

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

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| Application number: | DA21/0784 |
| Proposed development: | Shed, Driveway Addition and Drainage Works |
| Property address: | 13 - 15 Vane Street, CRANE BROOK NSW 2749 |
| Property description: | Lot 3 DP 1242079 |
| Date received: | 27 October 2021 |
| Assessing officer | Lawrence Ligato |
| Zoning: | C4 Environmental Living - LEP 2010 |
| Class of building: | Class 10a |
| Recommendation: | Approve |

Executive Summary

Council is in receipt of a development application for a Shed at 13 - 15 Vane Street CRANE BROOK NSW 2749. The shed is considered ancillary to the approved dwelling house under DA21/0301. The subject site is zoned E4 Environmental Living and the proposal is a permissible land use in the C4 zone with Council consent. The property is identified as Bushfire Prone Land (Entirely) and the application has been assessed in accordance with Clause 4.14 of the Environmental Planning and Assessment Act 1979.

An assessment under Clause 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

Site & Surrounds

The subject site is situated on the northern side of Vane Street, Cranebrook. It is 2Ha in area, is orientated in a southern direction and is relatively flat.

An inspection of the site was undertaken on 9/11/20 and the site contains a dwelling under construction.

The surrounding area is characterised by rural/residential development.

Proposal

The proposed development involves:

- Construction of a shed including parking and associated drainage works.

Plans that apply

BUSHFIRE PRONE LAND (ENTIRELY)
PENRITH DCP 2014
DRAFT LEP 2010 (REVIEW PHASE 1)
GENERAL LIST
EASEMENT R O C VARIABLE WIDTH
EASEMENT FOR SERVICES VARIABLE WIDTH
CONSENTS - SEC. 80 OF ENVIRONMENTAL PLANNING AND A
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS
DEV/BLD - RATU - SEE 88B
DEV/BLD - COVENANT(S)
DCP 2014 - Tree Preservation Controls
LEP 2010 - Dual Occupancy and Secondary Dwellings
DCP 2014 - General Information
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
FLOOD RELATED DEVELOPMENT CONTROLS
Heritage Item(s) - LEP 2010 Archaeological Site
Local Environmental Plan 2010
No Comp Devel under GHC – Her Item/Dr Her Item
No Comp Devel under HA Code -Her Item/Dr Her Item
No Comp Devel under CIA Code -Her Item/Dr Her Item
No Comp Devel under Sub Code -Her Item/Dr Her Item
No Comp Devel under RH Code - Her Item/Dr Her Item
No Comp Devel under GD Code - Her Item/Dr Her Item
No Comp Devel under Dem Code - Her Item/Dr Her Item
No Comp Devel under C & I (NBA) Code - Her Item
No Comp Devel under FS Code - Her Item
No Comp Devel under LRHDC – Her Item/Dr Her Item
No Comp Devel under H Code - Her Item/Dr Her Item
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE
STATE ENV PLANNING POLICIES - GENERAL LIST
NORTH WARD
E4 Environmental Living - LEP 2010
LEP 2010 - Clause 7.2 Flood Planning
LEP 2010 - Clause 4.2A Res Devel and Subdn Prohib
LEP 2010 - Additional Land Use Notes

Planning Assessment

- **Section 4.14 - Bushfire prone land assessment**

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

- The property is identified as bushfire prone land.
- Planning for Bush-fire Protection (2019) states that there is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas.
- The proposed shed is greater than 6m from the approved dwelling, therefore, there are no bush fire protection requirements.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

Is the development permissible in the zone? **Complies**

Is the development consistent with any requirements of environmental planning instruments relevant to this proposal (including any applicable SEPP's, SREP's and LEP's)? **Complies**

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

Is the development consistent with any draft planning instruments relevant to this proposal **N/A**

Section 4.15(1)(a)(iii) Any development control plan

Is the development consistent with the provisions of any development control plan relevant to this proposal? **Does not comply - See discussion**

Section 4.15(1)(a)(iv) Any applicable regulations

Is the development consistent the provisions of any regulations relevant to this proposal? **Complies**

Section 4.15(1)(b) The likely impacts of the development

Context and setting

Is the development consistent with the bulk, scale colour and design of other development in the locality? **Complies - See discussion**

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

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

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

Sunlight (overshadowing): **Complies**

Visual and acoustic privacy: **Complies**

Views or vista: **Complies**

Access and Transport

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

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

Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument. **Complies - See discussion**

Soil

The development will have minimal impact on soil erosion and sedimentation **Complies**

Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip **Complies**

Land is not considered to be contaminated: **N/A**

Bushfire requirements provided for the development **Complies - See discussion**

Acoustic requirements provided for the development **Complies - See discussion**

Site design

The development is sensitive to environmental conditions and site attributes. **Complies**

Does the development safe guard the health and safety of the occupants **Complies**

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

| | |
|---|------------|
| Was the site inspected? | Yes |
| Does the proposal fit locality? | Yes |
| Are the site attributes conducive to development? | Yes |
| Will the proposal have minimal social and economic impacts on the locality? | Yes |
| Has any applicable 88b instrument been considered? | Yes |
| Does the development propose the removal of trees? | Yes |
| Have the plans been checked by any relevant developer groups? | N/A |
| Has a BASIX certificate been provided? | Yes |

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

| | |
|--|------------|
| Was the application required to be publicly notified? | No |
| Were any submissions received during the public notification period? | N/A |

Section 4.15(1)(e)Public Interest

| | |
|--|-----------------|
| The application will have minimal impacts on public interest | Complies |
|--|-----------------|

Conclusion/Summary

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA21/0784 for a Shed, Driveway Addition and Drainage Works at 13 - 15 Vane Street CRANEBROOK NSW 2749, be approved subject to the attached conditions.

CONDITIONS

General

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

The development must be implemented substantially in accordance with the plans and stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works over \\$12,000\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 [A020 - Use of building](#)

The building shall not be used under any circumstances for any commercial, industrial or habitable residential activity.

5 [A special - Hedge](#)

Prior to the issue of an **Occupation Certificate**, the appointed Principal Certifier is to ensure that landscape screening 'Acmena smithii', 'Leylandii Conifers' or similar is planted as amended in red on the stamped approved landscape plan. This landscape screening is to obtain a minimum mature growth height of 3-6 metres, is to be retained for the life of the development and must not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property.

Environmental Matters

6 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed prior to the commencement of works on site, including approved clearing of site vegetation. The erosion and sediment control measures are to be installed and maintained in accordance with "Managing Urban Stormwater: Soils and Construction" (2004).

{Note: Visit <https://www.environment.nsw.gov.au/research-and-publications/publications-search/managing-urban-stormwater-soils-and-construction-volume-1-4th-edition> to obtain a copy of the publication.}

The erosion and sediment control measures are to be maintained until all development works have been completed and the site is stabilised.

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

7 [D005 – No filling without prior approval \(may need to add D006\)](#)

No recycling of material to be used as fill material shall be carried out on the site without the prior approval of Council.

8 D007 - Cut and fill of land requiring Validation Certificate –limited to footprint

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

9 D009 - Covering of waste storage area

All construction waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.

10 D010 – Appropriate disposal of excavated or other waste

Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled *in accordance with the approved Waste Management Plan. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.*

Waste is to be stored in a designated storage area prior to removal for disposal or recycling. Where possible, the waste storage area is to be located so that it is not visible to the occupiers of adjoining properties. The waste storage area is *[to be located a minimum of 40 metres from a waterway and is]* to be undercover, or is to be provided with a weatherproof cover, when it is unattended or not in use. The waste storage area is to be maintained to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

11 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Construction

12 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

13 [H006 - Submission of and implement waste management plan](#)

The Council approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the Council approved plan.

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

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the shed is to be in accordance with the stamped approved colour schedule.

Engineering

15 [K026 - Stabilised access](#)

All land required for vehicular access to the garage/shed is to be concreted or sealed with bituminous pavement in accordance with the driveway location as shown on the stamped approved plans.

16 [K209 - Stormwater Discharge – Minor Development](#)

Prior to the issue of a **Construction Certificate**, the Principal Certifier shall ensure that the site stormwater drainage system design includes a minimum 10KL rainwater tank size for the entire site in accordance with Section 5.3 of Council's Stormwater Drainage Specification for Building Developments.

Landscaping

17 [L008 - Tree Preservation Order \(use only if a tree is to be removed\)](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of the proposed building footprint or as shown on the approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

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

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

Payment of Fees

19 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

20 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

21 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Operation of OSSM

22 **R Special (BLANK)**

At no time is stormwater to be directed into the Aerated Wastewater Treatment System or onto the wastewater effluent disposal area.

Appendix - Development Control Plan Compliance

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.

| | Standards | Proposal | Compliance |
|---|---|-----------------------------|----------------|
| Front setback | 15m | 69m | Yes |
| Side setback | 5m | 5m | Yes |
| Maximum accumulative building footprint of all farm buildings | 200m ² | 216m ² | No - see below |
| Minimum building separation | 10m to a dwelling located on the same allotment 20m to a dwelling located on an adjacent allotment | 13m Greater than 20m | Yes N/A |
| Height | 8m | 5.366m | Yes |
| Maximum external wall height | 5m | 5m | Yes |
| Maximum external wall length | 15m | 18m | No - see below |
| Roof pitch | minimum - 15° maximum - 25° | 11° | No - see below |
| Total cumulative ground floor footprint | 600m ² | Total: 469m ² | Yes |

The proposed development is generally in accordance with the relevant aspects of the Rural Land Uses Section of the DCP, however, is non-compliant with the following controls. A request for variation was submitted with the application and is supported in this instance:

Shed footprint, wall length & roof pitch:

The maximum size for farm buildings (sheds) is 200m² and the proposed shed is 216m². This is in a minor encroachment of 16m² over the maximum size. The shed will be used as a workshop, a storage facility for personal items (such as hobby cars/boats) as well as the storage for vehicles and machinery including bobcats, mowers and tractors. There are a number of other sheds in the locality that are similar in size, scale and bulk. This proposed shed is consistent with numerous sheds in the locality and is considered satisfactory given the nature of the building on a large rural lot of 2ha.

The following properties have sheds of similar size within close proximity of the subject site:

- DA01/3107 - 35 Church Lane CRANE BROOK NSW 2749
- DA18/0910 - 198 Church Lane CASTLEREAGH NSW 2749
- DA20/0124 - 192 Church Lane CASTLEREAGH NSW 2749
- DA17/0285 - 174 Church Lane CASTLEREAGH NSW 2749

The maximum external wall length is 15m and the proposed shed contains an external wall length of 18m. The length is required to provide the level of utility being sought by the proponent. The view that is available from the street will be of the narrower 12m elevation with a garage appearance. The length of the building (and therefore total area) will have little if any impact on such view and will therefore not be out of keeping with the locality. Reduction in length to achieve the minimum in the DCP will have no material effect (or benefit) on the streetscape. Further, appropriate native landscaping capable of attaining a minimum height of 3m at maturity has been conditioned as part of the application within the 5m side setback and must be planted prior to the issue of an Occupation Certificate.

The shed is sited behind the proposed dwelling and is unlikely to result in any negative impacts on adjoining or surrounding properties. The lesser roof pitch does not undermine any established character traits of the local built form and ensures that suitable roof drainage is still provided for. Therefore, the variation of the roof pitch is also considered acceptable in this instance.

Heritage:

- The property owner provided a previous heritage assessment for the site, showing that the entire lot (therefore, including the proposed shed location) does not intersect the original road layout from the heritage listed township. Therefore, the proposal is satisfactory from a heritage perspective.
- There are no existing sheds on the subject property;
- The actual size of the enclosed shed portion of the proposed building is 216m²;
- The total cumulative ground floor footprint is 469m² which is substantially less than the maximum 600m² permissible; and
- Restriction numbered two of DP 12427079 specifically allows for rural sheds to be constructed outside of the building envelope which was a consideration in the recently approved subdivision application.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

| Referral Body | Comments Received |
|--|---------------------------------------|
| Development Engineer | No objections - subject to conditions |
| Heritage | No objections |
| Environmental - Environmental management | No objections - subject to conditions |