

PENRITH CITY COUNCIL

FAST LIGHT ASSESSMENT REPORT

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| Application number: | DA19/0545 |
| Proposed development: | Rural Shed |
| Property address: | 152 - 159 Park River Close, MULGOA NSW 2745 |
| Property description: | Lot 59 DP 241749 |
| Date received: | 13 August 2019 |
| Assessing officer | Paul Buttigieg |
| Zoning: | E2 Environmental Conservation - LEP 2010 |
| Class of building: | Class 10a |
| 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 southern side of Park River Close cul-de-sac Mulgoa. It is 14.3Ha in area, is orientated in a northern direction and has slope falling to the rear of the lot.

An inspection of the site was undertaken on 2/10/2019 and the site is currently occupied by two dwellings, a detached garage and dams

The surrounding area is characterised by rural development.

Proposal

The proposed development involves:

Construction of a colorbond shed and a water tank.

Plans that apply

BUSHFIRE PRONE LAND (ENTIRELY)
1996 CENSUS COLLECTORS DISTRICT
PENRITH DCP 2014
PLANNING PROPOSAL - ANNUAL UPDATE AMENDMENT
GENERAL LIST
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS
LEP 2010/ DCP 2014 - Scenic and Landscape Values
LEP 2010 / DCP 2014 - Mulgoa Valley Controls
LEP 2010 / DCP 2014 - Nat Res Sens Land Controls
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
Local Environmental Plan 2010
No Comp Devel under GHC – Env Sens Land
No Comp Devel under RH Code - Env Sens Land
No Comp Devel under C & I (NBA) Code - Env Sen Lan
No Comp Devel under LRMDHC – Env Sens Land
No Comp Devel under H 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 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:

The site is identified as being entirely bushfire prone land.

An inspection of the subject site and surrounds was carried out on 2/10/2019.

In accordance with Planning for Bushfire Protection 2006- "Where a Class 10a building is constructed in proximity to another residential class of building, the Class10a should meet the requirements of that Class or be located >10 metres away from the main building."

The proposed shed is proposed to be located approximately 18.6 metres away from the dwelling therefore is subject to BAL LOW construction.

- **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.

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

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| 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

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| 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

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

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| The development will have minimal impact on soil erosion and sedimentation | Complies - See discussion |
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Natural and Technological Hazards

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| The development is not subject to flooding, subsidence or slip | Complies - See discussion |
| Land is not considered to be contaminated: | Complies |
| Bushfire requirements provided for the development | Complies - See discussion |
| Acoustic requirements provided for the development | Complies |

Site design

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| 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

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| 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? | N/A |

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

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| 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

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| The application will have minimal impacts on public interest | Complies |
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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

That DA19/0545 for construction of a colorbond shed and a watertank at 152-159 Park River Close Mulgoa, be approved subject to the attached conditions (Development Assessment Report Part B).

CONDITIONS

General

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

The development must be implemented substantially in accordance with the plans drawn by Pereira Design & Drafting, numbered 1935 Issue C dated 3/10/2019 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.

2 [A008 - Works to BCA requirements \(Always apply to building works over \\$12,000\)](#)

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 approved shed shall not be used under any circumstances for any commercial, industrial or habitable residential activity without the prior written approval of Council.

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

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

BCA Issues

6 [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).

Construction

7 [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.

8 [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 (development) is to compliment and blend with the established development on the subject lot.

9 [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

10 [K016 - Stormwater](#)

Water tank overflow shall be discharged into the existing dam.

11 [K026 - Stabilised access](#)

All land required for vehicular access to the shed is to be stabilised.

12 [K041 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

Landscaping

13 [L008 - Tree Preservation Order \(use only if a tree is to be removed\)](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of 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.

14 [L012 - Landscaping](#)

An evergreen screen hedge is to be provided along the northern side boundary in accordance with the approved stamped plans.

Existing landscaping is to be retained and maintained at all times.

Payment of Fees

15 [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

16 [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.

17 [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.

Appendix - Development Control Plan Compliance

| D1.2 | Rural Dwellings and Outbuildings | Complies Y/N | Comments |
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| 1.2.1 | <p>Siting and Orientation of Dwellings and Outbuildings</p> <p>a) 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). <p>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</p> <p>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.</p> | <p>1. Yes</p> <p>2. Yes</p> <p>3. Yes</p> | <p>The proposed Shed is to be located in the E3 zoned area of the lot. 14.3ha in size</p> <p>The shed is to be located approximately 15m behind the existing secondary dwelling. Some existing vegetation has been removed prior to the application being lodged with Council. One existing tree is proposed to be removed and has been supported by Council's Biodiversity Team.</p> <p>This site is coded as FA. It is flood affected by a minor overland flow based on 2006 Overland Flow Overview Study. Flood has no impact on proposed development. Therefore, the development is supported.</p> <p>The proposed shed is located greater than 10m from the existing secondary dwelling. Therefore, requires no additional bushfire construction requirements. Existing and proposed vegetation is to be incorporated so as to screen the shed from the street.</p> <p>The proposed development is therefore considered to be in keeping with the surrounding locality and meets the objectives of the Rural Land Uses DCP, and is therefore supported in this instance.</p> |

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| 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> <p>b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</p> <p>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.</p> <p>d) Roads should be designed and located to run with the contours of the land.</p> <p>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.</p> <p>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</p> | Yes | |
| 1.2.2 | <p>Setbacks and Building Separations</p> <p>1. Setbacks from Roads</p> <p>a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.</p> <p>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</p> <p>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.</p> <p>d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</p> <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</p> | <p>1. Yes</p> <p>Yes</p> | <p>Front setback- 106m Located behind main dwelling by approximately 15m.</p> <p>Side setback- LH 5.2m RH approximately 300m.</p> <p>Rear approximately 280m.</p> <p>Setbacks comply with the requirements for farm buildings. The proposed setbacks are consistent with those of the immediate area.</p> |

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| | <p>lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.</p> <p>b) A minimum setback of 75m is required from South Creek for all dwellings and outbuildings.</p> <p>c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.</p> <p>3. Building Separations and Side Boundary Setbacks</p> <p>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.</p> <p>b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.</p> <p>c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.</p> <p>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.</p> | N/A | |
| 1.2.3 | <p>Site Coverage, Bulk and Massing</p> <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> <p>2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</p> <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> <p>4) No more than three (3) undercover car parking</p> | <p>1. Yes</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. No</p> <p>5. No</p> | <p>Existing Structures- Total= 428sqm</p> <p>Proposed Structures- Shed 255sqm</p> <p>All structures- 683sqm</p> <p>A request for variation to DCP <i>Part D1.1.2.3 – Site Coverage, Bulk and Massing</i>, has been submitted for consideration.</p> <p>All required setbacks have been met. The shed is located approximately 15m to the rear of the existing dwellings.</p> <p>The structures exceed the DCP controls by 83m², which is not considered to be</p> |

spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.

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.

significant in this instance.

The proposed shed size is consistent with those in the surrounding locality.

The proposed shed has two roller doors which face the street, totalling five doors facing the street on the subject property. The site is located at the end of Park River Close. The shed is also located greater than 100m from the road, is efficiently screened by the natural downward slope of the land and existing vegetation and meets the objectives of the DCP. The proposed development is unlikely to have any significant adverse impact upon the surrounding environment, adjoining properties or streetscape. Therefore, the variation is supported in this instance.

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| 1.2.4 | <p>Height, Scale and Design</p> <p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p> <p>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.</p> <p>Design and Quality</p> <p>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</p> <p>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.</p> | <p>1. N/A</p> <p>2. N/A</p> <p>3. Yes</p> <p>4. N/A</p> <p>1. Yes</p> <p>2. N/A</p> | <p>7730mm overall building height. Considered to be consistent with the surrounding locality.</p> |
| 1.2.7 | <p>Materials and Colours</p> <p>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.</p> <p>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.</p> <p>3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</p> | Yes | <p>A schedule of external materials and colours has been submitted.</p> <p>The proposed shed will match existing structures on site.</p> <p>The proposed colours are considered to be in keeping with the surrounding area.</p> |

| E9 | Mulgoa Valley | Complies Y/N | Comments |
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| 9.1.2 | <p>Siting</p> <p>1) Buildings are to be located on mid-slopes to avoid visual impact on ridges and to avoid the banks of watercourses</p> <p>2) Buildings are to be setback at least 30m from public roads and at least 100m from Mulgoa Road. This control may be varied depending on the topography of the site.</p> <p>3) Buildings are to minimise excavation, filling and high foundations by avoiding slopes greater than 1 in 6</p> <p>4) The longest façade of a building is to be parallel to the contours of the land.</p> <p>5) Buildings are to be grouped to minimise the visual impact of buildings in an open rural landscape.</p> | Y | <p>E3</p> <p>Front setback- 106m approx..</p> <p>The proposed setbacks are consistent with those of the immediate area and will not have any adverse impact upon adjoining properties.</p> |
| 9.1.3 | <p>Building form, materials and colours</p> <p>1) Buildings are to be a maximum of two storeys.</p> <p>2) Pitched roofs are preferable with a slope of between 30 and 45 degrees. Skillion roofs by themselves are to be avoided except as verandahs or for extensions</p> <p>3) Large elements, especially flat surfaces, are to be avoided. Building facades and roof lines are to be broken into small elements. Garden structures, such as trellises and pergolas, can assist in breaking up large elements.</p> <p>4) Buildings are to be designed with a horizontal rather than vertical emphasis. For example, elements such as verandahs and wide eaves can add a horizontal emphasis</p> <p>5) Windows and doors, expressed as openings in solid walls, are to have a vertical rather than a horizontal emphasis, and large unbroken glazed panels are to be avoided.</p> <p>6) Building materials are to match or complement those of older rural buildings and heritage items. Examples of appropriate materials are:</p> <p>a. Walls – Dressed Hawkesbury sandstone, rendered brickwork, rendered concrete block work, pise, mud brick, earth wall construction, painted weatherboard (horizontal), corrugated iron and timber slab construction</p> <p>b. Roofs – Slate, timber shingles, clay tiles of traditional shape and colour, corrugated iron and ribbed sheet metal</p> <p>7) Building colours are to be derived from the local natural landscape, especially the stone and soil, and from the traditional colours of the historic buildings of the valley. Examples are:</p> <p>a. Walls – Light Indian Red, biscuit, light stone, drab, light red/brown, light cream, pink beige and brown pink. Lighter colours are also acceptable, but avoid white and variegated and mottled colours in brickwork.</p> <p>b. Roofs – Unpainted iron, light olive green, paynes grey, slate grey and blue/grey</p> <p>c. Trim – Bold rich deep colours such as maroon, terracotta and Brunswick green.</p> | N | <p>The roof pitch of the proposed shed is 20 degrees.</p> <p>The design of the shed is considered to be consistent with other development in the locality.</p> <p>The proposed colour schedule is consistent with the surrounding environment.</p> <p>It is considered that the proposed shed meets the objectives of the DCP and is unlikely to have a significant adverse impact upon the surrounding environment, adjoining properties or the streetscape.</p> <p>The proposed variation is therefore supported in this instance.</p> |

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| 9.1.4 | <p>Planting</p> <ol style="list-style-type: none"> 1. Existing stands of indigenous vegetation and key individual indigenous trees that contribute to the landscape character shall be retained. 2. Historic plantings of introduced trees and shrubs shall be retained where they have been identified as significant, or form a positive visual feature in the landscape, or complement a place of historic or cultural significance. 3. Regrowth vegetation in the view corridors linking Cox's Cottage/ St Thomas's Church / Fernhill may be selectively thinned to restore the landscape to an historic park- like character. 4. Non-traditional introduced species with strongly coloured or otherwise prominent foliage is not recommended. | Y | <p>One existing tree is proposed to be removed and has been supported by Council's Biodiversity Team.</p> <p>Additional planting is proposed in the Landscape Plan submitted.</p> |
| 9.1.5 | <p>Access, Parking and Services</p> <ol style="list-style-type: none"> 1. Driveways and access roads shall follow the contours of the land as much as possible and be of the minimum width 2. Driveways and access roads shall be constructed of compacted gravel, or paved or sealed in a dark coloured material if located on steep slopes 3. Parking areas shall be separated from access roads and from the buildings they serve by planting and other landscaping 4. Large parking areas shall not be visible from public roads 5. Services should be appropriately located and screened by walls and vegetation to form part of a coherent group. | Y | <p>No driveway extension to the proposed shed.</p> <p>Ground leading to shed is to be stabilised, condition will apply.</p> <p>No services will be visible from the street.</p> |

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| 9.1.6 | <p>Fences and Entrances</p> <ol style="list-style-type: none"> 1. If practicable, avoid fences on road frontage boundaries. 2. Fences should be simple and unpretentious, and in keeping with traditional forms. E.g. unpainted timber post and rail, timber post and wire or steel post and wire. Masonry fences should be avoided. 3. Gates and entrances should also be simple, and in keeping with traditional forms. Examples are: <ol style="list-style-type: none"> 1. Rendered and pointed brickwork, blockwork, sandstone, painted timber or post and rail 2. Decorated gateposts with the property name carved or painted onto the gatepost or painted onto a wide timber top rail and 3. Decorated iron steel or timber gates. 1. Gates and entrances should relate to the materials and colours of the building to which they belong. | N/A | Existing |
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Penrith City Council D1 Rural Land Use DCP 2014

1.3 Farm Buildings

Is the structure permissible in zone? Yes E3

A. Background

As the nature of agricultural activities changes, there has been an increase in the number and size of farm buildings and a corresponding increase in their impacts on the surrounding area. For this reason, it is necessary to provide controls for all developments involving farm buildings.

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.

In some cases, there are additional controls for particular buildings, such as greenhouses and poultry farms. These controls are included in other relevant sections of this chapter. Where there is an inconsistency between this section and the other relevant part of this chapter, the controls in the latter should be applied.

B. General Objectives

- a) To establish the rationale and controls for environmentally appropriate development;
- b) To ensure the siting, size, design, external appearance and uses of farm buildings do not detract significantly from the rural and environmental qualities of the locality;
- c) To ensure that farm buildings promote and support sustainable agriculture and other permissible rural land uses in the rural areas of the City; and

d) To ensure farm buildings are sited with regard to good site planning principles.

1.3.1. Siting and Orientation

A. Background

These controls aim to ensure that farm buildings are appropriately sited and oriented having regard to the rural character, environmental qualities and agricultural potential of the site and the local area.

B. Objectives

- a) To integrate farm buildings with the landscape so they complement the rural character of an area and are not visually dominant;
- b) To ensure that farm buildings are located to have minimum adverse impact on the environment and on the potential use of the land for agriculture;
- c) To provide separation between potential noise generating sources; and
- d) To provide areas for landscaping between buildings.

C. Controls

1) Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict. **Yes**

2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment. **Yes**

3) Farm buildings should not be erected on land having a slope in excess of 15%. Cut and fill for farm buildings should be limited to 1m of cut and 1m of fill as shown in Figure D1.11. **No**
Fill of 1165mm is proposed to the rear of the shed.

Due to the land sloping to the rear, the fill is required to provide an access area that is not too steep.

The proposed fill is 165mm over the DCP control of 1m which is considered minor.

With the above points being made the proposed shed meets the objectives of the DCP. It is unlikely to have a significant adverse impact upon the surrounding environment, adjoining properties or the streetscape. The proposed variation is therefore supported in this instance.

4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal. **Yes**

5) The narrowest elevation of farm buildings should face the road. **Yes**

6) Farm buildings shall be set back a minimum of 40m from any watercourse. **Yes**

7) Farm buildings should be setback behind the building line of the existing dwelling house on the property. **Yes**

8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building. **Yes**

9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building. **Yes**

10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building. **Yes**

11) Farm buildings should be a minimum distance of 5m from the side boundaries. **Yes**

1.3.2. Floor Space, Height and Design

A. Background

The size of a farm building can have a significant impact on the visual amenity of an area. These controls seek to strike a reasonable balance between the use of the farm building, the use of the land and the size of the property.

B. Objectives

- a) To control the size and height of farm buildings to minimise their visual impact on the landscape;
- b) To ensure that the size of farm buildings is consistent with the intended use and the size of the property;
- c) To encourage improved design of farm buildings so they enhance the rural landscape and character of an area; and
- d) To ensure that farm buildings use a range of design measures to suit individual circumstances.

C. Controls

1) For allotments 3 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 200m² (see Figure D1.13). **N/A**

2) For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m². Note: 'Accumulative building footprint' means the total sum of the ground floor area of all of the farm buildings on a single property. (The floor area under an awning may also be included as part of the accumulative building footprint, depending on the circumstances). **N/A**

'Accumulative building footprint' means the total sum of the ground floor area of all of the farm buildings on a single property. (The floor area under an awning may also be included as part of the accumulative building footprint, depending on the circumstances).

3) For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m². **Yes**

4) Intensive agricultural uses may require larger accumulated building footprints than those specified above. Variation will be considered but must be justified in the application. **N/A**

5) A farm building should not be more than 8m high. **Yes**

6) The maximum external wall height of a farm building shall be 5m. External wall height means the distance from the natural ground level to the underside of the eaves. **Yes**

7) Where a farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation (or similar). **N/A**

8) The design of farm buildings should comprise traditional roof shapes to provide visual relief to the building, reduce the buildings dominance over its setting and to provide interest and character to the locality. **Yes, The design of the shed is consistent with those of the immediate area.**

9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings. **No, A request for variation has been submitted. An external wall length of 17m is proposed adjacent to the property boundary.**

- **The proposal exceeds the DCP control by 2m;**
- **The design of the shed is consistent with those of the immediate area;**
- **The shed will be oriented so that the elevation of the shed with the shortest dimension faces the front of the site.**

It is considered that the proposed development is in keeping with the surrounding locality and meets the objectives of the Rural Land Uses DCP. Therefore, the variation is supported in this instance.

10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°. **Yes**

11) All elevations of farm buildings that face the street are to present a suitable level of detailing to minimize their visual bulk. Features which can be used include windows, awnings and verandahs. **Yes**

1.3.3 Materials and Colours

A. Background

It is important that farm buildings are constructed of appropriate materials and colours, which are present in the agricultural or natural environment of the locality. This is not intended to reduce innovative designs or use of materials as long as they are sympathetic to the rural landscape character of the area.

B. Objectives

- a) To ensure that the colours used in the construction of farm buildings are consistent with the prevailing colours of the locality; and
- b) To ensure that building materials used in farm building design reflect the rural setting and consist of traditional materials that are present in the locality.

C. Controls

1) The colour of farm buildings shall complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green. **Yes**

2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact. **Yes**

3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form. **Yes, The design of the shed is consistent with those of the surrounding locality.**

4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding. **N/A**