

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA18/1019
Proposed development:	Swimming Pool and Landscaping
Property address:	138 Roscrea Drive, MULGOA NSW 2745
Property description:	Lot 501 DP 1176385
Date received:	9 October 2018
Assessing officer	Lawrence Ligato
Zoning:	E2 Environmental Conservation - LEP 2010
Class of building:	Class 10b
Recommendation:	Approve

Executive Summary

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

Site & Surrounds

The subject site is situated on the eastern side of Roscrea Drive, Mulgoa. It is 20Ha in area, is orientated in a northern direction and has a significant slope from the street and is heavily vegetated.

An inspection of the site was undertaken on the site is currently contains a dwelling and outbuildings under construction.

The surrounding area is characterised by rural/residential development.

Proposal

The proposed development involves:

- Construction of a swimming pool including landscaping and associated drainage works.

Plans that apply

BUSHFIRE PRONE LAND (ENTIRELY)
1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
GENERAL LIST
MISCELLANEOUS EASEMENTS - SEE DEPOSITED PLANS
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS
DEV/BLD - RATU - SEE 88B
LEP 2010/ DCP 2014 - Scenic and Landscape Values
LEP 2010 / DCP 2014 - Mulgoa Valley Controls
LEP 2010 / DCP 2014 - Nat Res Sens Land Controls
LEP 2010 / DCP 2014 - Tree Preservation Controls
LEP 2010 - Dual Occupancy and Secondary Dwellings
DCP 2014 - General Information
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA
FLOOD RELATED DEVELOPMENT CONTROLS
Heritage Item(s) - LEP 2010 Archaeological Site
Local Environmental Plan 2010
No Comp Devel under HA Code -Her Item/Dr Her Item
No Comp Devel under CIA Code -Her Item/Dr Her Item
No Comp Devel under Sub Code -Her Item/Dr Her Item
No Comp Devel under RH Code - Her Item/Dr Her Item
No Comp Devel under RH Code - Env Sens Land
No Comp Devel under GD Code - Her Item/Dr Her Item
No Comp Devel under Dem Code - Her Item/Dr Her Item
No Comp Devel under C & I (NBA) Code - Her Item
No Comp Devel under C & I (NBA) Code - Env Sen Lan
No Comp Devel under FS Code - Her Item
No Comp Devel under GH Code - Her Item/Dr Her Item
No Comp Devel under GH Code - Env Sens Land
Asbestos Policy
PRECINCT 2010
SEC 94 CONTRIB PLAN - CULTURAL FACILITIES
SEC 94 CONTRIB PLAN - LOCAL OPEN SPACE 2007
SEC 94 CONTRIB PLAN - DISTRICT OPEN SPACE FACILS
STATE ENV PLANNING POLICIES - GENERAL LIST
SOUTH WARD
E2 Environmental Conservation - LEP 2010
E3 Environmental Management - LEP 2010
LEP 2010 - Clause 7.2 Flood Planning
LEP 2010 - Clause 7.3 Nat Resource Sens Land
LEP 2010 - Clause 4.2A Res Devel and Subdn Prohib
LEP 2010 - Additional Land Use Notes

Planning Assessment

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

The proposed swimming pool negates the need for any additional construction requirements as it will have no impact in the event of a bushfire.

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

Access and Transport

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

Heritage

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

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

The development is not subject to flooding, subsidence or slip	Complies
Land is not considered to be contaminated:	Complies
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?	Yes
Are the site attributes conducive to development?	Yes
Will the proposal have minimal social and economic impacts on the locality?	Yes
Has any applicable 88b instrument been considered?	Yes
Does the development propose the removal of trees?	Yes
Have the plans been checked by any relevant developer groups?	N/A
Has a BASIX certificate been provided?	Yes

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

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

Section 79C (1)(e)Public Interest

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

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

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

Recommendation

That DA18/1018 for the construction of a swimming pool at 138 Roscrea Drive MULGOA NSW 2745, be approved subject to the attached conditions.

CONDITIONS

General

- 1 [A001 - Approved plans that are architecturally drawn](#)
The development must be implemented substantially in accordance with the plans numbered CP01-CP05, drawn by RC (Rev F) and dated 26.11.18, 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 [A041 - CONSTRUCTION IN BUSHFIRE AREAS](#)
Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- 5 [A046 - Obtain Construction Certificate before commencement of works](#)
A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 [A Special Firepit](#)
The proposed fire pit does not form part of this application as amended in red on the stamped approved plans.

Demolition

- 7 [B004 - Dust](#)
Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 8 [B005 - Mud/Soil](#)
Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 9 [B006 - Hours of work](#)
Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
 - Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - No demolition work is permitted on Sundays and Public Holidays.In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

- 10 [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.

11 **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.

12 **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.

13 **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.

14 **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.

15 **D - Implement approved sediment & erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site**. The erosion and sediment control measures are to be maintained in accordance with 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 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.

BCA Issues

16 E001 - BCA compliance

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

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

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Health Matters and OSSM installations

17 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

18 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.

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.

Swimming Pools

22 [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.

23 [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".

24 [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).

25 [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).

26 [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.

Landscaping

27 [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

28 [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

29 [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.

30 [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 swimming pool.

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

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	
	b) The design of the development must consider all components including fencing, outbuildings, and driveways and landscaping.	N/A	
	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.	N/A	
	c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment	Yes	
	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	Setbacks and Building Separations		
	1) Setbacks from Roads		
	a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.	Yes	195.290m
	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	

	<p>2) Setbacks from Watercourses</p> <p>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.</p> <p>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.</p>	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.	Yes	
	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.	Yes	
	c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.	N/A	
	d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.	N/A	
1.2.3	Site Coverage, Bulk and Massing		

	<p>1) Dwellings shall have a maximum ground floor footprint of 500m² (including any undercover car parking areas).</p> <p>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.</p> <p>'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>	No	<p>547.3m² -</p> <p>The overall dwelling footprint and associated structures remain over the 600sqm limit. The dwelling and associated structure sizes relate to the liveable and adaptable requirements of the owner, in which the design and size of all proposed structures respond effectively to those specific needs.</p> <p>The dwelling size also belongs in the neighbourhood area, the building footprint to site area coverage is very minimal with the characteristic attributes of all structures e.g. building heights, street setback, form, materials, construction details and size responding effectively to the surrounding environment.</p>
	<p>2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</p>	Yes	
	<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>	N/A	
	<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>	Yes	
	<p>5) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to other parts of this chapter.</p>	No	675sqm. As above.
1.2.4	Height, Scale and Design		
	<p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p>	Yes	
	<p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p>	N/A	

	c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.	Yes	
	d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7.	Yes	
	Design and Quality		
	a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.	Yes	
	b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.	N/A	
1.2.7	Materials and Colours		
	1) Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.	Yes	
	2) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.	Yes	
	3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.	N/A	

Heritage:

An item of environmental heritage (archaeological site) identified in Penrith Local Environmental Plan 2010 is situated on site.

A letter by Casey & Lowe Pty Ltd regarding the heritage implications of the proposed subdivision (DA10/1206) dated 5 May 2011 states that lot 5 contains no above ground fabric from the Scheme and the remains present are restricted to a section of remnant channel or ditch, present as a minor indentation in the ground. The letter from Casey & Lowe states that the channel in Lot 5 has "limited integrity and limited ability to demonstrate how the scheme functioned" and "there appears to be no archaeological relics present on Lot 5." Accordingly, the Heritage Branch had no issue with the proposed three lot subdivision of Lot 5 DP 1046980.

Lot 5, 130 Roscrea Drive MULGOA was subdivided into Lots 501, 502 and 503. This current Development Application (DA16/1348) is proposed on Lot 501. The recommendations in the report for subdivision stated that the significance of the remains in Lot 5 is seen to be compromised by their limited integrity, the absence of structural elements compared to the other sections in Lots 6 and 8, and their limited ability to contribute to knowledge of how the scheme functioned. Consequently the remains in Lot 5 are considered not to reach the threshold for local heritage significance. There appears to be no archaeological relics present on Lot 5.

Referrals

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

Referral Body	Comments Received
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions Wastewater Council's Environmental Health team reviewed the 'AWTS and subsurface irrigation plan' (DWG-17-4728-A2) prepared by Envirotech dated 22/1/2019 and raised no objections to the proposed amendment.