

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

Application number:	DA20/0659
Proposed development:	Construction of an Access Driveway to a Shed & Related Earthworks
Property address:	263 - 269 Mt Vernon Road, MOUNT VERNON NSW 2178
Property description:	Lot 72 DP 32140
Date received:	13 October 2020
Assessing officer	Paul Buttigieg
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone E4 Environmental Living - LEP 2010
Class of building:	N/A
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 northern side of Mount Vernon Road Mount Vernon. It is 2.025Ha in area, is orientated in a southern direction and has slope falling to the western side of the lot.

An inspection of the site was undertaken on 11/11/2020 and the site is currently occupied by a single storey dwelling and a shed.

The surrounding area is characterised by rural development.

Proposal

The proposed development involves:

Construction of an access driveway to an existing shed and related earthworks

Plans that apply

BUSHFIRE PRONE LAND (PARTLY)
1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
DRAFT LEP 2010 (REVIEW PHASE 1)
GENERAL LIST
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS
LEP 2010/ DCP 2014 - Scenic and Landscape Values
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
ADDIT. - INTRO. MESSAGE
ADDIT. AIRPORT - PRELIM. FLIGHT PATH MESSAGE
FLOOD RELATED DEVELOPMENT CONTROLS
Local Environmental Plan 2010
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
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE
STATE ENV PLANNING POLICIES - GENERAL LIST
SEPP WSA - Affected by Obstacle Limitation
SEPP WSA - Affected by Wildlife Buffer Zone
EAST WARD
E4 Environmental Living - LEP 2010
LEP 2010 - Clause 7.2 Flood Planning
LEP 2010 - Clause 4.2A Res Devel and Subdn Prohib
LEP 2010 - Additional Land Use Notes

Planning Assessment

• Section 4.15 - Evaluation

Section 4.15(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 4.15(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 4.15(1)(a)(iii) Any development control plan

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

Section 4.15(1)(a)(iv) Any applicable regulations

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

Section 4.15(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. **N/A**

Soil

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

Natural and Technological Hazards

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

Land is not considered to be contaminated: **Complies - See discussion**

Bushfire requirements provided for the development **Complies**

Acoustic requirements provided for the development **Complies**

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 4.15(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?	No
Have the plans been checked by any relevant developer groups?	N/A
Has a BASIX certificate been provided?	N/A

Section 4.15(1)(d) Any submissions made in accordance with the EPA Act and Regulations?

Was the application required to be publicly notified?	Yes
Were any submissions received during the public notification period?	Yes

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

Community consultation-

In accordance with the Penrith Development Control Plan 2014 Appendix F4 Notification and Advertising, the proposed development was notified to nearby and adjoining residents.

Council notified 5 residence in the area and the exhibition period was between 26 October 2020 and 9 November 2020. Council has received 1 submissions in response.

Issue Raised -

1. Water Run Off

Comments-

I am seeking clarification of how the development proposal, addresses the issue of collection of water running off the new access driveway.

Council needs to ensure that this new access driveway does not contain pipes which direct water onto the adjoining property.

Discussion-

A flood study/overland flow report and an earthworks plan have been provided by a qualified engineer in support of the application detailing the impacts to the site and surrounds. The details have been referred to councils Development Engineers for comments and have been supported.

Conclusion-

Compliance with the proposed levels and engineering recommendations are enforced through conditions of consent.

This point has been satisfied.

2. Batter and Fill

Comments-

Why does the proposed fill/batter at the front of the subject property extend right through to the boundary

of the adjoining properties?

Approximately, eight metres from the boundary to Lot 71, there is an easement which carries water, from the property directly opposite the subject property, underneath Mount Vernon Road, then onto the subject property.

The Mount Vernon Development Control Plan states the following:

“Establish guidelines to implement measures that minimize erosion, flooding, water diversion and adverse environmental impacts both within and adjacent to development.”

By placing landfill at or near to this easement, this increases the risk of causing water being diverted onto the adjoining property (Lot 71).

Discussion-

The proposed fill/batter at the front of the property has been provided to create a safe transition for vehicles to drive in/out.

A flood study- overland flow report and an earthworks plan have been provided by a qualified engineer in support of the application detailing the impacts to the site and surrounds. The details have been referred to councils Development Engineers for comments and have been supported.

Conclusion-

Compliance with the proposed levels and engineering recommendations are enforced through conditions of consent.

This point has been satisfied.

3. Land Contamination

Comments-

I would like Council to explain exactly what steps it has taken to ensure these earthworks do not contain landfill which has been contaminated?

Discussion-

The application has been referred to councils Environmental Health Team for comments. The proposed fill has been verified as ENM in accordance with Clause 7 of SEPP 55 legislation requirements and has been supported by council.

Conclusion-

Soil has been verified as clean fill.

This point has been satisfied.

Section 4.15(1)(e)Public Interest

The application will have minimal impacts on public interest

Complies

Conclusion/Summary

The proposed design is site responsive, complies with key development standards and is in the public interest.

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

1. That DA20/0659 for construction of an access driveway and related earthworks at 263-269 Mt Vernon Road Mount Vernon, be approved subject to the attached conditions (Development Assessment Report Part B).

General

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

The development must be implemented substantially in accordance with the plans numbered drawn by Fowler Homes, numbered 20-1087 dated 16/11/2020 Rev SK-5 as stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Environmental Matters

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

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be installed and maintained in accordance with the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.**

3 [D002 - Spraygrass](#)

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

4 [D004 - Dust](#)

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

5 [D005 - Mud/Soil](#)

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

6 [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 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.

7 [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.

8 [D010 – Appropriate disposal of excavated or other waste](#)

Waste materials are to be disposed of at a lawful waste management facility.

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.

9 [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.

Health Matters and OSSM installations

10 [Final Inspection](#)

A **Final Inspection** is required to be undertaken by Council upon the completion of works prior to the use of the development.

This Inspection can be booked by calling Council on (02) 4732 7991.

Construction

11 [H022 - Survey \(as amended\)](#)

A Survey Certificate shall be submitted and approved by council upon completion of works but prior to use of the driveway.

12 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

13 [K101 - Works at No Cost to Council](#)

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

14 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site. 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

15 [K202 - S138 Roads Act - Minor Works in the Public Road](#)

Prior to commencement of any works on site, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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) Rural Vehicular crossings (Clear of electricity poles)
- b) Road occupancy or road closures
- c) Temporary construction access

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

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

Note:

- Separate approval may be required from Transport for NSW for classified roads.

16 [K209 - Stormwater Discharge - Minor Development](#)

Stormwater drainage from the site shall be discharged to the:

- a) Existing site drainage system
- e) Level spreader system

The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. The design shall ensure that the development has no ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

17 [K210 - Stormwater Management](#)

The driveway including dam spillway shall be consistent with plan/s lodged for development approval, prepared by Engineering Studio Civil & Structural, reference number 20408 C11.02, revision A, dated 16.11.20.

18 [K220 - Overland Flow Flood Report Recommendations](#)

The proposed development must be compatible with the recommendations of the Overland Flow Flood Report prepared by Engineering Studio Civil & Structural, reference number 20408-002-r, revision A, dated November, 2020. Certification from an appropriately qualified person that the recommendations of this report has been complied with is to be provided to Council prior to the use of the driveway.

19 [K405 - Turf to Verge](#)

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

Landscaping

20 [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.

Appendix - Development Control Plan Compliance

An assessment of the proposed development has been undertaken. The key points of the assessment are listed below-

Flood Prone Land

The subject site is identified as flood prone land. The following information has been provided;

- A flood study/ overland flow report prepared by a suitably qualified engineer
- An earthworks plan detailing the finished surface levels of the proposed fill
- Contour fill plan showing depth of fill

The application has been referred to councils Development Engineers for comments. The proposed earthworks have been supported subject to conditions.

Importing of Fill

Geotechnical reports and validation certificates have been provided for the proposed fill, described as ENM in accordance with Clause 7 of SEPP 55 legislation requirements.

The application has been referred to councils Environmental Health team for comments. The proposed earthworks have been supported subject to conditions.

DCP Compliance

The proposed driveway meets Penrith City Council's planning objectives. It is unlikely to have a significant adverse impact upon environment, adjoining dwellings or streetscape. Therefore, the application is supported subject to conditions.