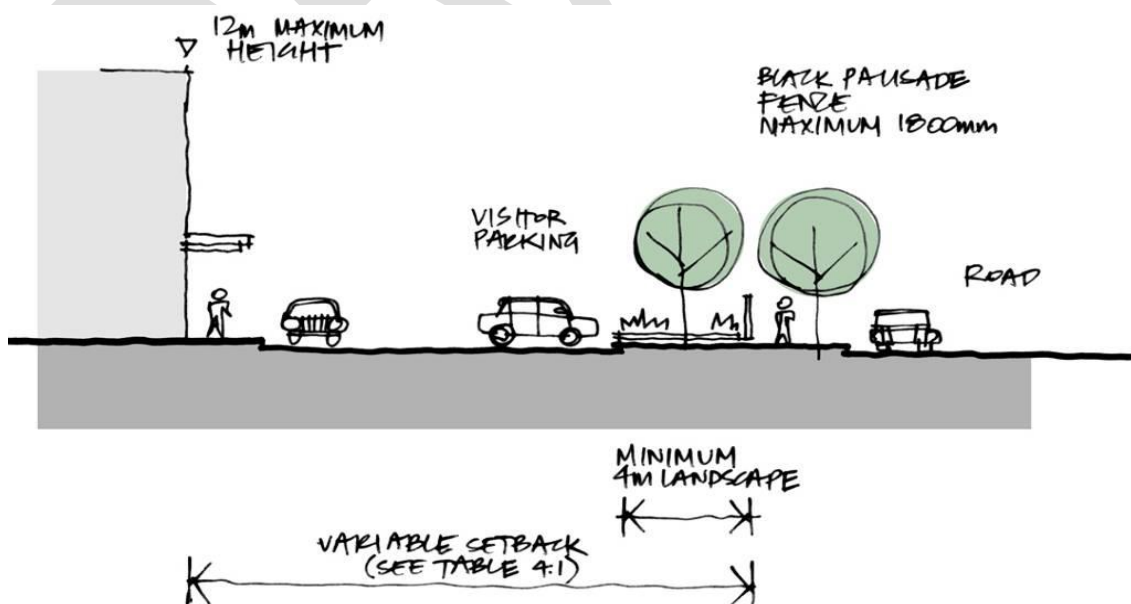


**Figure 11: Illustration of building setbacks - smaller site (cross section)**

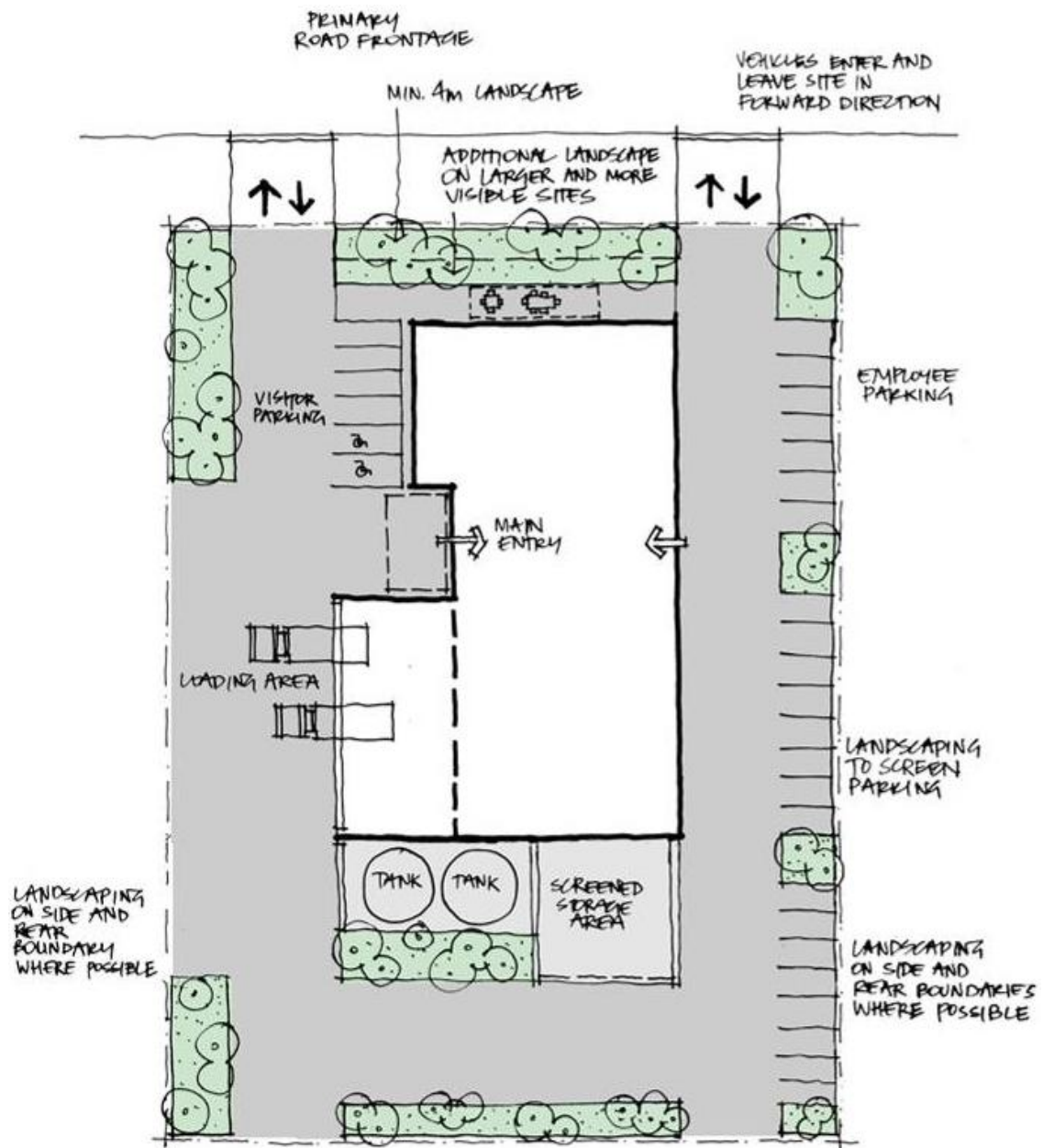


### Visual impact of buildings and hardstand areas

3. The landscape design within setbacks should consider the scale of the building and where appropriate, select and locate plants to help reduce the bulk and scale of the building.
4. The visual impact of large expanses of wall should be reduced in scale by architectural treatment as well as by dense grove planting or other landscape design solutions.
5. Where an industrial development contains large expanses of hardstand or paved areas, the applicant must demonstrate how the development application reduces the 'heat effect' and visual impact of these large expanses.

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**Figure 12: Illustration of building setbacks - larger site (plan view)**

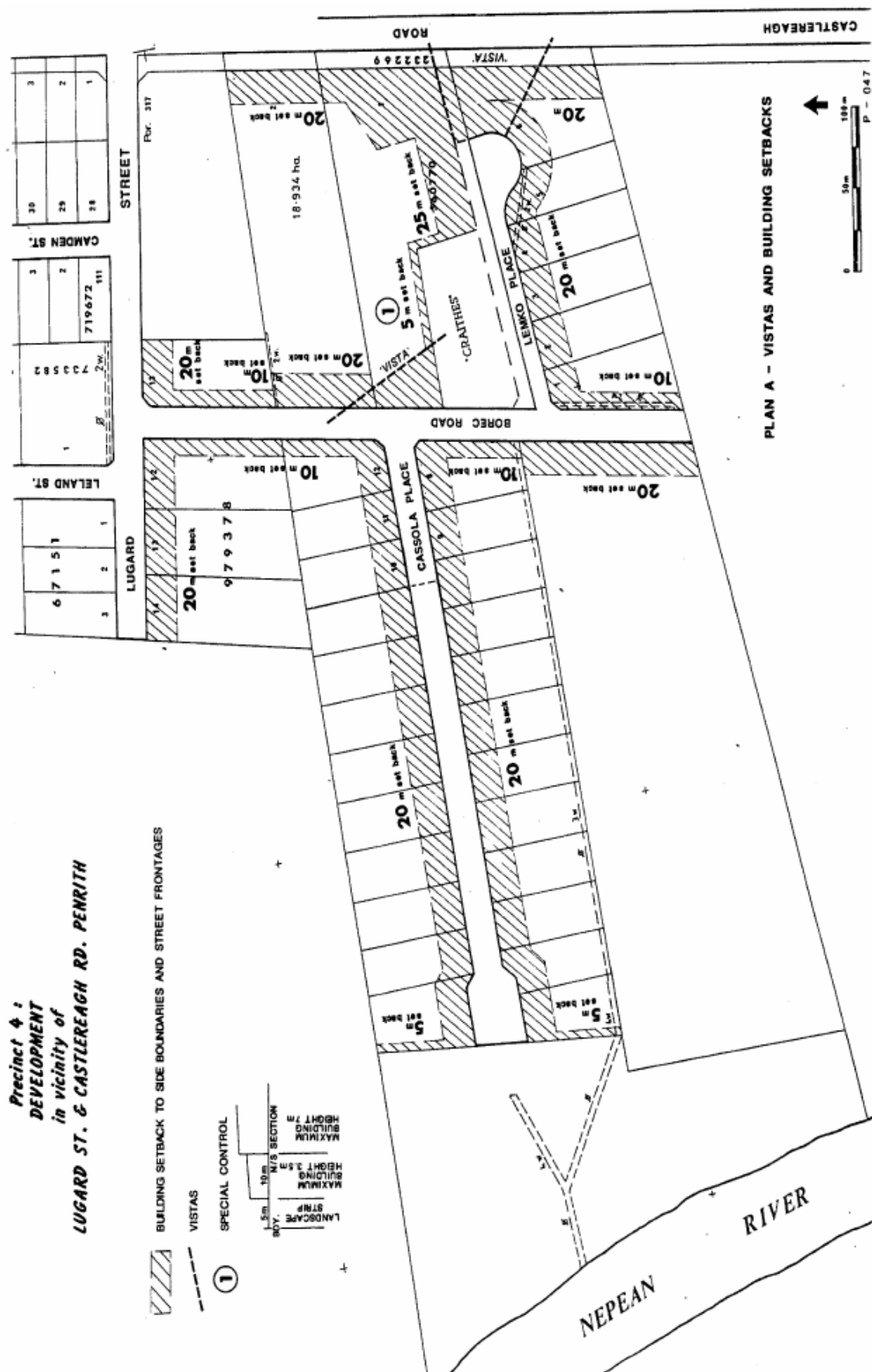


### Vegetation and landscape

6. The siting and layout of a development should preserve all on-site trees, significant strands of vegetation, and remnant or native bushland in accordance with the requirements of the Vegetation Management and Landscape Design sections of this DCP. Where this is not practical, the development application must justify the loss of vegetation and outline what measures are to be taken to replace it.

7. Development of land on the site of a heritage item or within the vicinity of a heritage item should occur in a manner that will not result in damage or destruction of vegetation associated with that item.
8. Applicants should refer to the Landscape Design section of this DCP regarding the implementation and maintenance of landscaping for the site.
9. Smaller scale and less visually prominent planting should be provided to add variety and interest in the appearance of the site.
10. Landscape materials should cause minimal detrimental visual impact, and the use of subtle coloured materials and block or brick paving is encouraged.
11. Paving and structures shall complement the architectural style of existing buildings.
12. Outdoor staff break areas should be provided and integrated into landscape areas. These areas should be provided with shade and reasonable amenity.
13. Shade trees should be provided in outdoor staff break areas and along pedestrian paths and walkways.
14. Plant species should be carefully selected to meet service authority requirements in easement locations.

Figure 13: Precinct 4 – building setbacks



*Precinct 4 :  
DEVELOPMENT  
in vicinity of  
LUGARD ST. & CASTLEREAGH RD. PENRITH*

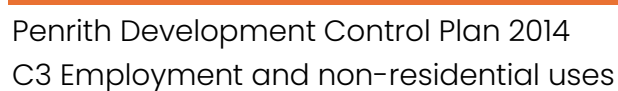
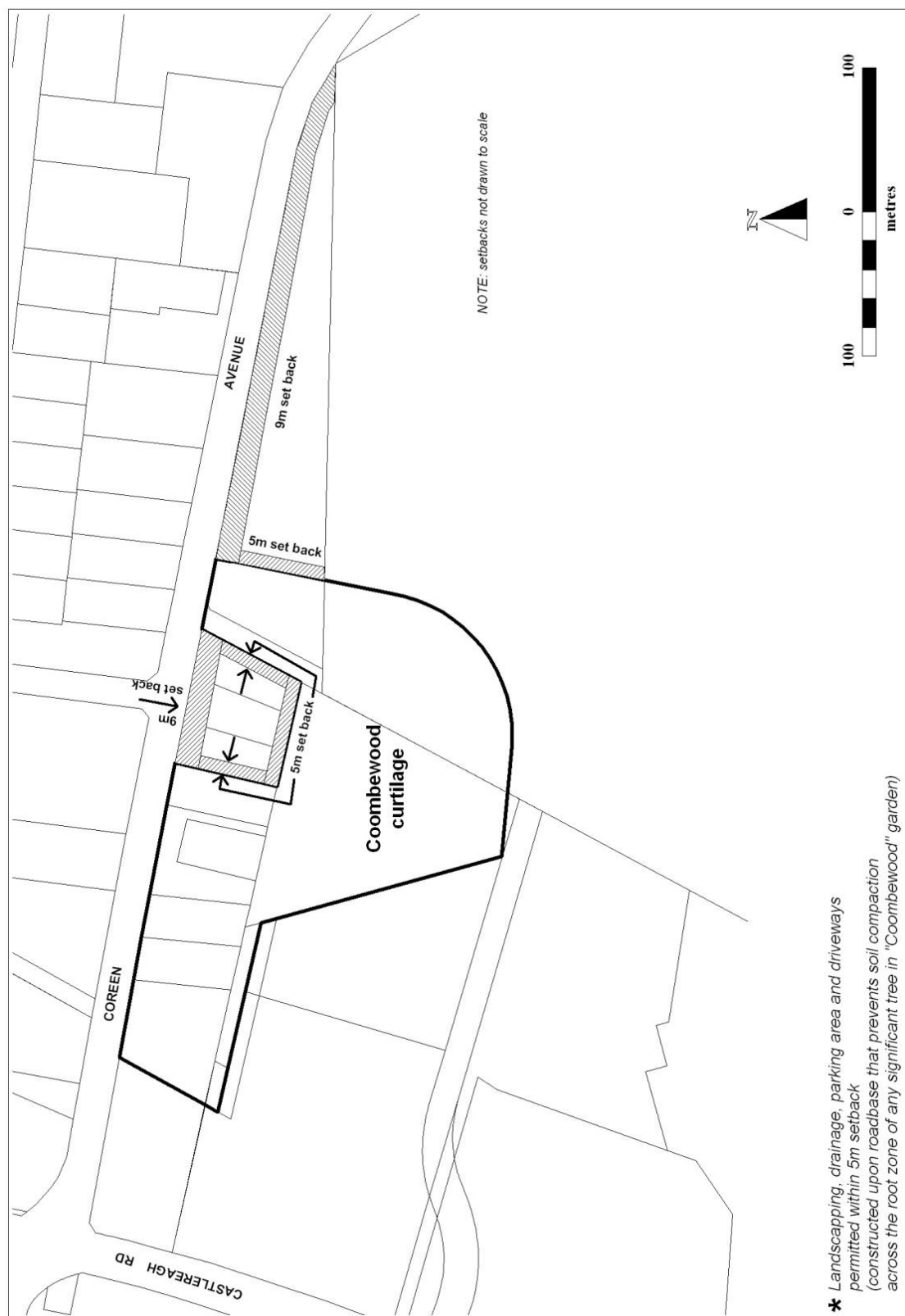


**Figure 15: Precinct 5 – landscape setbacks to Combewood**



## **4.4 Building design**

### **Objectives**

- a) To encourage a high standard of architectural design, utilising quality materials and finishes appropriate for the locality.
- b) To ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings (now part of the National Australian Built Environment Rating System (NABERS) certification systems, where appropriate.
- c) To ensure that new development can integrate into the existing urban fabric to contribute to the creation of a visually cohesive urban environment.
- d) To encourage innovation in building design and the use of materials.
- e) To encourage articulated and varied frontages to minimise perceived bulk and scale.

### **Controls**

- 1. Non-residential developments including mixed use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).
  - i. NABERS can be used to rate commercial offices, shopping centres and hotels.
  - ii. Green Star can be used for projects from apartment buildings to schools, university buildings, hospitals, offices, shopping centres and industrial facilities.
- 2. All developments shall be designed to present a high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form; and appropriately reflect the important gateway entry roles of these precincts and the visually important access routes to the City.

3. Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.
4. Large elevations should be articulated by structural variations and/or a blend of external finishes including brick, masonry, pre-coloured metal cladding, appropriately finished 'tilt-slab' concrete or a combination of these materials (see Figure D4.13).
5. Large unrelieved expanses of wall or building mass will not be supported by Council. They should be broken up by the use of suitable building articulation, fenestration or alternative architectural enhancements.
6. Particular care should be taken in regard to:
  - i. Designing roof elements
  - ii. Locating plant and mechanical equipment including exhausts, so as screen them from a public place.
7. Architectural features, consistent with the overall design of the building, may be used to:
  - i. Highlight entrances to buildings
  - ii. Accentuate pedestrian areas and provide improved climatic amenity, particularly for buildings that will experience high volumes of pedestrian movements, using techniques such as verandahs and awnings (see Figure 16, Figure 17 and Figure 18).
8. The development must incorporate a variety of external finishes in terms of both colour and type of material used. The external finishes (walls, roof, awnings etc.) of the development are to be:
  - i. Made from durable high quality, low maintenance, non reflective materials.
  - ii. Compatible with the overall design and form of the development.
  - iii. Selected for all built forms to ensure the entire development presents a homogeneous form.
  - iv. Considered in association with proposed plantings and landscape treatment.

- v. Considered for their ability to provide visual relief in large wall surfaces and elevations.
  - vi. Selected to ensure the development complements the surrounding environment while reducing the temptation to vandalism and graffiti.
9. Courtyard and screen walls should be in the same material as the building facades.
10. Development within Precincts 4, 7, 8 and 9 identified as having high scenic or visual quality (see Section 2.2 of this Section under 'Controls') shall use primarily natural and earthy tones for external finishes.
11. Development applications for new buildings or additions to existing buildings are to be accompanied by a Schedule of External Finishes and Colours, demonstrating compliance with the above requirements.
12. Any office and administration component is to be located to the main frontage of the building and be designed as an integral part of the overall building, rather than a 'tack on' addition.
13. The main office administration component is to have a designated entry point that is highly visible and directly accessible from visitor parking and the main street frontage.
14. The entry, design and layout of the main office or administration component is to consider the principles of Universal Design and incorporate, if possible:
- i. A level or graded path from the car park area to the entrance
  - ii. A level entry (no steps)
  - iii. An accessible toilet
  - iv. Easy access doors and corridors
  - v. Accessible placement of switches, power points and window controls.
15. Where the nature of the industrial development will attract clients/visitors to the site, consideration should be given to incorporating the above accessibility features into that part of the building likely to be used by clients/visitors.

16. All loading areas should be located towards the rear of allotments. Where possible, loading areas should be screened from the view of main road frontages through physical and/or vegetation screening (see Figure 10 and Figure 12).

**Figure 16: Illustration of possible techniques to articulate large buildings (elevation)**

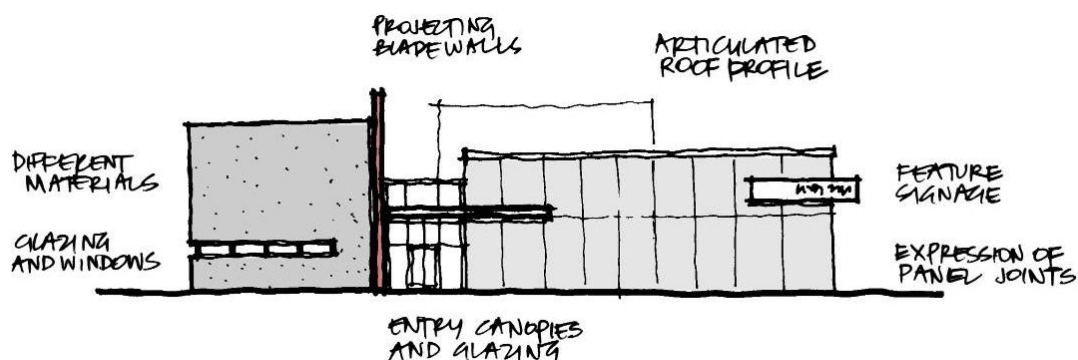


**Figure 17: Illustration of Possible Techniques to Articulate Large Buildings (Plan View)**

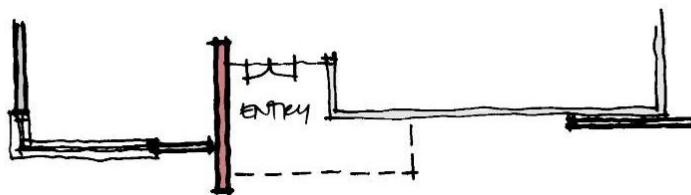
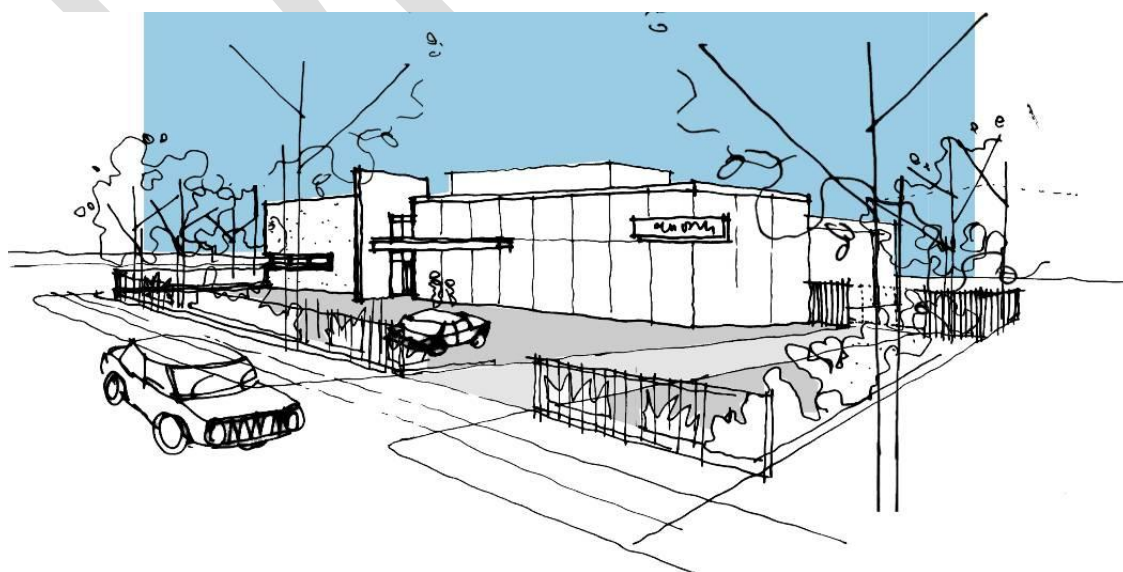


**Figure 18: Illustration of possible techniques to articulate large buildings (sketch perspective)**



## 4.5 Storage of materials and chemicals

### Objectives

- a) To ensure that external storage of goods does not detract from the visual amenity of industrial areas, streetscapes or adjoining residential areas.
- b) To ensure that the storage and use of chemicals that are potentially hazardous to humans occurs in a safe and responsible manner and minimises the risk of accidental injury or loss of life.
- c) To ensure that the storage and use of potentially polluting substances occurs in an environmentally responsible manner, and will not have any detrimental impact on the environmental quality of the surrounding area.

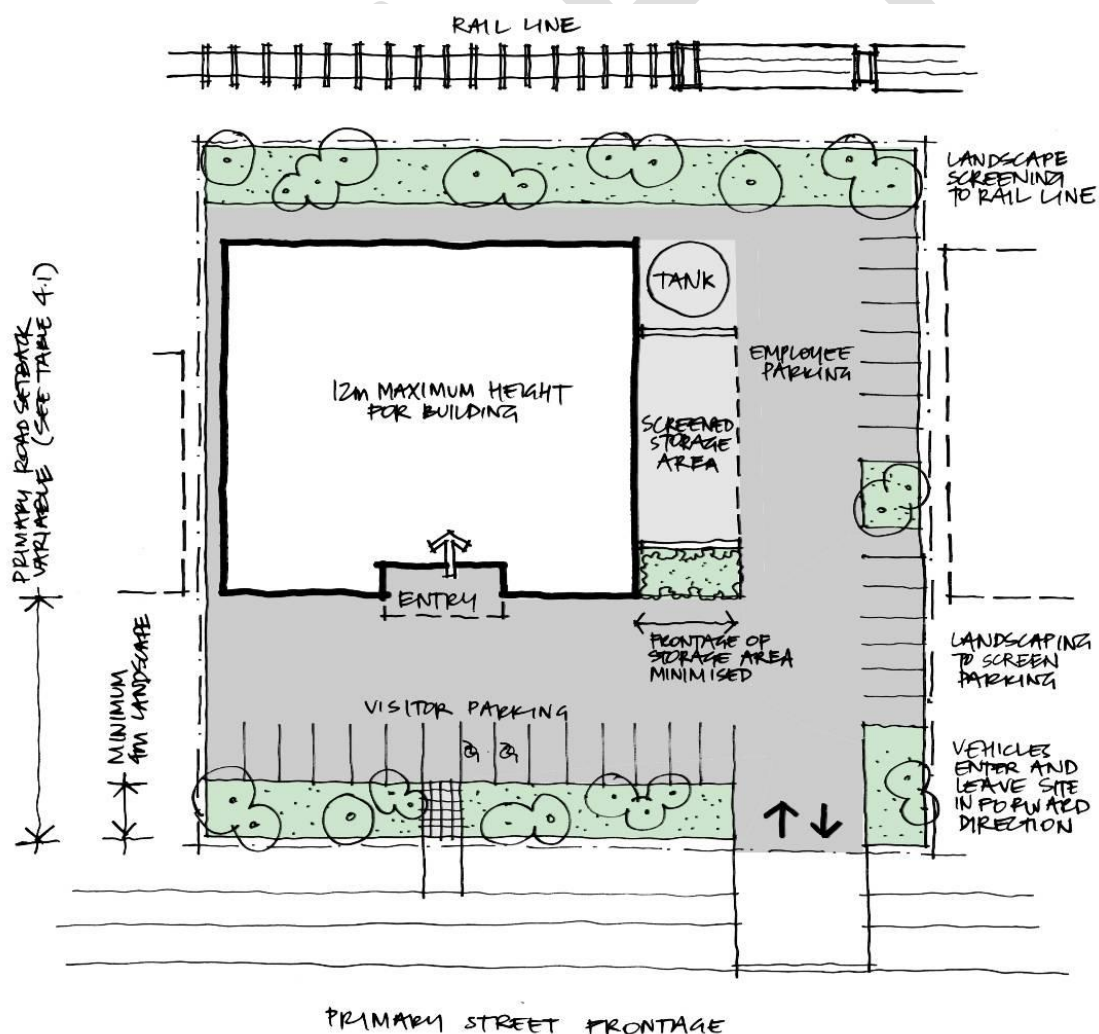
### Controls

1. External storage of goods must be avoided, wherever possible. Where the nature of the activity or the materials means that internal storage is impractical, all external storage areas must be located behind the front building setback. In addition, when assessing development applications involving external storage of goods, Council will take into consideration:
  - i. The proposed height and on-site arrangement of stored goods
  - ii. The visual impact of the storage area and how this is proposed to be minimized (orientation, screening with landscaping and/or solid fencing, etc.)
  - iii. Access arrangements
  - iv. Safety issues.
2. For sites with multiple frontages, either to roads or to the main western railway line, the location and orientation of external storage areas shall minimise visual impact from all potential view points (see Figure 12 and Figure 19).
3. Rain water tanks are not to be visually intrusive from the main street frontage or other public areas (see Figure 12 and Figure 19).
4. If the development involves the storage of chemicals on the site, a Chemical Use and Storage Report may be required (see Appendix in this

DCP for further details). A chemical use and storage report will not be required when:

- i. The use of chemicals is for routine cleaning and the chemicals to be used are of household or hospital grade.
- ii. The total quantity of chemicals to be routinely used or stored on the site does not exceed 100 litres.
- iii. The chemicals to be used or stored are not of sufficient acidity, alkalinity or strength to cause significant harm on skin contact, or to the environment if a spill were to occur.
- iv. The application outlines the methods proposed to be used to minimise the potential for spills.

**Figure 19: Illustration of screening of storage areas (front and rear visibility) (plan view)**



## **4.6 Accessing and servicing the site**

### **Objectives**

- a) To ensure the safe and efficient movement into and out of an industrial development without adversely affecting the existing and future service and safety levels of the road.
- b) To ensure industrial development provides sufficient parking on-site to accommodate all parking demands generated by the development while ensuring safe and efficient movement of vehicles within the site.
- c) To encourage the development of a parking layout that enhances the function and appearance of the industrial development.
- d) To ensure that cyclist and pedestrian needs are adequately and safely accommodated in all industrial areas.

### **Controls**

- 1. New industrial developments with direct access onto Castlereagh Road, the Great Western Highway or Parker Street will need to provide a deceleration lane in accordance with the Roads and Traffic Authority Guidelines.
- 2. Development on newly created allotments that front Castlereagh Road, the Great Western Highway, Parker Street or a classified road shall ensure that:
- 3. Industrial development shall, where appropriate, be designed to:
  - i. Allow all vehicles to enter and leave the site in a forward direction.
  - ii. Accommodate heavy vehicle parking and manoeuvring areas.
  - iii. Avoid conflict with staff, customer and visitor vehicular and cycle movements.
  - iv. Ensure satisfactory and safe operation with the adjacent road system.
- 4. In determining access and servicing requirements, Council will take the following into consideration:
  - i. The location, type and scale of the proposed development.

- ii. The compatibility of the location and design of the car park with adjoining properties.
  - iii. Traffic Authority Guidelines and comments of the Local or Regional Traffic Committee(s).
  - iv. The potential for the development to generate heavy vehicle movements.
5. Full details of the volume, frequency and type of vehicle movements shall be submitted with the development application.
6. In general, turning circles will be required to be provided to accommodate the largest type of truck which could reasonably be expected to service the site. All developments must be designed and operated so that a standard truck may complete a 3-point or semi-circular turn on the site without interfering with parked vehicles, buildings, landscaping or outdoor storage and work areas. Large scale developments shall be designed to accommodate semi-trailers. In the case of the conversion of an existing development, should it appear that a truck turning circle may prove difficult, a practical demonstration may be required.
7. Council will assess the suitability of manoeuvring areas provided for large vehicles by reference to the Standard Vehicle Turning Templates which appear in Figures A.5a (small rigid truck), A.7a (large rigid truck) and A.9a (large articulated truck) of the Roads and Maritime Services publication "Policies Guidelines and Procedures for Traffic Generating Developments".
8. Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas shall be screened from the road.
9. Car parks, aisles and manoeuvring areas shall be designed with function and safety in mind, and have minimum dimensions conforming with the Australian Standards 2890 Parking Facilities. The relevant parts of this standard are AS2890.1 Off-street parking, AS2890.2 Commercial vehicle facilities and AS2890.3 Bicycle parking facilities. In addition, the following elements should also be considered:

Where the nature of the industrial development will attract clients/visitors to the site, the following elements shall be included in the car park design:

- i. The internal (vehicular) circulation network is to be free of disruption to circulating traffic and ensure pedestrian safety.
- ii. The car park should, where possible, be designed with wheel stop kerbs only, rather than a barrier kerb between parking areas and pedestrian pathways.
- iii. The movement of pedestrians throughout the car park is clearly delineated by all users of the car park and minimises conflict with vehicles.
- iv. Where parking spaces are to be provided for people with disabilities, these spaces are to be.
  - Suitability located near entrances to the building, lifts and access ramps (if required),
  - Provided in accordance with AS1428.1 Design for Access and Mobility, and
  - Supplemented by the installation of appropriate tactile pavement treatments where required.

Major developments such as multi unit industrial developments and other significant industrial developments shall make adequate provision for bicycle parking.

## **4.7 Fencing**

### **Objectives**

The objective for this section is to ensure that the design and location of fencing is integrated within the development and is suitable for its purpose and setting.

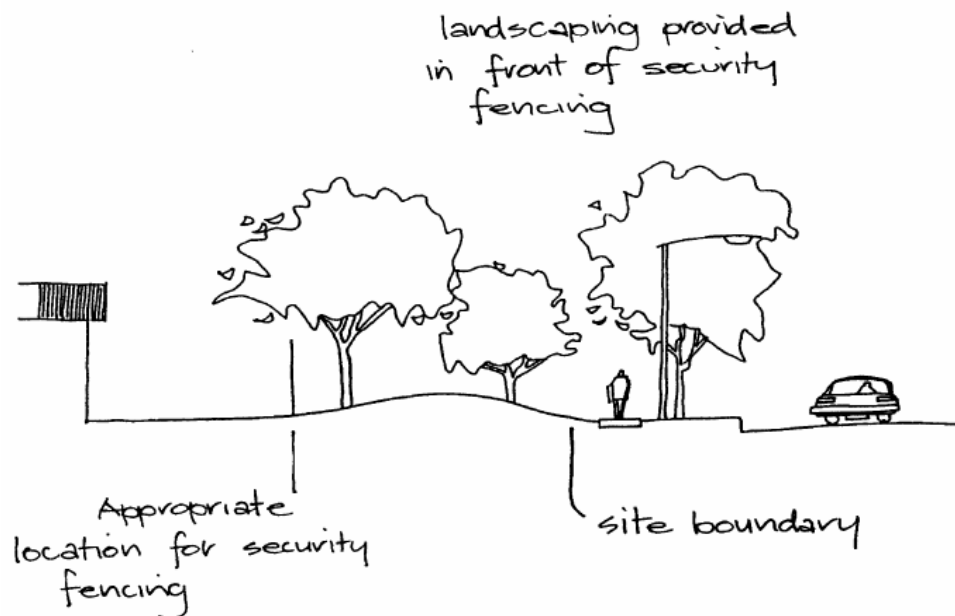
### **Controls**

#### General

1. The location and design of fences, including the materials used to construct the fencing, should:
  - i. Be sympathetic to the natural setting and character in form, materials and colour.
  - ii. Maximise natural surveillance from the street to the building and from the building to the street.
  - iii. Minimise the opportunities for intruders to hide.

- iv. Not impede the natural flow of stormwater drainage.
  - v. Be located wholly on the property and not encroach on another property without the consent of the adjoining property owner(s). This includes land that may be owned by Penrith City Council or another public authority.
  - vi. Be constructed of non-combustible materials if located in an asset protection zone or in an area identified in a bushfire risk management plan.
  - vii. Be structurally adequate, in accordance with the Building Code of Australia, and meets the *Dividing Fences Act 1991*.
2. Fencing proposals that require development consent shall be:
- i. Positioned behind the landscaping and not along the front property boundary (as illustrated in Figure 20).
  - ii. In circumstances where on-site detention is required within the front setback then consideration can be given to locating fencing along the property boundary however, consideration must be given to the existing streetscape character.
  - iii. A maximum height of 2.1m and of an "open" nature, e.g. decorative metal and coloured dark grey or black, or complement the adjacent fencing type.

**Figure 20: Illustration of landscaping and the appropriate location for fencing (Section View)**



3. Fencing may be positioned along the front property boundary only if the site is not located on, facing or fronting:
  - i. Andrews Road, Castlereagh Road, Christie Street, Forrester Road, Great Western Highway, Mulgoa Road, Old Bathurst Road, Parker Street or any other classified road or major road.
  - ii. The main road or collector road of the industrial precinct.
  - iii. It is decorative fencing that has an open style appearance (metal, pool type fencing).
  - iv. the fencing is complementary to the landscaping.
4. Fencing shall be integrated with the overall design of the development and associated security structures, where possible.
5. Where site security is required, fencing shall be constructed of black plastic coated 'Chain-link' fence or an approved alternative such as a metal palisade type fence. The overall height of fencing shall be no more than 2.4m. 'Chain-link' or similar fences are not suitable to the site frontage.
6. Consideration shall be given to the site's front fence being a reduced height particularly around the visitor or employee parking. Alternatively,

the front of the premises shall be open to the street to provide a sense of address and to contribute to the streetscape.

7. Gates, security structures, letter boxes and signage must complement the fencing and be considered in the overall design of the development.
8. Landscaping adjacent to front fencing shall not form a tall dense screen, except where required to screen outdoor storage areas or plant and equipment.
9. For fencing behind the building setback line, Council will consider:
  - i. Solid fencing up to a height of 2m.
  - ii. Fencing up to a maximum of 2.5m (measured from natural ground level), provided that any fencing above 2m is of an open style.
  - iii. Council may require such fencing to be screened with landscaping if viewed from the street or any public area, such as public open space. Appropriate landscaping can, for example, assist in minimising the occurrence of graffiti.

## **4.8 Lighting**

### **Objectives**

- a) To encourage the installation of external lighting which does not detract from the appearance of the development or amenity of the locality.
- b) To illuminate parts of the site for security reasons and to provide increased safety in accordance with the principles of Crime Prevention through Environmental Design (CPTED).
- c) To minimise energy waste by providing the correct lighting orientation and minimising overspill lighting.

### **Controls**

1. Lighting details shall be provided as part of any relevant development application.
2. Lighting design should address the principles of CPTED (see the Safety and Security chapter of this DCP) where there is significant pedestrian activity, late night work shifts or safety and security issues.

3. Adequate lighting should be provided to meet security requirements without excessive energy consumption. Lighting powered by solar batteries or other renewable energy sources is encouraged. The use of sensor lighting both internally and externally should also be considered.
4. External lighting shall be provided around doorways and windows, and in areas where goods and equipment are stored outside.
5. Where premises are used outside daylight hours, car parks and entrances shall be adequately illuminated.
6. Lighting is to be designed or directed so as to not cause light spill onto adjoining sites where there could be an impact on the adjoining site's operations, safety or amenity.
7. The use of lighting poles and fixtures in adjacent developments should be considered for improved precinct amenity.
8. All lighting shall comply with Australian Standard AS4282.

### Lifting the bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- Improved sustainability outcomes including vegetation management and landscape, water management, land management and waste management in accordance with this DCP
- Increased landscape setbacks, landscape areas, street tree planting, green roofs and improved streetscape outcomes
- High quality building design that is visually attractive, innovative, integrated into the landscape design, takes into account the visual catchment, and is articulated to reduce building scale and bulk
- No impacts on sensitive adjacent land uses through careful site planning, building design and landscape treatment

- Conservation and adaptive reuse of industrial buildings listed as heritage items such as the World War II ammunition factory buildings in Precincts 1 and 2 (Dunheved and St Marys).

## 5. Health consulting rooms

### Background

Health consulting rooms are different to medical centres in that they tend to operate in residential neighbourhoods, often on the fringe of commercial centres. Although this can provide better access to health care services, it can also lead to a greater potential for negative impacts on the amenity of the surrounding area.

The provisions contained in this section apply to the establishment of new health care consulting rooms and the enlargement or expansion of existing health consulting rooms.

### Objectives

- a) To clarify those health care services considered appropriate to be incorporated in health consulting rooms.
- b) To provide clear guidelines for the establishment of health consulting rooms within the City.
- c) To ensure that health consulting rooms are located and designed in a manner which minimises the likely impact on the amenity of the surrounding locality.

### Controls

#### Location

1. Health consulting rooms in residential areas shall not include procedures such as X-rays, ultrasounds, cat-scans, radiography, pathology tests or the like. These services are to be separated from residential activities and only located either in or immediately adjacent to commercial centres or precincts established specifically for other non-residential activities.
2. Health consulting rooms shall not be located on sites where they are likely to have a significant impact on adjoining and surrounding residences, including but not limited to traffic and noise impacts.

3. Health consulting rooms should not be located in a cul-de-sac or on a no through road, or in a location where additional vehicles may create traffic conflict or an adverse impact on the amenity of the area.
4. The site is to have a minimum effective lot width of 18m to provide sufficient area for parking and access, as well as achieve an appropriate separation between the development and adjoining properties.

#### Access and Parking

5. Parking areas shall be easily accessible from the street and suitably screened by landscaping. Vehicular access into the car parking area is to include a landscaped area, which will act as a noise and visual buffer to adjoining properties. Parking areas, where possible, are to be located to the rear of sites where they do not impact on streetscape character.
6. Parking for a health consulting room shall be provided at the rate specified in the Transport, Access and Parking chapter of this DCP.
7. In instances where one practitioner is operating as a home business, the parking arrangements will be assessed on merit.

#### Visual and Noise Impact

8. Landscaping is to be established and maintained to adequately screen the development from adjoining residential properties. Landscaping shall be established prior to the use commencing.
9. The development is to be compatible with the existing residential streetscape. Renovations and/or additions, which seek to remove the residential character of the dwelling house, will not be supported.
10. The scale and character of the development is to be compatible with surrounding residential development.
11. Fencing shall be of a height, design and material suitable to contain noise generated from cars accessing and parking within the site, while being compatible with the residential environment.
12. Business identification signs should be appropriately designed and located to ensure that it is visually compatible with the surrounding development.
13. A standard doctors' 'cube' (having minimum dimensions of 3m by 4m) may be erected in the front boundary setback of the property.

## 6. Parent friendly amenities

### Background

Parent friendly amenities provide facilities for the use of carers to attend to the personal needs of babies/toddlers. This includes breastfeeding, feeding fluids and solids, changing nappies, etc. These rooms need to be purpose designed by the builder/designer so that they are in an accessible location and are functional.

Council is committed to ensuring and promoting the health of its residents, with particular focus on the health and safety requirements of babies, young children and their parents.

### Development covered by this section

This section applies to all new development classed as 6 or 9 under the Building Code of Australia (BCA) and may also be required to be provided as a result of substantial alterations and additions or a change of use to one of the above premises. "Class 6 or 9 of the Building Code of Australia" is defined in the Appendix of this DCP.

### Objectives

- a) To ensure that all developments likely to be frequented by parents and children have suitable parenting facilities in public places that support and encourage breastfeeding.
- b) To ensure that safe and accessible toilets are provided in developments that cater for young children and their parent(s).
- c) To ensure that parent friendly amenities are suitable for use by both male and female carers.
- d) To provide parent friendly toilets that are appropriately located to minimise likelihood of embarrassment to all users.
- e) To ensure that all baby care rooms are of an adequate design and size, and are appropriately equipped.
- f) To ensure that all baby care rooms are maintained to appropriate standards.

- g) To ensure that approved baby care rooms continue to be used in accordance with development consent.

## Controls

### Provision of Parent Friendly Amenities

1. Parenting rooms and parent friendly accessible toilets are to be provided for all developments classed as 6 or 9 under the BCA, including substantial alterations and additions, and where a change of use is proposed resulting in the tenancy being classed as 6 or 9 buildings.
2. Certain types of class 10a buildings are to be provided with parent friendly accessible toilets.
3. Table 2 outlines the minimum requirements for various types of development.

**Table 2: Minimum requirements for various types of development**

| Type of development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | What is required                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Community facilities (such as neighbourhood centres, community halls, other types of publicly owned facilities including temporary buildings), which are less than 300m<sup>2</sup> Gross Floor Area (GFA).</li> <li>Restaurants with greater than 30 seats (including any outdoor dining area).</li> <li>Amenity building associated with a sporting field/recreation facility less than 1,000m<sup>2</sup> GFA.</li> <li>All other development (classed 6, 9 and 10a buildings) covered by this section which is less than 1,000m<sup>2</sup> GFA.</li> </ul> | <ul style="list-style-type: none"> <li>Change table in male, female and disabled toilets.</li> <li>Where public sanitary facilities are required or provided, the facilities should be designed to incorporate parent friendly accessible toilets.</li> </ul> |
| Community facilities (such as neighbourhood centres, community halls, other types of publicly owned facilities including temporary buildings) and places of public                                                                                                                                                                                                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>10m<sup>2</sup> Parenting Room (see below controls in this section for details).</li> <li>Where public sanitary facilities are required or provided, the facilities should be designed to</li> </ul>                   |

|                                                                                                      |                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| worship which are 300m <sup>2</sup> – 1,000m <sup>2</sup> GFA                                        | incorporate parent friendly accessible toilets.                                                                                                                                        |
| All development covered by this section with GFA between 1,001m <sup>2</sup> – 2,000m <sup>2</sup> . | Parenting rooms and parent friendly accessible toilets should be incorporated, with the baby care room having a minimum 20m <sup>2</sup> GFA (see sections 2 and 4 below for details). |
| All development covered by this section which is greater than 2000m <sup>2</sup> GFA                 | Parenting rooms and parent friendly accessible toilets should be incorporated, with the baby care room having a minimum 30m <sup>2</sup> GFA (see sections 2 and 5 below for details). |

4. All parent friendly accessible toilets are to be appropriately sign posted, with the signage to be approved by Council.
5. Details of the minimum standards, as described in Table 2, should be shown on the plans submitted with the development application.
6. The applicant is also required to submit a cleaning procedure, routine and schedule.
7. Upon completion of any parenting room, an initial inspection must be made by Council's Environmental Health Officer (EHO) to ensure that the parenting room can be accredited by the Australian Breastfeeding Association. Council will conduct an annual inspection of parenting rooms to ensure the room is appropriately maintained and continues to be used in accordance with the development consent.

#### Common requirements for all sizes of parenting rooms

8. The design and construction of the room must facilitate easy cleaning.
9. The facility must be kept in a clean and tidy state at all times. A regular maintenance and cleaning program is to be implemented.
10. A minimum of one sink with hot and cold water must be provided. All hot water is to be thermostat regulated to ensure the water temperature is

not above 50 degrees Celsius. Hand drying facilities are to be provided adjacent to the sinks.

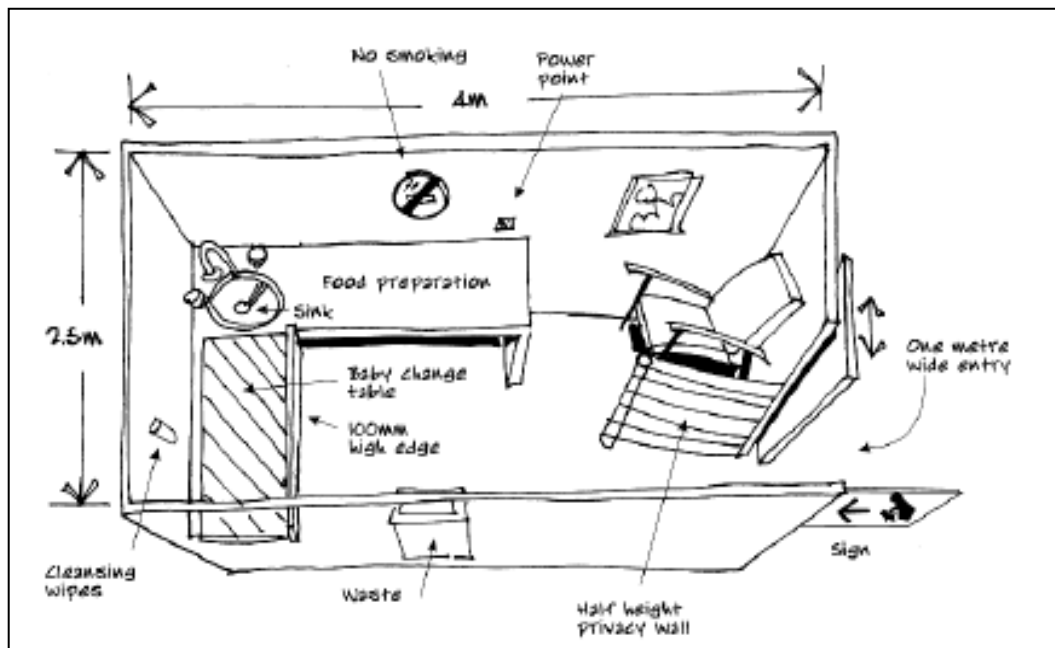
11. Bench space to allow food preparation is to be provided. The bench space is to be a minimum 950mm wide by 1.8m long.
12. A baby change table is to be provided, which must have either a protective side of 100mm or a belt, to prevent a baby from rolling off.
13. Cleansing wipes are to be provided to clean the baby change table.
14. A nappy disposal unit is to be provided.
15. The parenting room must be a non-smoking facility and signposted as such. Signs can be obtained at <http://www.health.nsw.gov.au>.
16. Adequate directional signage is to be provided to ensure the room is easily found. Signs should use a symbol that will be easily interpreted by people of culturally and linguistically diverse backgrounds and will enable male parents/carers to also access and use the room.
17. Ventilation must be provided in accordance with the AS 1668 Part 2 Acceptable indoor air qualities.
18. A door entry of a minimum width of 1m is to be provided to allow access for single and double prams. The doors are to be manual, light to push and have the ability to be propped open for pram access.

#### Additional requirements for 10m<sup>2</sup> parenting rooms

The following controls are in addition to the general requirements listed above.

19. The parenting room component is to have a minimum GFA 10m<sup>2</sup>.
20. Parenting rooms with a GFA of 10m<sup>2</sup> must have a minimum of one comfortable seat, a power point and a waste container with tight fitting lid. The seat should be suitably screened from the remainder of the room to ensure there is less likelihood of embarrassment should a male parent/carers also require use of the parenting room.

**Figure 21: Example of baby care room within 10m<sup>2</sup>**



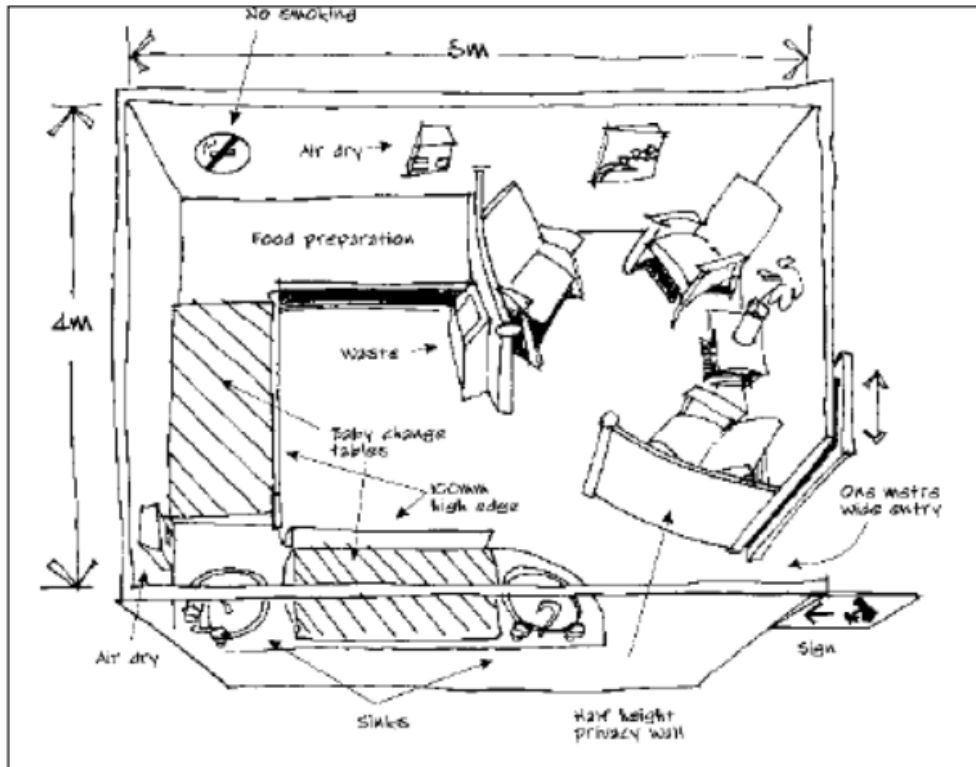
#### Additional requirements for 20m<sup>2</sup> parenting rooms

The following controls are in addition to the general requirements listed above.

21. The parenting room component is to have a minimum GFA of 20m<sup>2</sup>.
22. Parent friendly accessible toilets are to be incorporated in parenting rooms.
23. The parent friendly accessible toilets should include a toddler toilet and adult toilet. The toddler toilet should have a low wash basin with automatic cut off taps. The door to the toddler toilet should be able to be pushed open from the inside. Appropriate directional signage indicating the parent friendly accessible toilets and parenting rooms is to be installed.
24. A private area should be provided for mothers breastfeeding, so that male carers can access the room without disturbing them.
25. There should be two comfortable seats, a power point, and a waste container with tight fitting lid.
26. The seats should be suitably screened from the remainder of the room/parent friendly accessible toilets to ensure there is less likelihood of

embarrassment should a male parent/carer also require use of the parenting room.

**Figure 22: Example of baby care room within 20m<sup>2</sup>**



#### Additional requirements for 30m<sup>2</sup> parenting rooms

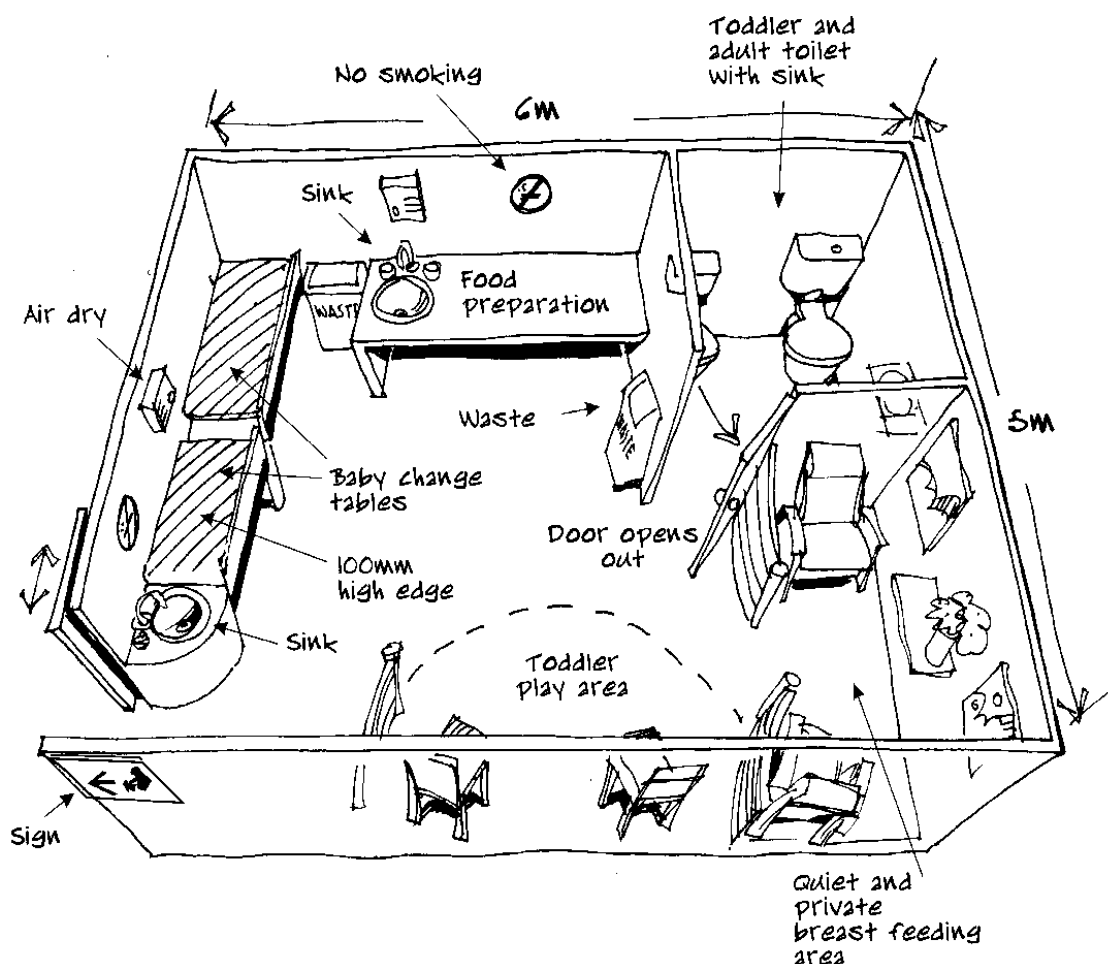
In addition to the general requirements for 20m<sup>2</sup> parenting rooms, the parenting room component with a GFA of 30m<sup>2</sup> is to provide:

27. A minimum of 3 comfortable seats and one power point.
28. A minimum of 2 baby change tables, which must have either a protective side of 100mm or a belt, to prevent a baby from rolling off.
29. 2 sinks with hot and cold water.
30. A waste container and nappy disposal units with tight fitting lids.
31. A private area within the parenting room for breastfeeding mothers so that male carers can access the room without causing discomfort to either party.
32. A confined and safe play area for toddlers.

33. Provision of a toddler toilet and adult toilet. The toddler toilet is to meet the following requirements:

- i. Low wash basin with automatic cut off taps.
- ii. A door able to be pushed open from the inside.

**Figure 23: Example of baby care room within 30m<sup>2</sup>**



### Lifting the bar

The following represents some ways in which applicants can demonstrate additional commitment to the principles for parent friendly amenities expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

#### Suggested additional standards for all baby care rooms:

- Provision of a paper cup dispenser
- Provision of a dispenser machine to buy disposable nappies
- Entry doors, if made of glass, should be safety glass.

#### Suggested additional features for 10m<sup>2</sup> parenting rooms

- Provision of cleansing wipes for cleaning baby change table
- Provision of a nappy disposal unit
- Provision of a dispenser for disposable nappies
- Provision of bench space (minimum 950mm wide and 1.8m long) to allow for food preparation.

#### Suggested additional features for 20m<sup>2</sup> parenting rooms

- Provision of cleansing wipes for cleaning baby change table
- Provision of a nappy disposal unit
- Provision of a dispenser for disposable nappies
- Provision of bench space (minimum 950mm wide and 1.8m long) to allow for food preparation.

#### Suggested additional features for 30m<sup>2</sup> parenting rooms

- Provision of cleansing wipes for cleaning baby change table
- Provision of a dispenser for paper cups
- Provision of a dispenser for disposable nappies
- Entry doors, if made of glass, should be safety glass.

#### Other development

Development that may not require provision of parent friendly amenities may still benefit from the provision of such a facility.

## 7. Vehicle repair stations

Vehicle repair stations have particular impacts relating to the storage of chemicals, storage of vehicles awaiting repair and the parking of vehicles.

### Objectives

- a) To ensure that satisfactory arrangements are made for landscaping, parking and disposal of wastes.
- b) In rural villages, to allow vehicle repair stations of a scale oriented to providing a local service.
- c) To discourage developments which have an impact on rural amenity and the rural character of the villages.

### Controls

#### General

- 1. Adequate parking for employees and visitors should be provided (including cars waiting for servicing).
- 2. Satisfactory arrangements should be made for the disposal of wastes including installation of a grease trap as determined necessary by Council's Health and Building Unit.

#### Rural Areas

- 3. Applications for vehicle repair stations which service the local community will be considered. Applicants should demonstrate the area from which customers are likely to be drawn.
- 4. A maximum of two work bays will be permitted.
- 5. Work bays should be screened from public view by orientation of the building or landscaping and fencing works.
- 6. The building should be designed to minimise adverse visual impacts on the villages and integrate with the landscape and character of the locality.
- 7. Noise generated by the development shall not adversely affect nearby properties or the rural amenity.

## 8. Cemeteries, crematoria and funeral homes

Cemeteries and crematoria can require large sites and can have an impact on the amenity of the surrounding area, primarily due to traffic generation.

### Objectives

- a) To ensure the operation of cemeteries, crematoria and funeral homes does not have a significant negative impact on the surrounding area, including properties used for agriculture.
- b) To ensure sufficient buffer zones are provided around the edge of sites to minimise impact on adjoining land uses.
- c) To ensure that uses locate on roads with sufficient capacity to accommodate likely traffic generation.

### Controls

1. Cemeteries, crematoria and funeral homes may not locate immediately adjacent to properties used primarily for residential development only (including rural residential/rural living or seniors housing) unless a sufficient separation can be obtained between any buildings on the site and any adjacent dwellings. The extent of the separation needed will vary with the scale of the proposed development.
2. Sufficient separation should also be provided to minimise potential conflicts between cemeteries and crematoria and properties used for agriculture in rural areas.
3. Cemeteries and crematoria must locate on a site with a minimum area of 10ha.
4. A landscaped buffer zone 15m wide must be provided to the side and rear boundaries of the site.
5. Cemeteries, crematoria and funeral homes must locate on a road with sufficient capacity to accommodate likely traffic generation.
6. A traffic impact assessment may be required for the development of a cemetery, crematorium or funeral home.

7. Cemeteries and crematoria must comply with relevant legislation including the *Public Health Act 2010* and *Protection of the Environment Operations Act 1997* and supporting regulations.

## 9. Extractive industries

Extractive industry includes the winning of sand, soil, gravel, rock or similar materials from the ground, and includes excavating, dredging, tunnelling or quarrying. It also includes the storage, stockpiling and processing of extracted materials.

### Objectives

- a) To consider the social, economic and environmental issues in the assessment and management of extractive industries.
- b) To implement the objectives of international and nationally recognised environmental standards.
- c) To encourage community participation in all phases of extractive industry development.
- d) To provide sound technical parameters to facilitate the orderly development of extractive resources within environmentally sensitive regions.
- e) To conserve the biological and cultural diversity and quality of the City of Penrith.

### Controls

#### Setbacks

- 1. Extractive industries including all facilities, buildings and operations should be setback no less than:
  - i. 40m from adjoining property boundaries
  - ii. 40m from a public road
  - iii. 40m from any boundary to a National Park or State Forest or Unalienated Crown Land
  - iv. 40m from any site or relic of heritage, archaeological, geological, cultural significance

- v. 40m from the top bank of a watercourse or otherwise to the requirements of the NSW Office of Water
- vi. 50m from an agricultural or rural land use
- vii. 100m from a public or community facility
- viii. 100m from a residence not associated with extraction.

#### Visual amenity and scenic quality

- 2. Applicants must submit a Landscape Site Analysis Plan, which identifies and assesses the scenic qualities, landscape constraints and options for landscape protection of the proposed extraction site; and demonstrates that areas of high visual sensitivity are protected or enhanced (see Appendix for more detail).
- 3. Machinery and equipment associated with extraction should be stored in buildings and structures which are of a height, bulk and scale which is proportional to the surrounding landscape, and which are constructed of non-reflective materials.
- 4. Perimeter screen planting of sufficient height to soften the visual impact of extraction sites when viewed from surrounding places must be provided.
- 5. Extraction sites are to be rehabilitated to a final landform compatible with the shape, grade, level, form, land use, landscape quality and biodiversity of the surrounding terrain.

#### Dust and noise suppression

- 6. Proponents shall submit a Noise Impact Statement which is to demonstrate that noise from the proposal will not have a significant negative impact on the surrounding area (see Appendix for more detail).
- 7. Proponents are encouraged to implement the extraction “cell” technique as a means of facilitating acoustic shielding around worked extraction sites.
- 8. Proponents should ensure that road traffic noise is minimised to reduce potential impacts upon the acoustic environment of residents and community facilities within the locality.
- 9. In this regard, proponents should indicate the special transport needs of the activity, which are most likely to generate noise outside normal operating hours.

10. The hours of operation of extraction and the transportation of materials are between 7.00am to 6.00pm Monday to Friday inclusive, and 7.00am to 4.00pm Saturday.

Variations to these hours may be justified having regard to the nature and location of a particular project.

11. Proponents shall prepare a Dust Suppression Plan which identifies the range of measures to be used to minimise dust generation from both operations and stockpiles (see Appendix for more detail).

#### Transport and access

12. All internal access roads associated with extractive industries should be at least 12m wide.
13. Designs of internal access and intersection points will be considered by Council having regard to the requirements of the relevant road design guidelines, the specific needs of the operation and the site characteristics. Applicants should contact Council to determine the guidelines applicable to their proposal prior to lodging a development application.
14. Internal access roads associated with extractive industries should be set back no less than:
  - i. 10m from adjoining property boundaries.
  - ii. 50m from environmentally sensitive areas including creek lines and habitats of threatened species.
  - iii. 100m from residences not associated with extraction.

#### Other impacts

15. A truck wash down area shall be provided at the exit to the site.
16. All wastewater or runoff exiting the site shall be treated to ensure that there is no detrimental impact on receiving waters through sedimentation or pollution. Means to achieve this shall be submitted with the development application.

## 10. Telecommunication facilities

This section is intended to be considered by the telecommunication carriers when looking for site facilities within the City of Penrith and undertaking the consultation process required under Commonwealth legislation.

### Objectives

- a) To apply a precautionary approach to the deployment of radio communications infrastructure, by minimising Electro Magnetic Radiation (EMR) exposure to the public and avoiding sensitive locations.
- b) To achieve equity for the various stakeholders by endeavouring to balance their various needs.
- c) To promote good industrial design of infrastructure.
- d) To design and site telecommunications facilities to minimise visual impact.
- e) To provide infrastructure that is visually compatible with the surrounding character and visual context of the locality, with particular regard to heritage items, conservation areas and cultural icons.
- f) To minimise adverse impacts on the natural environment.
- g) To assess whether the proposed infrastructure is consistent with the amenity of the area and with permitted development in adjacent areas.
- h) To restore the site after discontinuation or removal of infrastructure.
- i) To identify the type of land use areas suitable for infrastructure.
- j) To accommodate the planning requirements of new technology.
- k) To provide equitable availability of locations to carriers.
- l) To provide certainty for stakeholders and a consistent approach to the implementation/ assessment of telecommunications infrastructure.

## Controls

### Siting

1. In selecting a site, the proponent should demonstrate that it has adopted a 'precautionary principle' approach in terms of minimising the Electro Magnetic Radiation (EMR) exposure.
2. Towers, structures and sites for telecommunications services should be co-located with other facilities or towers that supply or are proposed to supply telecommunications services or facilities, wherever possible. In this regard, a carrier should either co-locate antennas on an existing tower that has been established by a previous carrier, or as close as practicable to an existing tower that facilitates telecommunication services.

Where co-location is proposed, the assessment should address the cumulative emissions of all co-located telecommunications facilities.

If facilities are not co-located, details of the process employed in identifying opportunities for co-locating and reasons why this was unsuitable or inappropriate should be included in the assessment.

3. Where possible, telecommunications facilities should not be located:
  - i. Close to possibly vulnerable populations (including the elderly, children and hospitals or nursing homes).
  - ii. Close to heavily populated sites.
  - iii. Within or at the termination of a significant vista or focal point of a streetscape.
  - iv. Within a visually sensitive area or at a 'gateway' site (see the Site Planning and Design Principles section of this Plan).
  - v. Within a streetscape or landscape dominated by its heritage significance and identified in Schedule 5 Environmental heritage of Penrith LEP 2010.
4. Carriers should take into consideration the proximity of a potential site to the following land uses:
  - i. Residential

- ii. Seniors housing
  - iii. Hospitals
  - iv. Schools
  - v. Child care centres
  - vi. Heritage items
5. Wherever possible, facilities should be located outside of residential zones. Preferred locations include industrial areas, low use open space areas and commercial centres.
6. Consideration of the proposed or future use of land, as well as its existing use, should be included in any assessment.

#### Visual Impact

7. Towers should be located where possible to minimise visual impact. Assessments should outline screening measures considered, including painting and finishes of towers and ground level structures, and site landscaping. Location of towers at the rear of buildings should also be considered, rather than on street frontages, impacting on the streetscape.

#### Notification and consultation

8. Carriers must comply with the relevant sections of the ACIF (Australian Communications Industry Forum) code in relation to:
- i. Installing low RF (radiofrequency) Power Infrastructure and Fixed Radio links.
  - ii. Communicating with Council when no development application is required.
  - iii. Consulting with the local community when no development application is required.

# C4 Child care, educational establishments, and places of public worship

## Contents

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# C4 Child care centres, Educational establishments and Places of public worship

## 1. Child care centres

### Background

Child care centres are an important service to families and a critical contributing element to socially sustainable community infrastructure delivery. Child care centres need to be conveniently located, in proximity to homes or centres of employment, transport options (e.g. train and metro stations, bus stops) and community activities and facilities. The uses and character of their surroundings should be safe and support enjoyable experiences for children in their indoor and outdoor activities, as well as access to and from the centre.

This chapter should be read in conjunction with relevant NSW Government planning policies and child care centre planning guidelines.

There are two types of child care facilities permissible in Penrith City with consent – Centre-based child care facilities and Home-based child care facilities. The distinction between the two is outlined in Penrith LEP 2010, and the planning controls associated with the situational contexts for each of these centre types should be adhered to.

The following section outlines controls for:

- Employment and Mixed Use zones, including:
  - E1 Local Centre, E2 Commercial Centre, E3 Productivity Support and E4 General Industrial Support, where Centre-based child care centres may be permitted with consent.
  - MU1 Mixed Use, where both Home-based and Centre-based child care facilities are permissible with consent.
- R5 Large Lot Residential and C4 Environmental Living, where both Home-based and Centre-based child care facilities may be permitted with consent.

- All other Residential zones, where both Home-based and Centre-based child care facilities are permitted with consent.

## **General Objectives**

The following objectives are applicable to all child care centre developments and should be pursued in addition to the specific objectives for land use zone groupings (outlined above):

- a) To provide a clear planning framework for the development of childcare services in Penrith City.
- b) To ensure provision to satisfy identified gaps and demand for child care centres within Penrith City, to the best of the capabilities of the site or locality.
- c) To support the efficient delivery of child care centres across the Penrith City.
- d) To ensure sites are suitable for a child care centre development, adhering to Council's and other planning requirements or guiding principles for the location, position, scale, built form and design of the proposed development.
- e) To provide child care centres in proximity to other community activities and facilities, such as schools, community facilities, places of worship, parks with play spaces, larger formal public reserves and local shopping centres.
- f) To ensure that child care centres located adjacent to, or adjoining, community activities or facilities justifiably consider direct and safe access, to support a connected network of community infrastructure.
- g) To ensure the design and spatial arrangement of development is compatible to the local context and character in which it is situated, having regard to adjoining land uses, supporting infrastructure and environmental attributes.
- h) To ensure that child care centres are located and designed to minimise any adverse impacts on the amenity of the surrounding area, including but not limited to visual, noise and traffic impacts.
- i) To ensure the design and arrangement of a child care centre development has sufficiently considered and mitigated safety hazards.

- j) To ensure safe and efficient management of vehicular and pedestrian movements into, within, and out of the development, including safe and efficient operation of the public road and footpath network, with special regard for the safety of small children

## **1.1 Employment and Mixed Use zones**

Child care centres in Employment and Mixed Use zones require special consideration regarding the management of land use conflicts and environmental impacts from varied land uses.

### **Objectives**

- a) To ensure all mixed use developments inclusive of a child care centre element address the relevant DCP development controls for the other defined land uses, in addition to the following controls.
- b) To deliver play areas which are located and/or orientated away from driveways and parking.
- c) To support the delivery and operation of a development which manages and mitigates adjacent or surrounding environmental conditions which would be detrimental to the enjoyment of the space by children, such as dust, fumes, noise and vibration, or other potentially dangerous impacts from industrial uses.
- d) To incorporate suitable safety measures to prevent children from gaining access to other parts of the building, site or adjoining land uses.
- e) To ensure compliance with fire safety requirements, including safe evacuation capability.

### **Controls**

#### Site suitability

- 1. Child care centre development proposals should avoid being located:
  - i. within a cul-de-sac or at an intersection
  - ii. on or with direct access from a designated or classified road
  - iii. adjacent to, or within proximity to, a service station or similar hazardous development

- iv. adjacent to or impacted by a transmission easement or mobile phone tower
  - v. adjacent to or opposite a sex services premises or restricted premises
  - vi. adjacent to or opposite a liquor licensed premises, and
  - vii. adjacent to, opposite or within areas of heavy industry, such as manufacturing, or transport logistics.
2. A child care centre is not to be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section within the Environmental Management Chapter of this DCP for further details on the flood planning level and 1:100 ARI flood event).

### Settings and structures

- 3. The scale of a proposed child care centre development must be proportionate to the dimensions and characteristics of the site. This is required to ensure that a sympathetic development form is proposed.
- 4. The bulk, scale and architectural design of the proposal must have sufficient regard to the environmental attributes of the site and surrounds, including the design of the built form, spatial arrangements, location of services and the retention and protection of existing vegetation.
- 5. The scale and architectural character of the development must be compatible with the existing and desired future character of the locality.
- 6. The proposal is required to also address the following:
  - i. resolution of appropriate access, circulation, safety and security between varied land uses within a mixed use development. This includes views from within the site and from adjoining properties into the development, specifically outdoor play areas
  - ii. access for parents and caregivers to drop off/pick up children, and
  - iii. location and arrangement of outdoor play areas which do not adversely impact other tenancies within the development as well as adjoining properties.

### Set backs

7. Set backs to property boundaries will be required to be increased where shade canopy trees are required to be provided to address urban heat management considerations. The minimum set back is to be 4.0m for a width of at least 4.0m.

### Traffic and parking

8. Where the child care centre is located in the same building or development as other land uses, the parking and access arrangements for each separate use will need to be separately calculated and provided on site.
9. Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
10. Access driveways should not be located opposite, or in proximity to, road intersections.
11. Parking shall be provided in accordance with Transport, Access and Parking Chapter of this DCP.
12. The parking area is to be designed to ensure:
  - i. the safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre
  - ii. safe movement and parking of staff, parents, visitors and service vehicles, and
  - iii. all vehicles can enter and exit the site in a forward direction.
13. Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.
14. Where dual use parking and servicing utilisation is suggested, it must be demonstrated that sufficient dedicated staff and visitor parking is available at all times to cater for the parking and circulation of service vehicles.

15. Within mixed use developments, the design arrangement of car parking must consider and provide deterrents for visitor parking in areas not associated with the child care centre development. This includes demarcation of designated parking areas via line marking as well as landscaping separation for externalised parking areas.
16. A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
  - i. site characteristics and the surrounding area
  - ii. expected trip generation
  - iii. parking requirements, including the design of parking areas, and any pick-up and drop-off facilities
  - iv. existing traffic conditions and any future changes expected to the traffic conditions
  - v. current road safety conditions, including an accident history in the locality, and
  - vi. the expected impact of the proposed development on the existing and future traffic conditions.
17. Further guidance on traffic assessment can be found in the *NSW Child Care Planning Guideline*.

## **1.2 R5 Large Lot Residential and E4 Environmental Living zones**

### **Objectives**

- a) To ensure that development complies with objectives of these land use zones, as stipulated in Penrith LEP 2010, and compliments the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of the local area.
- b) To provide separation between a child care centre development and noise generating sources.
- c) To provide buffers between land uses to minimise the potential for land use conflict.
- d) To ensure that external finishes have minimal detrimental impact on the visual amenity of an area.

- e) To encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development.
- f) To implement Front and Corner Set Backs which ensure consistency with the rural or built character, preserve and protect flora and fauna corridors, support the scale and openness of these land zones and ensure the operational functions of transport infrastructure continues unhindered.
- g) To implement Side and Rear Set backs which comply with building envelope and setback controls, minimise disturbance to existing topography and natural soil-profiles, provide for reasonable built form and landscaped separation between neighbouring properties, permit suitable sized spaces for outdoor play and gathering (in addition to other required service infrastructure and built elements and in accordance with outdoor play area objectives and controls) and support the scale and openness of these land zonings.
- h) To ensure outdoor play spaces are universally accessible and of sufficient size and dimension for a variety of learning and skills building opportunities, and that their use does not negatively impact on the use of adjoining or adjacent private and public open spaces

## **Controls**

### Site Suitability

1. Child care centre development proposals should avoid being located:
  - i. within a cul-de-sac or at an intersection
  - ii. on or with direct access from a designated or classified road
  - iii. adjacent to, or within proximity to, a service station or similar hazardous development
  - iv. adjacent to or impacted by a transmission easement or mobile phone tower
  - v. adjacent to or opposite a sex services premises or restricted premise
  - vi. adjacent to or opposite a liquor licensed premises, and

- vii. adjacent to, or opposite, odour generating agricultural or similar activities.
- 2. A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section within the Environmental Management Chapter of this DCP for further details on the flood planning level and 1:100 ARI flood event).
- 3. The dimensions of a site pursued for a child care centre development must be sufficient in width and depth to accommodate a sympathetic development form and arrangement having regard to the context and character of the immediate locality.
- 4. A development generally will not be supported if it has not had sufficient regard to the environmental attributes of the site and surrounds, including the design of the built form, spatial arrangement of built form and services and retention and protection of existing vegetation.
- 5. The scale of a development must be proportionate to dimensions and characteristics of the site. This is required to ensure that a sympathetic development form is proposed.

#### Settings and Structures

- 6. The scale and architectural design of the development must be sympathetic and compatible with the existing and desired future character of the immediate locality. This includes consideration of fencing, outbuildings, driveways, car parking areas and landscaping.
- 7. The development is to be designed and located to maximise the natural advantages of the land in terms of:
  - i. protecting the privacy of proposed and existing buildings
  - ii. providing flood-free access to the development
  - iii. minimising risk from bush fire by considering slope, orientation and location of likely fire sources
  - iv. maximising solar access whilst considering urban heat management
  - v. retaining as much of the existing vegetation as possible, and

- vi. minimising excavation, filling and high foundations by avoiding steep slopes.
- 8. Where practical, all buildings on a site should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.
- 9. New buildings must be oriented to face the street and building forms must be stepped or articulated and demonstrate integration with the established local context and rural character of the area, including building elements of wall articulation, windows, verandahs and roof variation.
- 10. Articulate all building forms and facades through design measures that cast shadows across every elevation. External walls should include windows in every elevation.
- 11. Basement arrangements are not considered contextually appropriate and will not be supported.
- 12. Pitches for main roofs are to be in accordance with the following:
  - i. for single-storey development: not greater than 35 degrees
  - ii. for two storey development: not greater than 25 degrees, in order to reduce the visual scale of buildings, and
  - iii. the external façade of the development is to incorporate building materials and colours that complement the surrounding character of the area.

#### Front Set Backs

- 13. The development is required to provide a minimum 15m front setback from a public road. No parking is permitted within the front setback area.
- 14. A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham).
- 15. A minimum setback of 100m is required to Mulgoa Road for all development (except in the Mulgoa Village).

### Corner Lot Set Backs

16. Where the site is a corner site allotment with two road frontages, the set back to the primary road is to be calculated as per the controls for Front Set Backs.
17. The set back to the secondary road is to be no less than 10m.
18. Permissible encroachments within the front set back are verandahs and pergolas, only with a maximum 1.5m encroachment.

### Side and Rear Set Backs

19. The development is required to provide a minimum side boundary set back of no less than 10m.
20. The development is required to provide a minimum rear boundary set back of no less than 10m.

### Site Coverage and Building Scale

21. Development is to provide a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas). Note: 'Ground floor footprint' is the area measured from the external face of any wall or undercover car parking area.
22. The development is to have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.
23. The maximum floor space of any second storey is to be no more than 70% of the floor space of the lower storey of the dwelling.
24. A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the child care centre building and all associated structures.
25. The development shall be no more than two storeys in height.
26. The maximum height of the ceiling of the top floor of all buildings is not to exceed 8m above natural ground level.
27. The finished floor level is not to be greater than 1.0m above or below natural ground level.

## Outdoor Play Areas

28. With respect to ground floor, where possible, play areas should be located away from residential dwellings and other sensitive uses. Sensitive uses are taken to include private open space areas of residential development in addition to the dwellings themselves, as well as non-residential development where permitted in the zone.
29. Split level design arrangements of outdoor play and landscaped areas must provide for functional use and accessibility to all levels, without dependency on wheel chair lifts / lift platforms. Accessible ramps are required which are to be excluded from the calculation of useable outdoor play area.
30. The provision of a first floor outdoor play area is not contextually appropriate.

## Fencing

31. Fencing required for ground floor outdoor play areas is not to exceed 2.0m in height and is not to compromise the ability for screen planting to reach maturity and effective height and spread. Cantilevered fencing treatments to reduce effective fencing heights are not supported.
32. The location, design and arrangement of fencing must have regard to the local context and character which is rural in nature. Where solid fencing is required, it must be designed to suitably integrate into the rural landscape.
33. The material composition and location of the fencing is to be sympathetic to the established character of the locality.

## Shade

34. Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.
35. All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.
36. Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).

37. All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.
38. Outdoor teaching areas are to be provided with year round protective shade.
39. Outdoor eating areas are to be provided with year round protective shade.
40. Other open areas are to be partially shaded.
41. Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.
42. The minimum width of a verandah should be 4m to allow for shaded play space.

#### Vehicle access, circulation and parking

43. Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
44. Access driveways should not be located opposite, or in close proximity to, road intersections.
45. Parking shall be provided in accordance with Transport, Access and Parking Chapter of this DCP.
46. The parking area is to be designed to ensure:
  - i. the safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre
  - ii. safe movement and parking of staff, parents, visitors and service vehicles, and
  - iii. all vehicles can enter and exit the site in a forward direction.
47. Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.

48. The layout of parking must provide delineation between prioritised pedestrian movements and vehicle access and circulation. This includes line marking for prioritised pedestrian paths of travel throughout the car parking area and from the public domain.
49. A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
- i. site characteristics and the surrounding area
  - ii. expected trip generation
  - iii. parking requirements, including the design of parking areas, and any pick-up and drop-off facilities
  - iv. existing traffic conditions and any future changes expected to the traffic conditions
  - v. current road safety conditions, including an accident history in the locality, and
  - vi. the expected impact of the proposed development on the existing and future traffic conditions.
50. Further guidance on traffic assessment can be found in the NSW *Child Care Planning Guideline*.

### Noise Management

51. Outdoor playing areas shall be designed and located to minimise noise impact on adjacent properties.
52. Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities.
- This ensures the children may play outside without time limitations in accordance with licensing requirements. Notwithstanding, the required height and form of fencing must still be contextually appropriate.
53. Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff.

54. An Acoustic Impact Assessment Report from an appropriately qualified acoustic consultant will be required to support the proposal. The acoustic modelling undertaken and reporting to be submitted must address and comply with the following:

- i. The background noise level is to be measured in accordance with the methodology outlined within the NSW EPA's Noise Policy for Industry for at least 5 consecutive weekdays. If operations are proposed on weekends, then these days must be included. Meteorological data can be measured on-site or accessed from the nearest Bureau of Meteorology weather station, within 30 km.
- ii. The noise logger is to be located at the most affected locations at surrounding sensitive receivers. This may require more than one logger to be deployed.
- iii. The project criteria are to be set using the measured background noise level. If the measured background noise level is found to be less than 35dB(A) then a default background of 35dB(A) is to be used for setting project criteria.
- iv. For outdoor play, the following is to be used when determining project noise criteria:
  - up to 2 hours (total) per day – The Leq, 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location, or
  - more than 2 hours per day – The Leq, 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

55. The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:

- i. 1.5 m above ground level
- ii. on a balcony at 1.5 m above floor level, or
- iii. outside a window on the ground or higher floors.

56. For other noise sources, such as indoor play, mechanical plant and equipment, vehicles, and drop off/pick up activities, the cumulative Leq, 15

minute noise emission level resulting from the operation of the child care centre shall not exceed the background noise level by more than 5 dB at the assessment location as defined above.

57. Further guidance on acoustic assessments for childcare centres can be found in NSW EPA policies and guidelines. In addition, guidance on noise assessments for childcare centres can be found in the *Guideline for Child Care Centre Acoustic Assessment* prepared by the Association of Australasian Acoustic Consultants, noting that the above controls are not consistent with some sections of the AAAC guideline.

### **1.3 All other residential areas**

#### **Objectives**

- a) To ensure that the development complies with the objectives of the relevant land zones, as stipulated in Penrith LEP 2010 and compliments the established and desired character and urban aesthetic of the surrounds.
- b) To provide separation between a child care centre development and noise generating sources.
- c) To provide buffers between land uses to minimise the potential for land use conflict.
- d) To ensure that external finishes have minimal detrimental impact on the visual amenity of an area.
- e) To ensure set backs comply with applicable controls and support consistency with surrounding or established character.
- f) To ensure front set backs preserve or enable the establishment of flora and fauna corridors, while corner lot, rear and side set backs ensure the operational functions of transport infrastructure continue unhindered.
- g) To ensure rear and side set backs also minimise disturbance to existing topography and natural soil-profiles, provide for reasonable built form and landscaped separation between neighbouring properties, and permit suitable sized spaces for outdoor play and gathering (in addition to other required service infrastructure and built elements and in accordance with outdoor play area objectives and controls).
- h) The retention of sufficient proportions of each site for landscaped garden areas, conservation of significant existing vegetation, provision for

naturalised tree canopy growth and shading and the provision of meaningful spatial separation between neighbouring properties and building forms.

- i) To ensure outdoor play spaces are universally accessible and of sufficient size and dimension for a variety of learning and skills building opportunities, and that their use does not negatively impact on the use of adjoining or adjacent private and public open spaces.

## **Controls**

### Site Suitability

1. Child care centre development proposals should avoid being located:
  - i. within a cul-de-sac or at an intersection
  - ii. on or with direct access from a designated or classified road
  - iii. adjacent to, or within close proximity to, a service station or similar hazardous development
  - iv. adjacent to or impacted by a transmission easement or mobile phone tower
  - v. adjacent to or opposite a sex services premises or restricted premises, and
  - vi. adjacent to or opposite a liquor licensed premises.
2. A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section within the Environmental Management Chapter of this DCP for further details on the flood planning level and 1:100 ARI flood event).
3. The dimensions of a site pursued for a child care centre development must be sufficient in width and depth to accommodate a sympathetic development form and arrangement having regard to the context and character of the immediate locality

### Settings and Structures

4. The bulk, scale and architectural design of the proposal must have sufficient regard to the environmental attributes of the site and

surrounds, including the design of the built form spatial arrangements , location of services, and the retention and protection of existing vegetation.

5. Child care centres generally will not be supported if the proposal has not had sufficient regard to the environmental attributes of the site and surrounds including the design of the built form, spatial arrangement of built form and services and retention and protection of existing vegetation.
6. The scale and architectural design of the development must be sympathetic and compatible with the existing and desired future character of the immediate locality.
7. The design and arrangement of the development is to ensure that outdoor play areas are located and orientated away from driveways or parking areas.
8. The external façade of the development shall incorporate building materials and colours that complement the surrounding development.
9. New buildings should show characteristics of traditional suburban development. The development must be oriented to face the street and building forms must be stepped or articulated and demonstrate integration with the established local context and character of the area.
10. Articulate all building forms and facades through design measures that cast shadows across every elevation. External walls should include windows in every elevation.
11. Garage doors or basement entry widths (including descending driveways) must not occupy more than 50% of the building façade width to ensure that access arrangements are recessive and do not dominate the façade of the building form and the streetscape presentation of the building form.
12. Where a basement parking arrangement is proposed, design measures are to be incorporated to reduce the visual prominence of the entry point. Such measures could include projecting upper floor areas (minimum 1.0m in depth) above the entry point and / or recessed entry behind the building line.
13. Pitches for main roofs are to be in accordance with the following:

- i. 12 for single-storey development: not greater than 35 degrees, or
- ii. for two storey development: not greater than 25 degrees, in order to reduce the visual scale of buildings.

#### Front Set Backs

- 14. The development is required to provide a front set back that is informed by the average set back of immediate adjoining development or a 5.5m minimum, whichever is the greater dimension.
- 15. Permissible encroachments within the front set back are limited to verandahs and pergolas only with a maximum 1.5m encroachment.
- 16. Where there are physical encumbrances such as stormwater management infrastructure, underground or above ground rainwater tanks or the like, the minimum set back is to be increased accordingly to maintain an unimpeded landscaping capability within the set back zone.
- 17. The provision of car parking forward of the building line is to be set back a minimum 4.0m from the front property boundary with a combination of shrub and tree canopy planting in the set back zone to screen the visual prominence of the car parking area from the public domain and from adjoining properties.

#### Corner Lot Set Backs

- 18. Where the site is a corner site allotment with two road frontages, the set back to the primary road is to be calculated as per the above front set back requirements.
- 19. Any fencing required forward of the building line to either the primary or secondary road is to be set back 2.0m from the property boundary with screen planting in front.
- 20. Permissible encroachments within the front set back are verandahs and pergolas only with a maximum 1.5m encroachment.
- 21. In the event of a corner site with three separate street frontages, the front set back requirements are to be applied to opposing boundary conditions (front and rear), with the secondary street set back allowances limited to only one street frontage.
- 22. No basement encroachments are permitted within the front (primary or secondary street) set back zones.

### Rear Set Backs

23. The minimum rear set back for a single storey building (or any single storey component of a building) is 4m.
24. The minimum rear set back for a two storey building (or any two storey component of a building) is 6m.
25. Adopting an average 6m rear set back on irregular shaped allotments.
26. In the event of a corner site with three (3) separate street frontages, the front set back requirements are to be applied to opposing boundary conditions (front and rear), with the secondary street set back allowances limited to only one (1) street frontage. This means that a corner lot with three (3) street frontages does not apply a rear boundary set back condition.
27. Within the rear boundary set back:
  - i. there shall be no building encroachments either above or below ground (eaves excepted)
  - ii. maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs
  - iii. where there are physical encumbrances such as stormwater management infrastructure, underground or above ground rainwater tanks or the like, the minimum set back is to be increased accordingly to maintain an unimpeded landscaping capability within the set back zone.

### Building envelope and side Set backs

28. The development (including built form, basements and external car parking and driveway areas) is required to provide a minimum side boundary set back of no less than 2.0m.
29. The side set back is required to increase where shade canopy trees are required to be provided to address urban heat management considerations. In this instance, the minimum set back is to be 4.0m for a width of at least 4.0m.
30. Where there are physical encumbrances such as stormwater management infrastructure (including swales, pits and pipes) underground or above ground rainwater tanks or the like, the minimum

set back is to be increased accordingly to maintain an unimpeded landscaping capability within the side set back zone.

31. The following building envelopes must be complied with in Table 1:

**Table 1: Building envelopes**

| Land Zoning                     | Height plane calculation                                                                                                                                                                                                                                                                                                                       |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R2 – Low Density Residential    | Measured from 1.8m above natural ground level at the side boundaries of the site at 45 degrees.                                                                                                                                                                                                                                                |
| R3 – Medium Density Residential | Measured from 5.0m above natural ground level at the side boundaries of the site at 45 degrees.                                                                                                                                                                                                                                                |
| R4 – High Density Residential   | If the proposal adjoins existing dwelling that is unlikely to be redeveloped in the near future (such as a strata titled dual occupancy or multi-unit housing developments), the development proposal is provide a compliant building envelope measured from 5.0m above natural ground level at the side boundaries of the site at 45 degrees. |
|                                 | If the proposal adjoins a site that can be reasonably redeveloped in the foreseeable future, no building envelope applies.                                                                                                                                                                                                                     |

32. The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:

- i. side boundaries only and
- ii. natural ground level.

33. Only minor encroachments through the building envelope shall be permitted for eaves associated with pitched roofs.

34. The development is required to ensure that cut and fill and finished floor levels:

- i. provide stepped slabs (finished floor levels) in line with existing topography with finished floor levels that are no higher than 1m above natural ground level
- ii. restrict cut-and-fill to a maximum of 500mm above or below natural ground level, and
- iii. provide effective sub-soil drainage.

### Landscape area and design

35. The minimum landscape area is to be provided as follows in Table 2:

**Table 2: Minimum landscaped area**

| Land zoning                     | Minimum landscaped area % of the site |
|---------------------------------|---------------------------------------|
| R1 – General Residential        | 40%                                   |
| R2 – Low Density Residential    | 50%                                   |
| R3 – Medium Density Residential | 40%                                   |
| R4 – High Density Residential   | 35%                                   |

36. Landscaped areas are to provide for:

- i. effective separation between neighbouring properties and building forms
- ii. healthy growth of new trees and shrubs
- iii. ensure long-term survival of existing and proposed vegetation
- iv. a naturalised outlook from the development into outdoor play areas, and
- v. contributory planting to complement or enhance the existing streetscape.

37. Landscaped areas are required to have a minimum width and depth of 2m and serve as functional spaces. Areas with less than these dimensions are not included in the required landscape area calculation

38. Where landscape areas are provided for along property boundaries the spaces must be capable of dense shrub screen and tree canopy planting.
39. Landscape areas are not to include impervious areas, waste management facilities, staircases, stormwater management infrastructure or predominantly artificial / synthetic surface treatments.
40. The majority of landscaping relied upon for landscape area compliance is to be planted at natural ground level and not within raised or sunken planters to ensure suitable growing conditions and viability.
41. Landscaping is to accommodate water retention within the landscape design and include passive irrigation measures which also have regard to water sensitive urban design best practice.
42. Landscaped area which is to be relied upon as outdoor play areas must provide a mix of formalised play areas and separate naturalised areas (encouraging nature play and education).
43. Landscape planting shall complement the building(s) and the streetscape and provide screening for car parking and outdoor playing areas.
44. Landscaping shall be established prior to the use commencing.
45. A Landscape Plan shall be prepared and submitted with the development application, in accordance with the Environmental Management Chapter of this DCP.
46. Details of all fencing shall be included on the landscape plan. Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.
47. Additional landscape planting may be required along the side boundaries to integrate the development with neighbouring buildings and the streetscape, and to reduce the impact of vehicle lights on adjoining properties.
48. Plant species shall be chosen to address the characteristics of the site and shall:
  - i. consider implications of site orientation and solar access

- ii. provide protection from prevailing winds
  - iii. provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings
  - iv. provide shelter and shade
  - v. reduce reflection from bright surfaces
  - vi. emphasise pedestrian and vehicular routes
  - vii. ensure visibility of outdoor playing areas
  - viii. not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe, and
  - ix. provide interest and variety to enhance children's experience.
49. The arrangement and design of landscape areas, including prioritised retention and protection of existing trees, must also have regard to the objectives and controls outlined in the Environmental Management Chapter of this DCP.

#### Outdoor Play Areas

50. With respect to ground floor, where possible, play areas should be located away from residential dwellings and other sensitive uses unless suitable planting and fencing separation is provided.
51. Sensitive uses are taken to include private open space areas of residential development in addition to the dwellings themselves.
52. Split level design arrangements of outdoor play and landscaped areas must provide for functional use and accessibility to all levels, without dependency on wheel chair lifts. Accessible ramps are required which are to be excluded from the calculation of useable outdoor play area.
53. The provision of a first floor outdoor play area is not appropriate in R2 Zoned land unless such areas are orientated away from residential development (including private open space areas) and other sensitive land uses
54. Where a first floor play area is proposed to be orientated towards a public road or public reserve, the arrangement and design of play area must be appropriately integrated into the architectural treatment of the

building so as not to compromise building form, bulk and streetscape presentation.

### Fencing

55. Fencing required for ground floor outdoor play areas is not to exceed 2.0m in height and is not to compromise the ability for screen planting to reach maturity and effective height and spread. Cantilevered fencing treatments to reduce effective fencing heights are not supported.
56. Fencing proposed within front or corner lot setback zones to the public domain must be set back no less than 2.0m from the property boundary with shrub screen planting and canopy tree planting provided in front of the fence.
57. First floor play areas are not to include fencing or similar acoustic mitigation measures which exceed 1.4m in height as measured from finished floor level.
58. Fencing treatments and materiality is to have regard and compliment the architectural design of the building form and the landscape design of the site.
59. Colorbond or metal fencing is not appropriate due to acoustic and vibratory implications.
60. Fencing is to be located on the property boundary or where inset, sufficient opportunity for access and maintenance is required that does not compromise the objective of the planting for screening purposes. Dual layer fencing will generally not be supported.

### Shade

61. Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.
62. All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.
63. Movable play equipment used for active play should be placed in the shade. (This must be a combination of built and natural shade).

64. All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.
65. Outdoor teaching areas are to be provided with year round protective shade.
66. Outdoor eating areas are to be provided with year round protective shade.
67. Other open areas are to be partially shaded.
68. Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.
69. The minimum width of a verandah should be 4m to allow for shaded play space.

#### Vehicle access, circulation and parking

70. Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
71. Access driveways should not be located opposite, or in close proximity to, road intersections.
72. Parking shall be provided in accordance with the standards in the Transport, Access and Parking Chapter of this DCP.
73. The parking area is to be designed to ensure:
74. The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre.
75. Safe movement and parking of staff, parents, visitors and service vehicles.
76. All vehicles can enter and exit the site in a forward direction.
77. Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles. Where dual use parking and servicing utilisation is suggested, it must be demonstrated that sufficient dedicated staff and visitor parking

is available at all times to cater for the parking and circulation of service vehicles.

78. The layout of parking must provide delineation between prioritised pedestrian movements and vehicle access and circulation. This includes line marking for prioritised pedestrian paths of travel throughout the car parking area and from the public domain.
79. A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
- i. site characteristics and the surrounding area
  - ii. expected trip generation
  - iii. parking requirements, including the design of parking areas, and any pick-up and drop-off facilities.
  - iv. existing traffic conditions and any future changes expected to the traffic conditions
  - v. current road safety conditions, including an accident history in the locality, and
  - vi. the expected impact of the proposed development on the existing and future traffic conditions.
80. Further guidance on traffic assessment can be found in the NSW *Child Care Planning Guideline*.

### Noise Management

81. Outdoor playing areas shall be designed and located to minimise noise impact on adjacent properties.
82. Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements. Notwithstanding, the required height and form of fencing must still be contextually appropriate.
83. Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff.

84. An Acoustic Impact Assessment Report from an appropriately qualified acoustic consultant will be required to support the proposal. The acoustic modelling undertaken and reporting to be submitted must address and comply with the following:

- i. The background noise level is to be measured in accordance with the methodology outlined within the NSW EPA's Noise Policy for Industry for at least 5 consecutive weekdays. If operations are proposed on weekends, then these days must be included. Meteorological data can be measured on-site or accessed from the nearest Bureau of Meteorology weather station, within 30 km.
- ii. The noise logger is to be located at the most affected locations at surrounding sensitive receivers. This may require more than one logger to be deployed.
- iii. The project criteria are to be set using the measured background noise level. If the measured background noise level is found to be less than 35dB(A) then a default background of 35dB(A) is to be used for setting project criteria.
- iv. For outdoor play, the following is to be used when determining project noise criteria:
  - up to 2 hours (total) per day – The Leq, 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location, or
  - more than 2 hours per day – The Leq, 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

85. The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:

- i. 1.5 m above ground level
- ii. On a balcony at 1.5 m above floor level, and/or
- iii. Outside a window on the ground or higher floors.

86. For other noise sources, such as indoor play, mechanical plant and equipment, vehicles, and drop off/pick up activities, the cumulative Leq, 15 minute noise emission level resulting from the operation of the child care centre shall not exceed the background noise level by more than 5 dB at the assessment location as defined above.
87. Further guidance on acoustic assessments for childcare centres can be found in NSW EPA policies and guidelines. In addition, guidance on noise assessments for childcare centres can be found in the *Guideline for Child Care Centre Acoustic Assessment* prepared by the Association of Australasian Acoustic Consultants, noting that the above controls are not consistent with some sections of the AAAC guideline.

## **1.4 Requirements for an additional private dwelling**

### **Controls**

1. A dwelling may be attached to, part of, or associated with, a child care centre however the development controls that would apply to the development are those outlined for the child care centre component in addition to the following specific provisions.
2. The dwelling shall be provided with a separate and private open space area (with minimum dimensions of 4m x 6m), which is directly accessible from the internal living areas of the dwelling and orientated to optimise solar access.
3. The dwelling shall include a kitchen, bathroom, laundry, living area and amenities, which are separate to those for the child care centre, for the use of the residents.
4. A minimum of one separate and covered parking space shall be provided for the residents of the dwelling.
5. The species and location of trees and planting provided for a dwelling associated with a child care centre should ensure there is no likelihood of falling branches, and should not be toxic, create allergic reactions, or be prickly or otherwise unsafe.
6. A swimming pool or spa pool, existing or proposed, associated with a dwelling attached to a child care centre must be securely fenced (in accordance with the requirements of the *Swimming Pool Act 1992*) to prohibit access to the children in care.

7. The pool shall be suitably screened from view of the children in care.

## **1.5 Out-of-School-Hours Care (OOSH)**

### **Controls**

1. Development consent is required for the operation of out-of-school hours care (OOSH) – either as part of an existing child care facility or as a separate activity.
2. Where the operator of an existing child care centre proposes to establish an OOSH service, the centre shall provide permanent separation of the OOSH facilities. Operational elements which shall be provided separately for each service include:
  - i. amenities
  - ii. playroom(s)
  - iii. outdoor play area(s), and
  - iv. staff.
3. Car parking spaces for the OOSH care shall be provided in accordance with the requirements of the Transport, Access and Parking Chapter of this DCP and, if applicable, shall be in addition to the parking area for the childcare centre.

## **1.6 Lifting the Bar**

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP.

Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section of this DCP will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

All home-based child care or family day care home services are encouraged to:

- Provide food consistent with the principles outlined in the National Quality Improvement and Accreditation System for Child Care.

- Participate in available training opportunities concerning food safety and nutrition (e.g. the 'Caring for Children' program) or other programs run by Council, TAFE, the University of Western Sydney or Sydney West Area Health Service; and
- Seek professional advice, where appropriate, from trained dietitians and/or nutritionists.

All child care centres (including centre based and home based) are encouraged to:

- Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products.
- Provide facilities/services which will satisfy identified unmet demands within the City for child care; and
- Participate in the NSW Cancer Council's SunSmart Early Childhood program.

## **1.7 Consent and licensing requirements**

All child care centres must be approved by Council and licensed by the NSW Department of Education and Communities under the Children (Education and Care Services) National Law (NSW); Education and Care Services National Regulations and National Quality Framework prior to commencing operation.

Home-based child care may be licensed as a Family Day Care service or within the requirements of the Department of Education and Communities.

Where a child care centre for pre-school aged children and an OOSH service operate together, or from the same building, both services must be approved by Council, and the Department of Education and Communities must be notified.

Development consent is required from Council for an expansion or alteration to an existing, approved child care centre. Changes may include an increase to the approved number of children, an alteration to the hours of operation or the establishment of OOSH care.

Any application for an expansion or alteration to an existing child care centre will be considered on its merits and include an assessment of the current operation of the centre.

Any subsequent development consent issued by Council may require a new licence from the Department of Education and Communities.

## 2. Educational Establishments

### Background

Given their scale, form and potential impact, there is a need to ensure educational establishments are located and designed in such a way as to minimise their impacts, particularly on surrounding areas. It is also important to ensure that nearby land uses do not have an adverse impact on children's health and learning.

### Objectives

- a) To ensure that the design and location of educational establishments does not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture.
- b) To ensure that educational establishments are located on sites of sufficient size to accommodate buildings, sports fields, parking areas and other associated facilities.
- c) To ensure that educational establishments are located on sites which have sufficient infrastructure and services to support the use.
- d) To ensure that the road access to educational establishments is sufficient to cater for expected traffic with minimal impact.
- e) To ensure that educational establishments do not locate near uses that will have an adverse effect on children's health or learning; and
- f) To ensure that, where they are located on a major road, the visual impact of educational establishments is consistent with the character of the area.

### Controls

#### Location and Design

1. Educational establishments must locate on sites which comply with the minimum areas set out in Table 3 below.

**Table 3: Minimum site requirements**

| Type of educational establishment                          | Minimum area |
|------------------------------------------------------------|--------------|
| Primary School (Kindergarten to Year 6)                    | 3 hectares   |
| High School (Year 7 to Year 12 OR Kindergarten to Year 12) | 6 hectares   |
| Tertiary Institution (University or TAFE College)          | 6 hectares   |

2. Educational establishments must be designed with regard to:
  - i. buffer zones to minimise impact on adjoining land uses, including agricultural uses in rural areas
  - ii. landscaped front setbacks to reduce visual impact
  - iii. appropriate building heights and setbacks to minimise visual intrusion in rural areas, and
  - iv. separate play areas for primary and secondary students.

#### Servicing

3. Educational establishments catering to over 50 students must be connected to all services, including power, reticulated water and reticulated sewer.
4. Educational establishments catering to less than 50 students must demonstrate how servicing needs will be met. Applications should also address the provision of services should growth in student numbers require it.

#### Transport, Access and Parking

5. Schools catering to over 50 students must have access to public transport. Applications should outline measures to be taken to encourage use of public transport.
6. Educational establishments must be designed to ensure:
  - i. separate parking areas for staff and parents/students
  - ii. adequate drop off/pick up zones, separate to bus access, and

- iii. safe pedestrian access from bus stops and drop off/pick up zones.
7. A traffic impact assessment may be required for the development of an educational establishment. Applicants should confirm this requirement with Council prior to lodging a development application.

## **2.1 Penrith Anglican College**

The following controls apply specifically to Penrith Anglican College, Wentworth Road, Orchard Hills.

1. The rural viewscape and character of the site is to be protected by locating buildings, recreation areas and ancillary structures in distinct areas as follows:
  - i. School extension area – to be used for substantial structures, car parking and main access roads.
  - ii. Active recreation areas – to be used for the purposes of active recreation facilities, including sports fields and minor or ancillary structures.
  - iii. Transmission easement – to be used primarily for passive recreation and drainage infrastructure, with some encroachment of playing fields acceptable provided that Transgrid or any other relevant authority has given written approval for the encroachment.
2. The proposed development is to allow the existing watercourse on the site to be relocated and rehabilitated without the use of pipes or other engineering devices:
  - i. To emulate a naturally functioning stream with a minimum riparian width of 10m along both sides of the watercourse (measured from the top of bank).
  - ii. To provide vegetated habitat refuges (both terrestrial and aquatic) and,
  - iii. To facilitate treatment of stormwater runoff outside the riparian corridor before it enters the watercourse.

### 3. Places of Public Worship

#### Background

Places of public worship can vary remarkably in size and impact, from a high intensity, urban use to a small scale, low impact use.

Although small scale, traditional places of public worship may have minimal impact, it is increasingly common for this type of use to incorporate activities which operate 7 days per week, including for youth groups, community groups, parent groups, etc. This can create an essentially urban use. It is also becoming common for places of public worship to be quite large, so additional restrictions need to be placed on these larger establishments to minimise their impact on surrounding uses.

#### Objectives

- a) To ensure that the design and location of places of public worship do not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture.
- b) To ensure that places of public worship are located on sites of sufficient size to accommodate buildings, parking areas and other associated facilities.
- c) To ensure that places of public worship are located on sites which have sufficient infrastructure and services to support the use.
- d) To ensure that the road access to places of public worship is sufficient to cater for expected traffic with minimal impact.
- e) To ensure that, where they are located on a major road, the visual impact of places of public worship is consistent with the character of the area.

#### Controls

##### Location and Design

1. A place of public worship with a capacity of more than 100 persons must be located on a road with sufficient capacity to accommodate likely traffic generation.

2. Where a place of public worship will be visible from a designated road, information must be submitted with the development application to demonstrate how the visual impact of the building will be minimised.
3. Places of public worship in rural or environmental zones must be designed to complement the character of the surrounding area.
4. Places of public worship must be located on sites of sufficient size to accommodate all proposed buildings, parking areas, outdoor areas, etc.
5. Where a place of public worship is to be located immediately adjacent to a property used primarily for residential purposes (including rural living or seniors living), a buffer zone of a minimum 10m in rural or environmental zones or 5m in all other zones must be provided to the side and rear boundaries. This buffer zone shall be landscaped and shall not be used for parking areas or the like.
6. Buffer zones should also be considered to minimise the impact of places of public worship on agricultural uses in rural areas.

#### Servicing

7. A place of public worship with a capacity of more than 100 persons must be connected to all services, including power, reticulated sewer and reticulated water.

#### Transport, access and parking

8. A place of public worship with a capacity of more than 100 persons must demonstrate how sustainable modes of transport will be encouraged. This may include location close to public transport, provision of transport for worshipers (mini bus or similar) or some other means to reduce the reliance on transport by private vehicle.
9. A traffic impact assessment may be required for the development of a place of public worship.
10. Parking shall be provided in accordance with the standards in the Transport, Access and Parking Chapter of this DCP.

#### Noise

11. A noise impact assessment may be required for the development of a place of public worship and, if required, should address the provisions of

the Noise and Vibration section within the Environmental Management Chapter of this DCP.

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