

3 November 2014

Tullipan Homes Pty Ltd
PO Box 5148
CHITTAWAY BAY NSW 2261

Dear Sir/Madam

**Subject: DA/1682/2014 - Dwelling House, Retaining Walls And Earthworks
Lot 6 DP 1196932
24 Paddock Close, ELERMORE VALE NSW 2287**

Thank you for your recent lodgement of the above application. A preliminary assessment of this application has been undertaken and to assess your application further additional information is required. This information request is issued pursuant to Clause 54, 127, 140 and 158 (as applicable) of the Environmental Planning and Assessment Regulation 2000, inclusive of public participation in the planning process and is considered fundamental to the assessment of your application. The additional information required is as follows:

1. Additional Driveway details are required. Full details of proposed driveway is required including; location, materials, width at front boundary and driveway profile ie; a section view showing proposed gradient and including transition zones.
2. The proposed windows on the upper northern elevation and front balcony fails to comply with Councils Development control plan 2014 part 3.12 Visual privacy, this states design of buildings are to provide an acceptable level of internal and external visual privacy for new and existing developments, on subject and surrounding land. ie. A privacy screen or relocation of windows.

Amend plans to reflect the above requirements.

Note: the subject application has been referred to the Rural Fire Service, and placed on notification, additional information may be still required.

Your response is required within 28 days from the date of this letter so that the assessment of the application may continue in a timely manner. Council's Development Control Plan No.1 can be accessed on Council's website www.lakemac.com.au to assist you in the preparation of your additional information.

As a result of this Information Request you have a number of options available to you:-

1. Provide Council with the requested information within the allotted timeframe; or
2. Request that the application be determined based on the information presently submitted, on the understanding it will be recommended for refusal; or
3. Advise that the application is withdrawn, and request a refund of applicable fees; or

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3.12 VISUAL PRIVACY

Objectives

- a. To ensure that the design of buildings provides an acceptable level of internal and external visual privacy for new and existing developments, on the subject and surrounding land.
- b. To maximise outlook, views, and natural surveillance without compromising visual privacy.

Controls

1. Developments must provide for a reasonable level of privacy in accordance with the Planning Principle established by the Land and Environment Court in *Meriton v Sydney City Council* [2004] NSWLEC 313 and *Super Studio v Waverley Council* [2004] NSWLEC 91.
2. Living areas, habitable rooms and windows must be orientated to private open space areas on the same lot, or to the street.
3. Doors, windows and balconies must be located to avoid overlooking of private open space of surrounding dwellings where possible. Screening devices, high sills or obscured glass may be used only where other options are not feasible.
4. Where possible, the windows of dwellings must be located so they do not provide direct or close views (less than nine metres away) into the windows of other dwellings.
5. Planter boxes, louvres, screens, pergolas, balcony design and the like must be used to screen a minimum of 50% of the principal private open space of a lower dwelling from overlooking from a higher dwelling. Landscape planting must not be relied upon as sole protection against overlooking.
6. Dwellings must be designed and orientated so that windows, balconies and decks are not situated with a direct line of sight to the habitable rooms or private open space of any adjoining dwelling.

3.13 ACOUSTIC PRIVACY

Objectives

- a. To ensure that noise emissions do not unreasonably affect the amenity of the area or result in noise intrusion that would be unreasonable for occupants, users, or visitors.
- b. To ensure that dwellings have an acceptable level of acoustic privacy.

Controls

1. Developments near existing noise generating activities such as roads, railways and industry must be designed to mitigate the effect of noise on the occupants.
2. Where viable, noise sensitive areas – such as bedrooms and private open space in mixed use developments – must be located away from noise sources.
3. Building structures must be designed to minimise the transmission of sound, particularly to sleeping and living areas through design measures such as , (e.g. orientation, separation, double glazing, screened balconies etc).
4. Development must demonstrate that dwellings achieve an internal comfort level in accordance with the relevant Australian Standard.
5. Private open space including balconies must be designed to achieve comfort levels in accordance with relevant Australian Standards for noise accentuation.

3.14 LANDSCAPED AREA

Objectives

- a. To provide areas of landscape planting that improve visual amenity, privacy, outlook, views and recreational opportunities for residents and occupants within a development