

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA18/1106
Proposed development:	Proposed Shed
Property address:	259 West Wilchard Road, CASTLEREAGH NSW 2749
Property description:	Lot 1 DP 1181666
Date received:	1 November 2018
Assessing officer	Sarah Sampson
Zoning:	RURAL 1(A2) (IDO 93)SEPP Penrith Lakes Scheme (Residential Zone)
Class of building:	Class 10a
Recommendation:	Refuse

Executive Summary

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

Site & Surrounds

The subject site is situated on the southern side of West Wilchard Road Castlereagh. It is 5.791Ha in area, is orientated in a northern direction and has an existing approved pad of fill in the north eastern corner of the site.

An inspection of the site was undertaken on 14/02/2019 and the site is currently vacant.

The surrounding area is characterised by rural development.

Proposal

The proposed development involves:

- Construction of a farm shed

Plans that apply

BUSHFIRE PRONE LAND (ENTIRELY)
PENRITH DCP 2014
PLAN INST IDO 93 AS AMENDED
PLAN INST LEP 255 AS AMENDED
PLAN INST LEP 258
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
LEP 258 - CONSENT FOR DWELLING HOUSES ETC
FLOOD RELATED DEVELOPMENT CONTROLS
PRECINCT 790
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
SEPP Penrith Lakes Scheme (Residential Zone)
RURAL 1(A2) (IDO 93)

Planning Assessment

• Section 4.14 - Bushfire prone land assessment

The development has been assessed in accordance with the matters for consideration under Section 4.14 (formally 79BA) (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 subject site is identified entirely as bushfire prone land
- The proposed shed is a non habitable structure and is proposed to be located more than 10m from the approved dwelling

As the proposed shed is located more than 10m from the approved dwelling there are no additional bushfire construction requirements relating to this development.

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

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

Is the development permissible in the zone?

Does not comply - See discussion

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)?

Does not comply - See discussion

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?

Does not comply - 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? **Does not comply - See discussion**

Will the development have only a minor impact of the amenity of the area and the streetscape? **Does not comply - See discussion**

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

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

Sunlight (overshadowing): **Complies**

Visual and acoustic privacy: **Complies**

Views or vista: **Does not comply - See discussion**

Access and Transport

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

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

Heritage

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

Soil

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

Natural and Technological Hazards

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

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

Bushfire requirements provided for the development **Complies**

Acoustic requirements provided for the development **N/A**

Site design

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

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

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

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

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

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

Section 79C (1)(e)Public Interest

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

In assessing this application against the relevant environmental planning policies, being the State Environmental Planning Policy Penrith Lakes Scheme (Residential Zone) and Penrith Interim Development Order No.93 - Penrith, the proposal does not satisfy the aims, objectives and provisions of these policies.

In its current form, the proposal will have a negative impact on the surrounding character of the area.

The proposed design is not site responsive and does not comply with key development standards of the Penrith Development Control Plan 2014.

The site is unsuitable for the proposed development and there is likely to be negative impacts arising from the proposed development.

Therefore, the application is not worthy of support for the attached reasons.

Recommendation

That DA18/1106 for a farm shed at 259 West Wilchard Road Castlereagh, be refused for the following reasons:

The application is not satisfactory for the purpose of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is inconsistent with the following provisions of the following environmental planning instruments and controls:

State Environmental Planning Policy

A farm shed is prohibited development in accordance with Clause 14 - Zone Objectives and Land Use Table.

Penrith Interim Development Order No.93

A farm shed is prohibited development in accordance with Clause 3.

Penrith Development Control Plan 2014

The development does not comply with the following parts:

Part 1.2.1 - Siting and Orientation

The proposed amount of fill is approximately 3m and does not therefore comply with the development control of 1m.

Part 1.2.3 - Floor Space, Height and Design

The external wall length of 24m does not comply with the development control of 15m.

Additionally the proposed roof pitch of 10° does not satisfy the minimum development control of 15°.

Considering the area it is proposed it will have a negative impact from Castlereagh Road.

Engineering

1 K201 - 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.

2 K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

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

Stormwater drainage from the site shall be discharged to a level spreader system or the existing dam on-site. The stormwater drainage system shall be designed in accordance with Council's Stormwater Drainage Specification for Building Developments.

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.

Refusal

4 [X Special 02 \(Refusal under Section 79C\(1\)\(a\)\(i\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is inconsistent with the following provisions of the following environmental planning instruments and controls:

State Environmental Planning Policy

A farm shed is prohibited development in accordance with Clause 14 - Zone Objectives and Land Use Table.

Penrith Interim Development Order No.93

A farm shed is prohibited development in accordance with Clause 3.

5 [X Special 04 \(Refusal under Section 79C\(1\)\(a\)\(iii\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15 of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of the ***Penrith Development Control Plan 2014***:

The development does not comply with the following parts:

Part 1.2.1 - Siting and Orientation

The proposed amount of fill is approximately 3m therefore does not comply with the development control of 1m.

Part 1.2.3 - Floor Space, Height and Design

The external wall length of 24m is not comply with the development control of 15m. Additionally the proposed roof pitch of 10° does not satisfy the minimum development control of 15°. Considering the area it is proposed it will have a negative impact from Castlereagh Road.

Appendix - Development Control Plan Compliance

1.3.1	<p>Siting and Orientation</p> <p>1) Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict.</p> <p>2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.</p> <p>3) Farm buildings should not be erected on land having a slope in excess of 15%. Cut and fill for farm buildings should be limited to 1m of cut and 1m of fill as shown in Figure D1.11.</p> <p>4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.</p> <p>5) The narrowest elevation of farm buildings should face the road</p> <p>6) Farm buildings shall be set back a minimum of 40m from any watercourse.</p> <p>7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.</p> <p>8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.</p> <p>9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.</p> <p>10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.</p> <p>11) Farm buildings should be a minimum distance of 5m from the side boundaries.</p>	<p>Y</p> <p>Y</p> <p>N</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>Y</p>	<p>15000</p>
1.3.2	<p>Floor Space, Height and Design</p> <p>1) For allotments 3 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed</p>	<p>N/A</p>	

	<p>200m² (see Figure D1.13).</p> <p>2) For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m².</p> <p>Note: 'Accumulative building footprint' means the total sum of the ground floor area of all of the farm buildings on a single property. (The floor area under an awning may also be included as part of the accumulative building footprint, depending on the circumstances).</p> <p>3) For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m².</p> <p>4) Intensive agricultural uses may require larger accumulated building footprints than those specified above. Variation will be considered but must be justified in the application.</p> <p>5) A farm building should not be more than 8m high.</p> <p>6) The maximum external wall height of a farm building shall be 5m. External wall height means the distance from the natural ground level to the underside of the eaves.</p> <p>7) Where a farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation (or similar).</p> <p>8) The design of farm buildings should comprise traditional roof shapes to provide visual relief to the building, reduce the buildings dominance over its setting and to provide interest and character to the locality.</p> <p>9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.</p> <p>10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.</p>	<p>Y</p> <p>N/A</p> <p>N/A</p> <p>Y</p> <p>Y</p> <p>Y</p> <p>N</p> <p>N</p> <p>N</p> <p>N</p> <p>N</p>	<p>288 however farm buildings are not permissible within the zoning</p> <p>9058</p> <p>Not higher</p> <p>24m</p>
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	11) All elevations of farm buildings that face the street are to present a suitable level of detailing to minimize their visual bulk. Features which can be used include windows, awnings and verandahs.		
1.3.3	<p>Materials and Colours</p> <p>1) The colour of farm buildings shall complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green.</p> <p>2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.</p> <p>3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.</p> <p>4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.</p>	<p>Y</p> <p>Y</p> <p>N</p> <p>N/A</p>	<p>Farm buildings are prohibited in the zoning</p> <p>Above flood level</p>