

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/1191.01
Proposed development:	Single Storey Dwelling, Swimming Pool, Shed and On-Site Sewage Management System (OSSM) - Section 4.55 (1A) Modification
Property address:	71 Allan Road, MULGOA NSW 2745
Property description:	Lot 6 DP 1201432
Date received:	21 May 2019
Assessing officer	Lawrence Ligato
Zoning:	E4 Environmental Living - LEP 2010
Class of building:	Class 1a , Class 10a , Class 10b
Recommendations:	Approve

Executive Summary

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

The property is owned by Stuart Ayres MP, Member for Penrith and therefore the application requires consideration by the Penrith Local Planning Panel.

Site & Surrounds

The subject site (the site) is situated on the northern side of Allan Road, Mulgoa. It is 1Ha in area, is orientated in a southern direction and has a gentle slope from the rear to the street boundary. The property is identified as Bushfire Prone Land (Entirely).

The surrounding area is characterised by modest size dwellings on large rural allotments and is within the Mulgoa Valley. Allan Road intersects with Mulgoa Road, which is a major arterial road providing good transport links.

Proposal

The proposed development involves:

- Construction of a single storey dwelling, swimming pool and shed including parking, landscaping and associated drainage works;
- Installation of an on-site sewage management system

The proposed Section 4.55 (1A) Modification includes the following:

- Powder room reduced in size
- Master bedroom increased in size
- Bathroom and ensuite Increased in size
- Additional verandah to BBQ area
- Rural shed colour change

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014

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

The applicant submitted a self assessment bushfire report which identified a BAL-29 rating. Council has undertaken a review of this report and site conditions and formed a different position being a rating of BAL-12.5. The development has been assessed in accordance with the matters for consideration under Clause 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 lot is identified as bushfire prone land.
- The proposed dwelling is located approximately 93 metres from woodland vegetation to the east of the proposal and approximately 98 metres from woodland vegetation to the north of the proposal.
- The vegetation is classified as woodland.
- The effective slope is considered flat.

A condition is therefore recommended to ensure the development meets the specifications and requirements of "Planning for Bushfire Protection" December 2006, and to a BAL-12.5 construction in accordance with AS 3959-2009 "Construction of Buildings in Bushfire-prone areas".

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.55(3) and Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been considered:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The likely impacts of the proposed modification application have been considered in accordance with Section 4.15 of the Act. Consideration is also given to relevant provisions of the Penrith LEP and DCP that are of relevance to the development the subject of this application.

- **Section 4.55(1A) - Modifications involving minimal environmental impact**

The development has been assessed in accordance with the matters for consideration Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been considered:

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* Council may modify a development consent provided several prerequisites are satisfied. The prerequisites are briefly discussed below.

(a) The proposed modification is of minimal environmental impact.

The matter being modified will not create an environmental impact.

(b) The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

The development is considered to be "substantially" the same as the original proposal.

(c) The application has been notified where required.

The application was not required to be re-notified.

(d) Any submissions made concerning the proposed modification within the period prescribed by the Regulations or provided by the Development Control Plan, have been considered.

N/A

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Part 7 Additional local provisions	
Clause 1.2 Aims of the plan	Complies
Part 2 Permitted or prohibited development	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion
Clause 7.18 Mulgoa valley	Complies - See discussion

Clause 2.3 Permissibility

Dwelling houses are a permissible land use within the E4 Environmental Living zone under Penrith LEP 2010 with Council consent.

Clause 2.3 Zone objectives

Objectives of the E4 Environmental Living zone:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land
- To preserve and improve natural resources through appropriate land management practices.

The proposed development meets these objectives as the proposed development provides a suitably designed dwelling which is compatible with the attributes of the land, with proposed planting to embellish the site and positively contribute to the landscape character of the surrounding area.

Clause 7.5 Protection of scenic character and landscape values

The objectives of this clause are as follows:

- (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,
- (b) to ensure development in these areas is located and designed to minimise its visual impact.

The proposed development meets the objectives of this clause in relation to location and design as there is minimal visual impact from the development and the property is not in the vicinity of major roads or identified heritage items.

Clause 7.7 Servicing

The development will have adequate facilities for the removal and disposal of sewage. An on-site sewage management (OSSM) system is proposed as part of the development and complies with Penrith City Council's On-Site Sewage Management and Greywater Reuse Policy.

Clause 7.18 Mulgoa valley

The objectives of this clause are as follows:

- (a) to establish specific planning controls for land in the Mulgoa Valley (the valley),
- (b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,
- (c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,
- (d) to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road

Clause 7.18 requires that the before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied that certain key considerations are met and the above objectives are satisfied. As such the following is noted:

- The proposed development will not intrude into the skyline when viewed from any other roads.
- The site is not within a vista and does not affect any neighbouring heritage items.
- The intended siting, colours, landscaping and materials are suitable for the area.
- Extensive areas of vegetation are not proposed to be cleared.
- The intended landscaping around the site is suitable for the proposed development.
- The development will not impact upon Mulgoa Road.

The proposed amended colour schedule for the shed is suitable for the area. Therefore, the proposal as amended is suitable having regard to Clause 7.18 (Mulgoa Valley) of Penrith Local Environmental Plan 2010.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments that apply to the proposal.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D1.1. Rural Character	Complies
D1.2. Rural Dwellings and Outbuildings	Complies
D1.3. Farm buildings	Does not comply - see Appendix - Development Control Plan Compliance
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	N/A
E9 Mulgoa Valley controls	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed dwelling is necessary and this has been conditioned for assessment and certification at Construction Certificate and Occupation Certificate stage.

Section 79C(1)(b) The likely impacts of the development

Likely impacts of the proposed development as identified throughout the assessment process include:

(i) Context and Setting (environmental impacts and impacts on built environment)

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

The development will have only minor impact on the amenity of the area and the streetscape.

The development is compatible with the surrounding and adjacent land uses.

(ii) Access and transport

The development will have no adverse impact on the local road system.

The proposed access arrangements and car parking on site will be adequate for the development.

(iii) Heritage

The property is not subject to any Heritage Order or identified as a heritage item under a planning instrument.

(iv) Soil

The proposed development will have no impact on soil erosion and sedimentation.

Adequate sedimentation and erosion controls are proposed and is conditions as part of the development.

(v) Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip.

(vi) Site Design

The proposed development is sensitive to environmental conditions and site attributes.

The proposed development safeguards the health and safety of the occupants.

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

The site is suitable for the following reasons:

- The site is not encumbered by significant or endangered vegetation.
- The grade of the site is suitable for the design proposed.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development did not have to be notified to nearby and adjoining residents and as such no submissions were received.

Referrals

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

Referral Body	Comments Received
Environmental - Environmental management	No objections - subject to conditions

Section 79C(1)(e) The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

The proposed development as modified is considered to be substantially the same development as that originally approved. The application has been considered with regard to the matters raised in Section 4.15 and Section 4.55 of the Act. On balance, it is considered that the proposed development as modified is acceptable.

Recommendation

That DA17/1191.01 for a Section 4.55 (1A) Modification at 71 Allan Road MULGOA NSW 2745 be approved subject to the following:

Modify following condition:

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

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

Description	Reference Number	Author	Date
Cover Page	25.17.1	David Walker	15.8.18 (Issue D)
Floor Plan	25.17.2	David Walker	20.4.18 (Issue B)
Elevation Plan	25.17.3	David Walker	15.8.18 (Issue D)
Landscape Plan	Sheet 1 and 2	John Graham	14/05/18 (Issue B)
Shed Plan	29598	Outwest Garages and Sheds	N/A

As amended on 12 June 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

All other conditions remain the same.

General

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

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

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Landscape Plan	Sheet 1 and 2	John Graham	14/05/18 (Issue B)
Shed Plan	29598	Outwest Garages and Sheds	N/A

As amended on 12 June 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

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 [A020 - Use of building](#)

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

5 [A041 - CONSTRUCTION IN BUSHFIRE AREAS](#)

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

- Gutter and Valley Guard is 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 a BAL-12.5 construction under "AS3959-2009 'Construction of buildings in bushfire-prone area'"

6 [A042 - ASSET PROTECTION ZONES IN BUSHFIRE AREAS](#)

At the commencement of building works and in perpetuity **the entire property up to the site boundaries shall be managed as an inner protection area (IPA)** as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. The Inner Protection Area (IPA) shall be maintained as follows:

- minimise fuel levels at ground level that can be set alight by a bushfire,
- vegetation does not provide a path for the transfer of fire to the development - that is fuels are discontinuous,
- no trees are to overhang the building,
- trees should be well spread out and not form a canopy,
- trees or shrubs that retain dead material or deposit excessive quantities of fuel in a short period of time should not be planted within the IPA,
- trees and shrubs should be located far enough from the building that the radiant heat they produce or direct flame contact will not ignite the house,
- wooden sheds, combustible material, large areas or quantities of garden mulch, stacked flammable building materials etc, shall not be sited in the IPA.

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

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

8 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, two (2) additional trees from the species list below are to be incorporated into a revised Landscape Plan. The additional trees are to be planted along the front property boundary at a planting height of a minimum of 2 metres tall.

Species List:-

Eucalyptus molucana

Eucalyptus fibrosa

Eucalyptus teriticornis

Eucalyptus crebra

Eucalyptus amplifolia

Eucalyptus punctata

Eucalyptus longifolia

Angophora subvelutina

Angophora floribunda

Angophora bakeri

Allocasaurina littoralis

Melaleuca styphelioides

Syncarpia glomulifera

Corymbia maculate

Demolition

9 **B004 - Dust**

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

10 **B005 - Mud/Soil**

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

Environmental Matters

11 **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).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until 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.

12 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

13 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{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."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

14 **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."}

15 **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.

16 **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.

17 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

18 **D Special (BLANK)**

The wood fire heater is to be installed in accordance with Australian/ New Zealand Standard 2918:2001 'Domestic solid fuel burning appliances - Installation'

19 **D Special (BLANK)**

In the event of ongoing complaints being received by Council regarding odour and/or smoke from the wood fire heaters, the owner of the dwelling may be required by Council to increase the flue height of the wood fire heaters so as to ensure that the heaters comply with the NSW Environmental Protection Authority's 'Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters' (dated August 1999).

20 **D Special (BLANK)**

Offensive odours are not to be emitted from the site. Vapours, fumes, gases, or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.

21 **D Special (BLANK)**

Only dry, seasoned wood is to be used in the wood fire heater. No treated or painted wood or rubbish is to be used as a fuel source.

22 **D Special (BLANK)**

All wood used as a fuel source for the wood fire heater is to be stored undercover to ensure that it does not get wet.

23 **D Special (BLANK)**

A satisfactory final inspection shall be carried out by Council once the installation works are completed and prior to use of the solid fuel heater.

The appropriate fees are to be paid **prior to these inspections being booked with Council.**

BCA Issues

24 **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

25 **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

26 **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.

27 **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).

28 **H006 - Submission of and implement waste management plan**

The 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 approved plan.

29 **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.

30 **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 dwelling are to be in accordance with the stamped approved colour schedule.

31 **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.

32 **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.

33 **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.

34 **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.

35 [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.

Swimming Pools

36 [J002 - Fencing when water in pool](#)

When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.

37 [J004 - Pool fence \(residential\)](#)

At all times, the swimming pool is to be surrounded by a child-resistant barrier that:

- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
- is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

38 [J010 - Pool board/ sign \(add J009\)](#)

A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:

- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
- bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "CardioPulmonary Resuscitation" published by the Australian Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith).

39 [J011 - NSW Swimming Pool Register](#)

The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Penrith City Council (\$10 fee applies when registering at Council).

40 [J012 - Backwash and Overflow](#)

In areas where sewer is not available, the following requirements apply -

- The swimming pool shall be provided with filtration equipment that does not require a backwash facility (eg. a cartridge filtration system).
- Overspill water shall be diverted away from the swimming pool and not directed onto adjoining properties.
- The frequency of emptying of the swimming pool water shall be minimised. Water resulting from the emptying of the pool shall be collected and disposed of by a private wastewater disposal contractor. Disposal by other means is not permitted.

Engineering

41 [K016 - Stormwater](#)

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system or
- b) Level spreader system or
- c) Absorption trench

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

42 [K026 - Stabilised access](#)

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

43 [K041](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$3500 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works. Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

44 [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.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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).

45 [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

46 [L001 - General landscaping \(applies to most building works\)](#)

All landscape works are to be constructed in accordance with the stamped approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- 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.

47 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within 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

48 [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

49 [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.

50 [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 single storey dwelling, swimming pool and shed.

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

51 [R101 - Operational Approval prior to use](#)

The on-site sewage management (OSSM) system and effluent management area shall be installed and operated in accordance with the:

- "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- Australian Standards AS1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the Wastewater Report (prepared by Harris Environmental dated March 6 2018, ref:2765WW), and
- the Effluent Management Area Plan (prepared by Harris Environmental dated March 6 2018, ref:2765WW), and
- And, the conditions of this consent.

Prior to the issue of the 'Approval to Operate', a Commissioning Certificate for the OSSM system shall be provided to Penrith City Council for approval. This Certificate shall certify that the aerated wastewater treatment system (AWTS) has been installed and is operating in accordance with the conditions of its NSW Health accreditation documentation.

Prior to the issue of the Occupation Certificate and before the OSSM system can be used, an 'Approval to Operate' for the OSSM system is to be sought from and issued by Penrith City Council.

52 [R102 - OSSM System Type and Disposal Area \(all systems\)](#)

All wastewater generated on the site is to be diverted to a NSW Health accredited Aerated Wastewater Treatment System and be disposed of by way of surface fixed spray irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Harris Environmental dated March 6 2018, ref:2765WW) and have a minimum area of 833m².

The system and effluent management area are to be installed and managed in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS 1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- the Wastewater Report (prepared by Harris Environmental dated March 6 2018, ref:2765WW), and
- the Effluent Management Area Plan (prepared by Harris Environmental dated March 6 2018, ref:2765WW), and
- The system is to be utilised for a 5 bedroom dwelling or daily wastewater load of 1050 litres/day in accordance with Wastewater Report (prepared by Harris Environmental dated March 6 2018, ref:2765WW). Any dwelling approval on the site greater than this may require a new wastewater report for Council’s consideration.

53 [R103 - Council inspections for Installation](#)

Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required for the installation of the system.**

In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

54 [R104 - No alterations without approval](#)

The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

55 [R105 - Plumbing Code of Australia](#)

All house drainage and sanitary plumbing shall be carried out in accordance with the requirements of the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.

56 [R106 - AWTS - Design of Irrigation System](#)

The design of the irrigation system for the effluent management area is to be such that:

- The distribution line is to be buried from the tank to the designated disposal area.
- The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
- The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**
-

57 [R107 - AWTS - Irrigation pipework \(surface or sub-surface\)](#)

All irrigation pipework and fittings shall comply with AS2698 “Plastic Pipes and Fittings for Irrigation and Rural Applications”. In this regard:

- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
-
- standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,

Surface -

- all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- spray irrigation equipment connected to distribution lines shall be fixed, and
- spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 meters.

58 **R109 - No effluent runoff**

There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

59 **R110 - EMA Signage**

A minimum of two signs shall be erected within the effluent management area. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.

60 **R111 - AWTs Servicing**

The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator,
- replenishment of the disinfectant,
- the UV disinfection unit (if UV is the method of disinfectant),
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and irrigation spray outlets / sub-surface irrigation lines and filters,
- the slime growth on the filter media, and
- the operation of the sludge returns system.

ii. The following field tests are to be carried out at every service:

- free residual chlorine using DPD colorimetric or photometric method,
- pH from a sample taken from the irrigation chamber,
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.

iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.

iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.

v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:

- given to the property owner and another to the applicant (if not the same), and
- forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

61 **R115 - No structures on EMA**

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.

62 **R116 - Diversion of stormwater**

All stormwater and seepage shall be diverted away from the septic tank and the disposal area.

63 **R117 - No plants for human consumption within EMA**

Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.

64 **R118 - EMA protected from stock damage**

The effluent management area shall be protected from possible stock damage.

65 [R119 - Wastewater and Native Trees](#)

No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.

It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

66 [R127 - NSW Health Accreditation documentation required](#)

Prior to the issue of the Construction Certificate, the NSW Health Accreditation documentation is to be submitted to Council for approval. If Council is not the certifying authority, a copy of Council's written approval is to be provided to the Private Certifying Authority.

67 [R128 - Swimming pool back wash](#)

At no time is the swimming pool back wash to be directed to the on-site sewage management system.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

D1 Rural Land Uses

D1.2	Rural Dwellings and Outbuildings	Complies Y/N	Comments
1.2.1	<p>Siting and Orientation of Dwellings and Outbuildings</p> <p>Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</p> <ul style="list-style-type: none"> 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	The dwelling will result in an acceptable outcome as the dwelling has been designed with respect to site topography by minimising excavation and filling for the dwelling footprint.
	b) The design of the development must consider all components including fencing, outbuildings, and driveways and landscaping.	Yes	A landscape plan was submitted and suitably responds to the site attributes and scale of the development proposed.
	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	<p>Landscape / Scenic Character</p> <p>a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</p>	N/A	
	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	N/A	
	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.	N/A	
	f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.	Yes	
1.2.2	<p>Setbacks and Building Separations</p>		
	<p>1) Setbacks from Roads</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.	Yes	65m
	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. 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.	Yes	
	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 hectares.	Yes	11.56m
	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.	Yes	
	1.2.3 Site Coverage, Bulk and Massing		
	1) Dwellings shall have a maximum ground floor footprint of 500m ² (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. '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.	Yes	The proposed dwelling footprint has increased from 434.7m ² to 446.54m ² and still complies with this control.
	2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.	Yes	29.420m
	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	Garages not facing the street.

	5) A maximum ground floor footprint of 600m ² 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	The proposed ground floor footprint has increased from 506m ² to 511m ² and still complies with this control.
1.2.4	Height, Scale and Design		
	a) Dwellings shall be no more than two storeys in height, including garage and storage areas.	Yes	Single storey dwelling.
	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.	N/A	
	Design and Quality		
	a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.	Yes	
	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.	Yes	
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	All colours as proposed are considered to be satisfactory and in keeping with the surrounding area and neighbouring development. The amended colour schedule of the shed as proposed is considered to be satisfactory and in keeping with the surrounding area and neighbouring development.
	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.	N/A	

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	
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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	100m+	Yes
Side setback	5m	5m	Yes
Maximum accumulative building footprint of all farm buildings	200m ²	72 m ²	Yes
Minimum building separation	10m to a dwelling located on the same allotment 20m to a dwelling located on an adjacent allotment	Greater than 10m Greater than 20m	Yes Yes
Height	8m	3.48m	Yes
Maximum external wall height	5m	2.9m	Yes
Maximum external wall length	15m	12m	Yes
Roof pitch	minimum - 15° maximum - 25°	10 degrees	No*
Total cumulative ground floor footprint	600m ²	Total: 506 sqm	Yes

- Roof pitch: The shed is sited behind the 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 is considered acceptable in this instance.

E9 Mulgoa Valley

Clause	Not Applicable	Compliant	Does Not Comply	Comments
9.1. Siting and Built Form controls	<input type="checkbox"/>			
9.1.1. Heritage Items and Vistas	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	The development will have no effect on any heritage item and no heritage items are found near the development site.
9.1.2. Siting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.1.3. Building Form, Materials and Colours	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	The dwelling incorporates verandahs which are typical of traditional rural housing design. All colours as proposed are considered to be satisfactory and in keeping with the surrounding area and neighbouring development.
9.1.4. Planting	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	
9.1.5. Access, Parking and Services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	Driveway, access and parking is proposed as part of the development.
9.1.6. Fences and Entrances	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	The landscape plan states to retain and protect existing timber post and rail front boundary fencing.
9.1.7. Signage	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	
9.2. Other Controls	<input type="checkbox"/>			
9.2.1. Mulgoa Road	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	