

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA20/0219
Proposed development:	Demolition of Existing Shed and Construction of New Colourbond Shed
Property address:	7 Murroobah Road, WALLACIA NSW 2745
Property description:	Lot 6B DP 354545
Date received:	28 April 2020
Assessing officer	Paul Buttigieg
Zoning:	RU5 Village - LEP 2010
Class of building:	Class 10a
Recommendation:	Approve

Executive Summary

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

Site & Surrounds

The subject site is situated on the northern side of Murroobah Road Wallacia. It is 727m² in area, is orientated in a southern direction and has slope falling to the eastern side of the lot.

An inspection of the site was undertaken on 7/05/2020 and the site is currently occupied by a single storey dwelling detached alfresco and a detached garage.

The surrounding area is characterised by residential development.

Proposal

The proposed development involves:

Demolition of the existing detached garage and construction of a detached garage and associated drainage works.

Plans that apply

1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
DRAFT AMENDMENT - DCP 2014 HOUSEKEEPING
GENERAL LIST
LOW FLOOD ISLAND
LEP 2010 / DCP 2014 - Mulg Wallac Villis Controls
DCP 2014 - Tree Preservation Controls
DCP 2014 - General Information
LEP 2010 - SERVICED APARTMENTS
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
FLOOD RELATED DEVEL CONTROLS - LOW FLOOD ISLAND
Local Environmental Plan 2010
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
STATE ENV PLANNING POLICIES - GENERAL LIST
SOUTH WARD
RU5 Village - 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 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

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

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

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

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

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

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

Is the development consistent with the provisions of any development control plan relevant to this proposal? **Complies**

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
Will the development have only a minor impact of the amenity of the area and the streetscape?	Complies
Is the development compatible with surrounding and adjacent land uses	Complies
Will the development have no or minimal impact on the amenity of the area in terms of:	
Sunlight (overshadowing):	Complies
Visual and acoustic privacy:	Complies
Views or vista:	Complies

Access and Transport

Will the development have no or minimal impact on the local road system	Complies
Is the existing and any proposed access arrangements and car parking on site adequate for the development?	Complies

Heritage

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

The development will have minimal impact on soil erosion and sedimentation	Complies
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Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip	Complies
Land is not considered to be contaminated:	N/A
Bushfire requirements provided for the development	N/A
Acoustic requirements provided for the development	N/A

Site design

The development is sensitive to environmental conditions and site attributes.	Complies
Does the development safe guard the health and safety of the occupants	Complies

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

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

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

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

Section 4.15(1)(e)Public Interest

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

The proposed design is site responsive, complies with key development standards and is in the public interest.

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

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

Recommendation

1. That DA20/0219 for construction of a detached garage at 7 Murroobah Road Wallacia, be approved subject to the attached conditions (Development Assessment Report Part B).

General

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

The development must be implemented substantially in accordance with the plans drawn by ICR Design, numbered 19089 and dated 16/05/2020 Revision B, 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 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 [A special - Sydney water building approval](#)

Prior to the issue of a **Construction Certificate**, A Sydney Water Building approval is to be provided to the Certifying Authority.

Demolition

7 [B001 - Demolition of existing structures](#)

The existing detached garage is to be demolished as part of the approved work.

8 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

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

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

9 [B003 - ASBESTOS \(amended from Council adopted version\)](#)

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

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

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

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

10 [B004 - Dust](#)

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

11 [B005 - Mud/Soil](#)

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

12 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

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

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

Environmental Matters

13 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 maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until [the landscaping, driveway and on-site parking areas have been completed for the development. / the land, that was subject to the works, have been stabilised and grass cover established.]** *Delete whichever is not applicable* These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

14 D009 - Covering of waste storage area

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

15 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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

BCA Issues

16 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

17 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.

18 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 (development) is to compliment and blend with the established development on the subject lot.

19 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

20 **K016 - Stormwater**

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

21 **K026 - Stabilised access**

All land required for vehicular access to the garage/shed is to be concreted or sealed with bituminous pavement.

22 **K041 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Landscaping

23 **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.

24 **L012 - Existing landscaping (existing developments)**

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

Payment of Fees

25 **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

26 **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.

27 **Q05F - Occupation Certificate for Class10**

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

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

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

Appendix - Development Control Plan Compliance

Penrith Development Control Plan 2014:

D1.2 Rural Dwellings and Outbuildings

Complies Y/N

1.2.1 Siting and Orientation of Dwellings and Outbuildings 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).

Yes

b) The design of the development must consider all components including fencing, outbuildings, and driveways and landscaping.

Yes

c) 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.

Yes

1.2.1 Landscape / Scenic Character a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.

Yes

b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.

Yes

c) 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

Yes, The same front setback as the existing garage is proposed

d) Roads should be designed and located to run with the contours of the land.

N/A

e) 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.

Yes

f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.

N/A

1.2.2 Setbacks and Building Separations

1)Setbacks from Roads

a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.

No, The same front setback as the existing garage is proposed. The proposed setbacks are consistent with the locality zoned RU5 village.

b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.

Yes

c) 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.

N/A

d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).

N/A

2)Setbacks from Watercourses

a) 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.

N/A

b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.

Yes

c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.

N/A

3) Building Separations and Side Boundary Setbacks

a) 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.

N/A

b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.

N/A

c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectare.

N/A

d) 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.

N/A

1.2.3 Site Coverage, Bulk and Massing

1) Dwellings shall have a maximum ground floor footprint of 500m² (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.

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Yes

2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.

N/A

3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.

N/A

4) No more than three (3) undercover car parking spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.

Yes

5) A maximum ground floor footprint of 600m² 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.

Yes

1.2.4 Height, Scale and Design

a) Dwellings shall be no more than two storeys in height, including garage and storage areas.

Yes

b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.

N/A

c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.

Yes

d) 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 D1.7.

Yes

Design and Quality

a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.

Yes, The facade of the garage is brick and will complement the dwelling

b) 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.

N/A

1.2.7 Materials and Colours

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.

Yes, The colours of the garage is brick and will complement the dwelling

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.

Yes

3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.

N/A

Penrith Local Environmental Plan 2010:

Clause 7.5 - Protection of scenic character and Landscape values

The proposed development has no significant visual impact. The new shed will be in keeping with the surrounding residential land uses, existing residential setbacks, and the low rise appearance of the development further limits any visual impacts.

Clause 7.19 - Villages of Mulgoa and Wallacia

The provisions of this clause are not applicable, as the development does not propose any dual occupancy use or the subdivision of land. Standard dwelling house uses are not covered by this clause.