

PENRITH CITY COUNCIL

FAST TRACK ASSESSMENT REPORT

Application number:	DA19/0836
Proposed development:	Single Storey Dwelling, Swimming Pool, Outbuilding and Installation of an OSSM System
Property address:	259 West Wilchard Road, CASTLEREAGH NSW 2749
Property description:	Lot 1 DP 1181666
Date received:	29 November 2019
Assessing officer	Lawrence Ligato
Zoning:	RURAL 1(A2) (IDO 93)SEPP Penrith Lakes Scheme (Residential Zone)
Class of building:	Class 1a , Class 10a , Class 10b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a proposed single storey dwelling and outbuilding on the subject site. Under the State Environmental Planning Policy (Penrith Lakes Scheme) 1989 the subject site is zoned 'Residential'. Under the Penrith Interim Development Order 93 the subject site is zoned Rural A2. Dwelling houses are permissible with consent in the zone as the area of land is greater than 2 hectares (clause 6(b)). The swimming pool and outbuilding are considered ancillary to the dwelling house.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

Properties of the site

The subject site is located to the east of Castlereagh Road at Castelreagh, with access to the property via a driveway to West Wilchard Road. The land is 5.791 hectares in area.

Site constraints

- Easements: There are no easements or restrictions on the title.
- Flooding: The property is noted as being flood affected.
- Bushfire-prone land: The property is identified as bushfire prone land (entirely).
- Existing building and structures: There are no existing buildings on site. Two dams are located on the site - one on the north western corner of the lot, the second overlaps the eastern boundary with 253-258 West Wilchard Road. The dams are connected by an overflow channel.

History

The site was previously owned by Penrith Lakes and is subject to the SEPP (Penrith Lakes Scheme) 1989. The property was transferred to private ownership in April 2016. In May 2016 the north-eastern corner of the site was cleared and substantially filled to create a building platform for a residential dwelling. DA16/0498 was lodged for a dwelling but was later withdrawn due to unauthorised earthworks and lack of other relevant information. The matter was brought to Council's attention and the Compliance Team commenced investigations in relation to the unauthorised fill in May/June 2016. DA18/0089 was determined to regularise the earthworks as completed. DA18/0218 was determined for a proposed dwelling and OSSM system on the area where the filling occurred.

Proposal

The proposed development involves:

- Construction of a single storey dwelling, swimming pool and outbuilding including parking, landscaping and associated drainage works;
- Installation of an OSSM system.

Plans that apply

- Penrith Interim Development Order No.93
- Development Control Plan 2014
- State Environmental Planning Policy (Penrith Lakes Scheme) 1989
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• Section 4.14 - Bushfire prone land assessment

The development has been assessed in accordance with the matters for consideration under Section 4.14 (Consultation and development consent—certain bush fire prone land) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following points are made:

- A Bushfire Risk Assessment Report prepared by Control Line Consulting (Reference: 19.09.301) and dated 07.02.20 (revised) was submitted with the application.
- The submitted bushfire report includes recommendations of an Asset Protection Zone (IPA). The site where not built upon is maintained to the requirements of an inner protection area of an asset protection zone and managed to these provisions for the lifetime of the development as follows; from the northern, western and eastern elevations of the proposed dwelling and outbuilding to the adjacent sections of the allotment boundaries; and from the south elevations of the proposed dwelling and outbuilding for a distance of 35 metres.
- The bushfire consultant confirmed that the existing canopy cover complies with the requirements of an Asset Protection Zone (IPA) and no trees are required to be removed. This will form part of conditions of consent.
- In conclusion, construction standards for building within bushfire-prone areas are set out in Australian Standard AS 3959-2009: Construction of Buildings in Bushfire Prone Areas. Addendum: Appendix 3 (2010) of Planning for Bushfire Protection (2006) provides a procedure for determining the category of bushfire attack and the appropriate level of construction. Therefore, a BAL-12.5 rating is recommended to the proposed development.

• Section 4.15 - Evaluation

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

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

State Environmental Planning Policy (Penrith Lakes Scheme) 1989

Clause 14 Zone objectives and land use table

The subject site is zoned Residential under the provisions of State Environmental Planning Policy (Penrith Lakes Scheme) 1989. Dwelling houses are permissible with consent. The subject application is for a Single Storey Dwelling, Swimming Pool, Outbuilding & OSSM System which can be characterised as a dwelling house and development ancillary to the dwelling house.

Clause 21 Preservation of trees or vegetation

Amended plans were received to ensure no development would impact on the vegetation community identified as Shale Plains Woodland. The vegetation that was originally marked for removal, is identified on the Biodiversity Values Map.

Clause 25 Development on land zoned Residential

Subclause	Comment
<i>(1) Development consent must not be granted for development on land zoned Residential unless the consent authority is satisfied that the number of dwellings on all land zoned Residential will not exceed 30</i>	The subject site facilitates residential development of a single dwelling house on one of the nominated allotments designated by the SEPP. Accordingly the development will not result in an exceedance of the specified dwelling entitlements under the SEPP.
<i>(2) Development consent must not be granted for development on land zoned Residential unless the consent authority has considered the following:</i>	

<p>a) <i>an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person,</i></p>	<p>The document 'Archeological Investigation in the DA4 Area, Penrith Lakes Scheme' prepared by Dr James Kohen and dated August 1997 identified known archaeological sites, assessed the significance of these sites, identified areas with high archaeological and Aboriginal cultural heritage potential and make recommendations regarding future management of archaeological sites. This assessment has been previously considered by the Office of Environment & Heritage who issued an Aboriginal Heritage Impact Permit (AHIP) for the Penrith Lakes Site.</p>
<p>(b) <i>a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development,</i></p>	<p>DA18/0089 (Earthworks) was accompanied by a letter from Pell Sullivan Meynink Engineering Consultants dated 24 February 2017 which verifies that the earthworks comply with the landform specifications for urban land for the Penrith Lakes Scheme.</p>
<p>(c) <i>an evacuation plan that is prepared by an emergency services organisation and endorsed by the NSW State Emergency Service as being appropriate for the development.</i></p>	<p>Written correspondence has previously been received from the Department of Planning and Environment who have advised that the Department is of the view that the Penrith City Local Flood Plan 2012 and the Hawkesbury Nepean Flood Plan 2015 fulfil the requirements of Clause 25(2)(c). Both these plans have been endorsed by NSW State Emergency Service.</p>

Clause 28 Heritage Conservation

The site is not identified in Schedule 3 as a heritage item.

Clause 31 Earthworks

No significant earthworks are proposed as part of this development application. Previous earthworks at the site were approved under DA18/0089.

Clause 33 Flood Planning

The proposed dwelling is to be located on the platform area provided in the north-eastern section of the site is approximately 23m AHD, which is above that flood level and the required freeboard. The application was referred to Council's Development Engineers and there were no objections to the application subject to conditions.

Clause 35 Public utility infrastructure

The lot is not subject to a subdivision application.

State Environmental Planning Policy No 55—Remediation of Land

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 55—Remediation of Land and the application is satisfactory.

Penrith Interim Development Order No.93

Provision	Compliance
All Clauses	Complies - See discussion

The subject site is zoned Rural A2 under the Penrith Interim Development Order 93. Dwelling houses are permissible with consent in the zone as the area of land is greater than 2 hectares (clause 6(b)).

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

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

There are no draft Environmental Planning Instruments that apply to the proposal.

Section 4.15(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	N/A
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	N/A
D1.1. Rural Character	Complies
D1.2. Rural Dwellings and Outbuildings	Does not comply - see Appendix - Development Control Plan Compliance
D1.3. Farm buildings	Complies - see Appendix - Development Control Plan Compliance
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	N/A

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 4.15(1)(b) The likely impacts of the development

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

Impact raised in submissions

N/A

Impacts raised in referral comments

The application was referred to Council's Environmental Health, Biodiversity and Development Engineering departments. There were no objections to the application subject to conditions.

Other impacts identified in assessment

(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.

It is considered the development will have minimal impact on the amenity of the area in terms of Sunlight Access (overshadowing) / visual and acoustic privacy / views or vistas. The development will have no impacts on natural environment.

(ii) Access and transport

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

The existing 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 as part of the development.

(v) Natural and Technological Hazards

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

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use
- The use is compatible with surrounding/adjoining land uses
- The grade of the site is suitable for the design proposed

Section 4.15 1(d) Any submission made in accordance with this Act or the regulations

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents. Council notified 9 residences in the area and the exhibition period was between 12 December 2019 and 31 January 2020. Council has received 0 submissions in response.

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 - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions

Development Engineer

Environmental - Biodiversity

Environmental - Environmental management

Section 4.15(1)(e) The public interest

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

Conclusion

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 DA19/0836 for Single Storey Dwelling, Swimming Pool, Outbuilding and Installation of an OSSM System at 259 West Wilchard Road CASTLEREAGH NSW 2749, be approved subject to the attached conditions.

General

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

The development must be implemented substantially in accordance with the plans numbered 1707, drawn by LVJ and dated 5.5.2020, 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 [A020 - Use of building](#)

The outbuilding shall not be used under any circumstances for any commercial activity, industrial activity, habitable residential activity or be adapted for use as a farm building. The outbuilding is to be used ancillary to the approved dwelling house only.

5 [A028 - Rural Fencing](#)

Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Fences must not be higher than 1.8 metres and be constructed using post and wire or post and rail. Masonry materials can be used within three metres either side of the entrance to the property from the primary road. When used, electric fencing must be constructed in accordance with AS/NZS 3014:2003.

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

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

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

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

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

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

* The development is to be constructed to BAL-12.5 construction under "AS3959-2009 'Construction of buildings in bushfire-prone areas'" and;

* The recommendations of the Bushfire Risk Assessment Report prepared by Control Line Consulting (Reference: 19.09.301) and dated 07.02.20 must be complied with at all times and;

* The APZ requirements (including no tree removal) prepared by Control Line Consulting email dated 3 April 2020 must be complied with at all times.

Environmental Matters

8 [D001 - Implement approved sediment& erosion control measures](#)

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

9 **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.

10 **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,
- 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.

11 **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."}

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**

Waste materials are to be disposed of at a lawful waste management facility. 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 [D026 - Liquid wastes](#)

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

15 [D027 - SW lines not to be Touched](#)

The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

16 [D](#)

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

17 [D Protection of existing trees and native vegetation_APZ](#)

No native vegetation (trees and understorey) is to be removed for the creation of an Asset Protection Zone or otherwise without prior consent of Council.

18 [D special - gravel](#)

Prior to the issue of an **Occupation Certificate**, the appointed Principal Certifying Authority is to ensure that the existing gravel track is removed and reinstated to turf as shown on the stamped approved plans.

19 [D Tree protection - removal of access point](#)

Prior to the issue of an **Occupation Certificate**, the appointed Principal Certifying Authority is to ensure that the gate at the northeastern corner of the property is to be permanently removed and replaced with permanent fencing to allow for the protection and natural regeneration of the plant community.

BCA Issues

20 [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

21 [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

22 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.

23 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).

24 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.

25 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.

26 **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.

27 **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.

28 **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.

29 **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.

30 [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

31 [J001 - Excavated material removal](#)

All excavated material associated with the construction of the pool shall be disposed of at a site which lawfully accepts the material. Details of the disposal location are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. Evidence of lawful disposal (ie tip receipts) is to be provided to the Principal Certifying Authority prior to the issue of the **Occupation Certificate**.

32 [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.

33 [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".

34 [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).

35 [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).

36 [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

37 **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 together with any applicable bonds, 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, waste skips, signs etc. in the road reserve
- f) Temporary construction access
- g) Temporary ground anchors (for basement construction)

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 Assets Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- 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.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate as applicable.
- 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

38 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Existing Dam

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.

39 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 21.8m AHD.

40 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

41 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

42 **K401 - Flooding – Surveyor Verification of floor levels**

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 21.8m AHD shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

43 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

44 **K Special Condition BLANK**

All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

45 **K Special Condition BLANK**

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 and Subdivision Works 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 4732 7777 or visit Penrith City Council's website for more information.

Landscaping

46 L007 - Tree protectionmeasures

All trees that are required to be retained are to be protected in accordance with the minimum tree protection standards strictly in accordance with AS4970-2009 Protection on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone
- Placement of fill within the root protection zone
- Vehicle access (prohibited)
- Parking of vehicles within the root protection zone
- Compaction of soil within the root protection zone

A durable, weather resistant sign having a minimum dimension of 500mm high and 400mm wide Tree Protection Zone sign is to be erected on the fence indicating:

- trees and understorey are protected "Tree Protection Zone No Access"
- the development consent number
- the name and contact number of the nominated site manager
- the lettering size on the sign shall comply with AS1319).

Fences are to be inspected on a regular basis to ensure they are intact, comply with the listed standard and provide effective protection for the trees being retained.

47 L008 - Tree PreservationOrder

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:

- employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

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 development.

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

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

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 On-site Wastewater Report (prepared by Broadcrest Consulting, dated 12/5/20, ref: 0410-WW-D-02), and
- the Effluent Management Area Plan (prepared by Broadcrest Consulting, dated 12/5/20, Project no: 0410, DWG: 01, D-02), 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 an Aerated Wastewater Treatment System and be disposed of by way of pressure dosed absorption beds 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 Broadcrest Consulting, dated 12/5/20, Project no: 0410, DWG: 01 D-02) and have a minimum area of 45m².

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 On-site Wastewater Report (prepared by Broadcrest Consulting, dated 12/5/20, REF: 0410-WW-D-02, and
- the Effluent Management Area Plan (prepared by Broadcrest Consulting, dated 12/5/20, Project no: 0410, DWG: 01, D-02).

The system is to be utilised for a 7 bedroom dwelling or daily wastewater load of 1350 litres in accordance with the On-site Wastewater Report (prepared by Broadcrest Consulting, dated 12/5/20, REF: 0410-WW-D-02). 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 aerated wastewater treatment system tank 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 aerated wastewater treatment system tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the aerated wastewater treatment system 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 treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**
- Sited so as not to contaminate the natural watercourse that traverses the subject property.

57 [R108 - Trench - Disposal Area](#)

The disposal area shall:

- the distribution line is to be buried from the tank to the designated disposal area;
- the treated wastewater can be evenly irrigated across the entire designated disposal area;
- be prepared with a minimum 100mm cover of absorbent soil that has been ripped into the existing top soil. The area to be prepared should include up to 2.5m either side of the absorption beds;
- have an even grade / be graded to a minimum 1% crossfall and turfed in accordance with the stamped-approved plans; and
- sited so as not to contaminate the natural watercourse that traverses the subject property.

58 [R109 - No effluent runoff](#)

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

59 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 wastewater treatment system 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,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and 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.

60 R114 - EMA Turfed

The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.

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 aerated wastewater treatment system tank and effluent disposal area area by using an agricultural drain or earthen bund and dish drain.

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.

68 [R129 - Reserve area with plan](#)

The reserve area, as marked on the Effluent Management Area Plan (prepared by Broadcrest Consulting, dated 12/5/20, Project no: 0410, DWG: 01, D-02), is to be established with turf and is not to be used for any ancillary purpose. No materials are to be stored in the reserve area, and the reserve area is not to be developed. In the event that the primary effluent disposal area is to fail the reserve area is to be used. Written approval is to be obtained from Penrith City Council prior to any works being undertaken.

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	Amended plans received ensuring that existing vegetation to be retained.
	b) The design of the development must consider all components including fencing, outbuildings, and driveways and landscaping.	Yes	
	c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.	Yes	
1.2.1	<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	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	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	15m
	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.	Yes	70.9m
	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.	No	Engineers supported location
	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	15.7m to dwelling

	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.	No - See below	657.82m ²
	2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.	Yes	36.140m/ 32.620m
	3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.	N/A	
	4) No more than three (3) undercover car parking spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.	Yes	
	5) A maximum ground floor footprint of 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.	No - See below	857.82m ²
1.2.4	Height, Scale and Design		
	a) Dwellings shall be no more than two storeys in height, including garage and storage areas.	Yes	
	b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.	N/A	
	c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.	Yes	
	d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7.	No	

	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	Colour schedule submitted
	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	

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	Behind proposed dwelling	Yes
Side setback	5m	12m	Yes
Maximum accumulative building footprint of all farm buildings	400m ² (Lot size between 3 and 10 hectares)	200m ²	Yes
Minimum building separation	10m to a dwelling located on the same allotment 20m to a dwelling located on an adjacent allotment	Less than 10m Greater than 20m	No - See below Yes
Height	8m	5.6m	Yes
Maximum external wall height	5m	4m	Yes
Maximum external wall length	15m	20m	No - See below

Roof pitch	minimum - 15° maximum - 25°	15°	Yes
Total cumulative ground floor footprint	600m ²	Proposed dwelling: 657.82m ² Proposed outbuilding: 200m ² Total: 857.82m ²	No - See below

The proposed development is generally in accordance with the relevant aspects of the Rural Land Uses Section of the DCP, however, is non-compliant with the following controls:

1) A maximum ground floor footprint of 600m² is permitted on anyone allotment including the dwelling and all associated structures but excluding 'farm buildings'. The variation is supported for the following reason:

- The property has a lot size greater than 5ha, therefore, the overall combined footprint of the proposed development on site is considered appropriate in this instance.
- The buildings are clustered to retain the remainder of the site as open areas.
- The proposal meets the objectives for the site and will not detract from the character of the area.
- The proposed development has been referred to relevant departments and there has been no objections to the development.

2) Maximum external wall length and minimum building separation of outbuildings:

- Due to flooding constraints, existing vegetation and the existing level building platform the proposed distance and building separation between the dwelling and outbuilding is required in this instance.
- The proposed dwelling and outbuilding has been sited and designed to reduce the visual impact by being angled and articulated and located on the most level part of the site.
- The proposed outbuilding will be constructed out of materials similar to the dwelling on site creating a unified development outcome.