

# PENRITH CITY COUNCIL

## FAST LIGHT ASSESSMENT REPORT

|                              |                                                             |
|------------------------------|-------------------------------------------------------------|
| <b>Application number:</b>   | DA19/0092                                                   |
| <b>Proposed development:</b> | Construction of single storey dwelling and a swimming pool. |
| <b>Property address:</b>     | 29 Allan Road, MULGOA NSW 2745                              |
| <b>Property description:</b> | Lot 15 DP 1225912                                           |
| <b>Date received:</b>        | 11 February 2019                                            |
| <b>Assessing officer</b>     | Matthew Warbrick                                            |
| <b>Zoning:</b>               | RU5 Village - LEP 2010                                      |
| <b>Class of building:</b>    | , Class 10b                                                 |
| <b>Recommendation:</b>       | Approve                                                     |

### Executive Summary

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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

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The subject site is situated on the north western corner of Bellbird Avenue and Allan Road Mulgoa. It is 890m<sup>2</sup> in area, is orientated in a southern direction and the site is considered to be relatively flat.

An inspection of the site was undertaken on 18/02/2019 and the site is currently vacant.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of a single storey dwelling, swimming pool, landscaping and associated drainage works.

### Plans that apply

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Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River  
Local Environmental Plan 2010  
Development Control Plan 2014

## Planning Assessment

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### • 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 site is identified as being entirely bushfire prone land.
- An inspection of the subject site and surrounds was carried out on 18th November 2018.
- The bushfire hazard is identified as
  - Type: Forest
  - Orientation: east
  - Distance: Approx. 75m
  - Slope: Downslope 5-10°
- A Bushfire Assessment Report , prepared by Bushfire Management Consultants and dated 23 January 2019 was submitted as supporting documentation for the application.
- Considering the findings from the site inspection and the Bushfire protection report, the dwelling is subject to a BAL 12.5 in accordance with the "Planning for Bushfire Fire Protection' document prepared by the NSW Rural Fire Service. The consent will be conditioned accordingly.

### • 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 79C(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 79C(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 79C (1)(a)(iii) Any development control plan

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

**Complies - See discussion**

### Section 79C (1)(a)(iv) Any applicable regulations

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

**Complies**

## Section 79C (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? | <b>Complies</b> |
| Will the development have only a minor impact of the amenity of the area and the streetscape?              | <b>Complies</b> |
| Is the development compatible with surrounding and adjacent land uses                                      | <b>Complies</b> |
| Will the development have no or minimal impact on the amenity of the area in terms of:                     |                 |
| Sunlight (overshadowing):                                                                                  | <b>Complies</b> |
| Visual and acoustic privacy:                                                                               | <b>Complies</b> |
| Views or vista:                                                                                            | <b>Complies</b> |

### Access and Transport

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

### Heritage

|                                                                                                             |                 |
|-------------------------------------------------------------------------------------------------------------|-----------------|
| The property is not subject to any heritage order or is identified as heritage under a planning instrument. | <b>Complies</b> |
|-------------------------------------------------------------------------------------------------------------|-----------------|

### Soil

|                                                                            |                 |
|----------------------------------------------------------------------------|-----------------|
| The development will have minimal impact on soil erosion and sedimentation | <b>Complies</b> |
|----------------------------------------------------------------------------|-----------------|

### Natural and Technological Hazards

|                                                                |                                  |
|----------------------------------------------------------------|----------------------------------|
| The development is not subject to flooding, subsidence or slip | <b>Complies</b>                  |
| Land is not considered to be contaminated:                     | <b>Complies</b>                  |
| Bushfire requirements provided for the development             | <b>Complies - See discussion</b> |
| Acoustic requirements provided for the development             | <b>Complies</b>                  |

### Site design

|                                                                               |                 |
|-------------------------------------------------------------------------------|-----------------|
| The development is sensitive to environmental conditions and site attributes. | <b>Complies</b> |
| Does the development safe guard the health and safety of the occupants        | <b>Complies</b> |

## **Section 79C (1)(c) The suitability of the site for development**

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

## **Section 79C (1)(d) Any submissions made in accordance with the EPA Act and Regulations?**

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

## **Section 79C (1)(e)Public Interest**

|                                                              |                 |
|--------------------------------------------------------------|-----------------|
| The application will have minimal impacts on public interest | <b>Complies</b> |
|--------------------------------------------------------------|-----------------|

## **Conclusion/Summary**

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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**

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1. That DA19/0092 for the construction of a single storey dwelling and swimming pool at 29 Allan Road Mulgoa, 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 numbered 2024 - 18Cb ( Sheet 1 & 2) , drawn by Adan Creative Designs and dated 05-02-2019, and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

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

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

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

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

4 [A046 - Obtain Construction Certificate before commencement of works](#)

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

5 [A special - Blank](#)

The footing and foundations shall be prepared by a suitably qualified structural engineer and/or civil engineer and shall also take into account the recommendations of the Geotechnical Report prepared by Douglas Partners, Report. 89256.05 dated March 2018

6 [A special \(A041\) - CONSTRUCTION IN BUSHFIRE AREAS](#)

All new works shall be constructed in accordance with the provisions of the "Planning for Bushfire Protection" December 2006 document including "Addendum: Appendix 3" and "AS3959 - 2009 'Construction of buildings in Bushfire Prone Areas'". In this regard the following applies:

\* Gutter and Valley Guards are to be installed in the development in accordance with Clause 4.3.5 of "Planning for Bushfire Protection" 2006; and

\* All development is required to comply with "Addendum: Appendix 3" of "Planning for Bushfire Protection" 2006 particularly Clause A3.7; and

\* The development is to be constructed to BAL12.5 construction under "AS3959-2009 'Construction of buildings in bushfire-prone areas'".

## Demolition

7 [B005 - Mud/Soil](#)

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

## Environmental Matters

8 [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 and the land, that was subject to the works, have been stabilised and grass cover established.** 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.

9 **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.

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.”}

10 **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.

11 **D010 – Appropriate disposal of excavated or other waste**

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

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

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

## **BCA Issues**

12 **E001 - BCA compliance**

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
  - complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

## **Health Matters and OSSM installations**

13 **F006 - Water tank & nuisance**

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## **Construction**

14 **H001 - Stamped plans and erection of site notice**

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

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

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

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

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

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

15 **H002 - All forms of construction**

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

16 **H022 - Survey (as amended)**

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed.

17 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the manufacturer's specifications, and
- Sydney Water and NSW Health requirements

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

18 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

19 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

20 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

21 [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

22 [K016 - Stormwater](#)

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

23 [K026 - Stabilised access](#)

All land required for vehicular access within the site is to be stabilised.

24 [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.

25 [K202 - Roads Act \(Minor Roadworks\)](#)

Prior to the issue of a Construction Certificate a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a vehicular crossing/s.
- g) Placing of hoardings, containers, waste skips, etc. in the road reserve.
- h) Replacement of damaged kerb and gutter for the full property frontage.
- i

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

26 [K501 Roads Authority clearance](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

## Landscaping

27 **L001 - General landscaping (applies to most building works)**

Prior to the issue of an Occupation Certificate, the land surrounding the development, that was subject to any works or disturbance, shall be stabilised and grass cover established.

Landscaping shall be maintained:

- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

28 **L008 - Tree Preservation Order**

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

## **Payment of Fees**

29 **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**

30 **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:

- 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
- 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.

31 **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

[illegible]

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.2.1 | <p><b>Landscape / Scenic Character</b></p> <p>a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</p> <p>b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</p> <p>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.</p> <p>d) Roads should be designed and located to run with the contours of the land.</p> <p>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.</p> <p>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.2.2 | <p><b>Setbacks and Building Separations</b></p> <p><b>1) Setbacks from Roads</b></p> <p>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.</p> <p>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</p> <p>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.</p> <p>d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and</p>                                                                                                                                                                                                                                                        | <p>No</p> <p>Yes</p> <p>NA</p> <p>NA</p>                          | <p>5.63m front setback proposed.</p> <p>Though the lot is zoned Rural, the subdivision provides a large lot residential appearance to bridge the gap between the residential and rural areas that immediately surround the subdivision.</p> <p>Given the 890.7sqm lot size and the existing site constraints, the proposed front setback is reasonable and is in accordance with development in the immediate area.</p> |

|  |                                                                                                                                                                                                                                                                                   |     |                                                                                                                                                                                            |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | outbuildings (except in the Mulgoa Village).                                                                                                                                                                                                                                      |     |                                                                                                                                                                                            |  |
|  |                                                                                                                                                                                                                                                                                   | N/A |                                                                                                                                                                                            |  |
|  | <b>2) Setbacks from Watercourses</b>                                                                                                                                                                                                                                              |     |                                                                                                                                                                                            |  |
|  | 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 minimum setback of 75m is required from South Creek for all dwellings and outbuildings.                                                                                                                                                                                      | N.A |                                                                                                                                                                                            |  |
|  | c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.                                                                                                                            | Yes |                                                                                                                                                                                            |  |
|  |                                                                                                                                                                                                                                                                                   | NA  |                                                                                                                                                                                            |  |
|  | <b>3) Building Separations and Side Boundary Setbacks</b>                                                                                                                                                                                                                         | No  | 4.3 m western side setback proposed.                                                                                                                                                       |  |
|  | 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. | NA  |                                                                                                                                                                                            |  |
|  | b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.                                                                                                                                                                                     |     | Given the 890.7sqm lot size and the existing site constraints, the proposed side setback is considered reasonable and is in accordance with surrounding development in the immediate area. |  |
|  | c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.                                                                                                                                                                                      |     |                                                                                                                                                                                            |  |
|  | 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.                                       |     | Rural/residential amenity is achieved with the proposed setbacks.                                                                                                                          |  |

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                        |  |
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| 1.2.3 | <p><b>Site Coverage, Bulk and Massing</b></p> <p>1) Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).</p> <p><b>Note:</b> '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.</p> <p>2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</p> <p>3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</p> <p>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.</p> <p>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.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |  |

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| 1.2.4 | <p><b>Height, Scale and Design</b></p> <p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p> <p>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.</p> <p><b>Design and Quality</b></p> <p>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</p> <p>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.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>NA</p> | <p>.</p> <p>Relatively flat building footprint.</p> <p>Minimal earthworks required.</p> <p>Fencing not proposed.</p> |
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| 1.2.7 | <p><b>Materials and Colours</b></p> <p>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.</p> <p>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.</p> <p>3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</p> | <p>Yes</p> <p>Yes</p> <p>NA</p>              |                                                                                         |
| E9    | Mulgoa Valley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Complies Y/N                                 | Comments                                                                                |
| 9.1.2 | <p><b>Siting</b></p> <p>1) Buildings are to be located on mid-slopes to avoid visual impact on ridges and to avoid the banks of watercourses</p> <p>2) Buildings are to be setback at least 30m from public roads and at least 100m from Mulgoa Road. This control may be varied depending on the topography of the site.</p> <p>3) Buildings are to minimise excavation, filling and high foundations by avoiding slopes greater than 1 in 6</p> <p>4) The longest façade of a building is to be parallel to the contours of the land.</p> <p>5) Buildings are to be grouped to minimise the visual impact of buildings in an open rural landscape.</p>                                                                                                                       | <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> | <p>Setbacks are consistent with lot size and development of neighbouring properties</p> |





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| 9.1.6 | <b>Fences and Entrances</b> <ol style="list-style-type: none"> <li>1. <b>If practicable, avoid fences on road frontage boundaries.</b></li> <li>2. <b>Fences should be simple and unpretentious, and in keeping with traditional forms. E.g. unpainted timber post and rail, timber post and wire or steel post and wire. Masonry fences should be avoided.</b></li> <li>3. <b>Gates and entrances should also be simple, and in keeping with traditional forms. Examples are:</b> <ol style="list-style-type: none"> <li>1. Rendered and pointed brickwork, blockwork, sandstone, painted timber or post and rail</li> <li>2. Decorated gateposts with the property name carved or painted onto the gatepost or painted onto a wide timber top rail and</li> <li>3. Decorated iron steel or timber gates.</li> </ol> </li> <li>1. Gates and entrances should relate to the materials and colours of the building to which they belong.</li> </ol> | N/A |  |
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