

# PENRITH CITY COUNCIL

## FAST LIGHT ASSESSMENT REPORT

<b>Application number:</b>	DA20/0790
<b>Proposed development:</b>	Semi Open Bay Shed
<b>Property address:</b>	79 - 87 Mayo Road, LLANDILO NSW 2747
<b>Property description:</b>	Lot 1 DP 545845
<b>Date received:</b>	26 November 2020
<b>Assessing officer</b>	Matthew Warbrick
<b>Zoning:</b>	RU4 Primary Production Small Lots - LEP 2010
<b>Class of building:</b>	Class 10a
<b>Recommendation:</b>	Approve

### Executive Summary

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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

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The subject site is situated on the north side of Mayo Road Londonderry. It is 2Ha in area, is orientated in a south direction and slopes from the north to the front southern boundary.

An inspection of the site was undertaken on 14th December 2020 and the site is currently occupied by dwelling and shed.

The surrounding area is characterised by residential development.

### Proposal

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The proposed development involves:

- Construction of a shed and associated drainage works.

## Plans that apply

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BUSHFIRE PRONE LAND (ENTIRELY)  
1996 CENSUS COLLECTORS DISTRICT  
PENRITH DCP 2014  
GENERAL LIST  
CONSENTS - SEC. 92 OF ENVIRONMENTAL PLANNING AND A  
MISC - AGRICULTURAL ACTIVITIES WITHIN RURAL AREAS  
DCP 2014 - Tree Preservation Controls  
LEP 2010 - Dual Occupancy and Secondary Dwellings  
DCP 2014 - General Information  
LEP 2010 - SERVICED APARTMENTS  
PLAN INST - SREP NO 9 EXT IND (NO 2-1995) AA  
PLAN INST - SREP NO 20 HAW NEP RIV (NO2-1997) AA  
MISC - REP 20 RIVERINE SCENIC AREA  
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 LRHDC – 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  
SEC 7.12 CONTRIB PLAN - PENRITH CITYWIDE  
STATE ENV PLANNING POLICIES - GENERAL LIST  
NORTH WARD  
RU4 Primary Production Small Lots - LEP 2010  
LEP 2010 - Clause 4.2 Rural Subdivision  
LEP 2010 - Clause 4.2A Res Devel and Subdn Prohib  
LEP 2010 - Additional Land Use Notes

## Planning Assessment

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### • 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 development has a building class 10a and is located greater than 6m from the dwelling onsite.
- In accordance with PBP 2019, there are no bushfire protection requirements for 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

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 - See discussion**

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

### Access and Transport

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

### Heritage

The property is not subject to any heritage order or is identified as heritage under a planning instrument.	<b>N/A</b>
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### Soil

The development will have minimal impact on soil erosion and sedimentation	<b>Complies</b>
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### Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip	<b>Complies</b>
Land is not considered to be contaminated:	<b>Complies</b>
Bushfire requirements provided for the development	<b>N/A</b>
Acoustic requirements provided for the development	<b>N/A</b>

### Site design

The development is sensitive to environmental conditions and site attributes.	<b>Complies</b>
Does the development safe guard the health and safety of the occupants	<b>Complies</b>

### **Section 4.15(1)(c) The suitability of the site for development**

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

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

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

### **Section 4.15(1)(e)Public Interest**

The application will have minimal impacts on public interest	<b>Complies</b>
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## **Conclusion/Summary**

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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**

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1. That DA20/0790 for the construction of a shed at 79 - 87 Mayo Road LLANDILO NSW 2747, be approved subject to the attached conditions.

# CONDITIONS

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## General

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

The development must be implemented substantially in accordance with the Job no 201014 ( Sheets 1 - 6 inclusive ), drawn by Fernleigh Drafting Services and dated October 2020 and 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 building shall not be used under any circumstances for any commercial, industrial or habitable residential activity.

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 \(rural property\)](#)

**Prior to the issue of a construction certificate.** A colour schedule is to be submitted to Council for approval and shall 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 [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.



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

Stormwater drainage from the development shall be connected to a 10,000L rainwater tank and overflow from the tank shall be discharged to the existing stormwater drainage system.

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.

## Landscaping

12 **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.

13 **L012 - Existing landscaping (existing developments)**

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

## Payment of Fees

14 **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

15 **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.

16 **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

Farm Buildings			
1.3.1	Siting and Orientation	Complies	Comments
	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	The siting of the shed is positioned to take advantage of the existing site contours and clear of the existing OSSM
	2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.	Yes	To be conditioned accordingly
	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.	Yes	Minor cut and fill proposed
	4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.	Yes	Existing vegetation and trees are being retained.
	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.	N/A	
	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	- Existing vegetation and trees are being retained. - Increased setbacks ( min. 34m) are proposed for the development
	11) Farm buildings should be a minimum distance of 5m from the side boundaries.	Yes	
1.3.2	Floor Space, Height and Design		

<p>1) For allotments 3 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 200m<sup>2</sup> (see Figure D1.13).</p>	<p>Yes</p>	<ul style="list-style-type: none"> <li>- The development has a building footprint of 192m<sup>2</sup>.</li> <li>- A shed/ awning with a approx. building footprint of 150m<sup>2</sup> exist on the site. The following is noted: <ul style="list-style-type: none"> <li>- The building was being used for storage/hobby ancillary to the dwelling.</li> <li>- The building is not suitable for the proposed use of the new shed due to the low roof height and layout.</li> <li>- The building is approx. 30+ years old and has minor visual impact on surrounding area.</li> </ul> </li> </ul> <p>Council considers the combined building footprint of the existing and new shed of 342m<sup>2</sup> to meet the objectives of the clause for the following reasons:</p> <ul style="list-style-type: none"> <li>- The visual impact of the existing and proposed sheds is minimal.</li> <li>- The intended use of the new shed and the ongoing use of the existing shed is ancillary to the dwelling</li> </ul> <p>- The position and design meets the controls of clause 1.3.1</p>
<p>2) For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m<sup>2</sup>.</p> <p>Note: 'Accumulative building footprint' means the total sum of the ground floor area of all of the farm buildings on a single property. (The floor area under an awning may also be included as part of the accumulative building footprint, depending on the circumstances).</p>	<p>N/A</p>	

3) For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m <sup>2</sup> .	N/A	
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	5.36m
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	4.2m
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).	Yes	Screened from view by existing structures on the property.
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	
9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.	No	<p><b>Variation</b></p> <p>16m wall length proposed. The impact of the wall length is considered to be minimal due to only affected in elevation of the development. The subject elevation is reasonably screen by exiting trees which are being retained.</p> <p>Therefore the variation is supported in this instance</p>
10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.	No	11° roof pitch. The roof design is consistent with similar sheds in the surrounding area and not considered to unduly impact on the visual amenity of the surrounding area.
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.	N/A	Screened from street view
<b>1.3.3 Materials and Colours</b>		
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 - To be conditioned accordingly	

<p>2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.</p>	<p>Y</p>	
<p>3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.</p>	<p>Y</p>	
<p>4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.</p>	<p>Y</p>	