

# PENRITH CITY COUNCIL

## FAST LIGHT ASSESSMENT REPORT

<b>Application number:</b>	DA18/0729
<b>Proposed development:</b>	Additions
<b>Property address:</b>	18 - 24 Farm Road, MULGOA NSW 2745
<b>Property description:</b>	Lot 39 DP 2120
<b>Date received:</b>	30 July 2018
<b>Assessing officer</b>	Luke Caruana
<b>Zoning:</b>	E2 Environmental Conservation - LEP 2010
<b>Class of building:</b>	Class 1a
<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 eastern side of Farm Road. It is 2.543Ha in area and is orientated to the west.

An inspection of the site was undertaken on 10/08/18 and the site is currently occupied by a single dwelling, in-ground swimming pool and rural shed.

The surrounding area is characterised by rural development.

### Proposal

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The proposed development involves alterations and additions to the existing dwelling including an attached garage, store room, alfresco and a new pool barrier, pergola and shed.

### Plans that apply

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Penrith LEP 2010  
SREP No 9 Extractive Industry (No 2 - 1995)  
SREP No 20 Hawkesbury Nepean River ( No 2 - 1997)  
Penrith DCP 2014

## 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 79BA (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 10 August 2018
- The Bushfire hazard is identified as forest south west of the proposal
- The slope under the hazard is approximately 0-5 degrees down slope
- The distance between the threat and the dwelling is 35m
- The development is subject to a bushfire attack level of BAL-29 and as a minimum will be constructed to this level in accordance with AS3959. A condition will be provided.

### • 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

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>N/A</b>
Bushfire requirements provided for the development	<b>Complies</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 79C (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 79C (1)(d) Any submissions made in accordance with the EPA Act and Regulations?**

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

## **Section 79C (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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In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies.

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**

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1. That DA18/0729 for alterations and additions to the existing dwelling at Lot 39 DP 2120 No. 18-24 Farm Road Mulgoa NSW 2745, be approved subject to the attached conditions (Development Assessment Report Part B).

# CONDITIONS

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## General

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

The development must be implemented substantially in accordance with the plans prepared by Des Du Rieu Drafting, dated 09/07/18 and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

4 [A041 - CONSTRUCTION IN BUSHFIRE AREAS](#)

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-29 construction under "AS3959-2009 'Construction of buildings in bushfire-prone areas'".

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

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

## Demolition

6 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

7 [B003 - ASBESTOS \(amended from Council adopted version\)](#)

**Prior to commencement of demolition works on site**, a portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

8 [B004 - Dust](#)

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

9 [B005 - Mud/Soil](#)

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

#### 10 [B006 - Hours of work](#)

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

## Environmental Matters

#### 11 [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 maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

The 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.

#### 12 [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."}

#### 13 [D009 - Covering of waste storage area \(Add if more than 40%\)](#)

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.

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

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

### **BCA Issues**

#### 15 [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)

#### 16 [E Special - hard wired smoke alarms](#)

In accordance with the requirements of clause 94 of the Environmental Planning and Assessment Regulation, you are required to install a hard wired smoke detector in the existing dwelling. This detector is to comply with the requirements of AS3786 and must be located in accordance with 3.7.2 of the Housing Provisions. A certificate from a Licensed Electrician attesting to the installation of the smoke detector is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

### **Health Matters and OSSM installations**

#### 17 [F006 - Water tank & nuisance](#)

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

### **Construction**

#### 18 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

#### 19 [H009 - Cut / fill details \(amended from Council adopted version\)](#)

Earthworks are only permitted in accordance with the stamped approved plans. All fill not shown to be retained shall be appropriately battered to natural ground level as per the stamped plans.

20 **H017 - Loads on existing buildings (if first floor addition)**

A certificate from a qualified practising Structural Engineer attesting to the adequacy of the structure to support the anticipated loads is to be submitted for consideration and approval prior to the issue of a Construction Certificate.

21 **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 compliment and blend with the established streetscape and amenity of the area.

22 **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.

23 **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.

24 **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.

25 **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.

## 26 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

### 27 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.

### 28 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".

### 29 J005 - Doors and windows

The following means of access to the swimming pool shall be restricted to:

(a) For each doorway giving access to the swimming pool:

- the door or, if there is a security door in addition to another door then neither of those doors must be kept child-safe by means of a lock, latch, bolt, chain or another child-resistant device located at least 1.5 metres above finished floor level, and
- there must not, on the door or on the door frame, be any footholds wider than 10 millimetres between the release mechanism of the door and any point 100 millimetres above finished floor level.

(b) For each window giving access to the swimming pool (but does not apply to a child-safe window or to a window that is totally enclosed by a child - safe grille):

- the bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level, and
- there must not be any footholds wider than 10 millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.

### 30 J006 - Window grilles

The child-safe window grilles marked on the approved plan are required under the requirements of the Swimming Pools Act 1992 as an alternative means of restricting access from the dwelling to the swimming pool area. The child-safe window grilles are to remain as approved for the life of the swimming pool.

### 31 J007 - Boundary fencing

If a common boundary fence forms part of the pool enclosure, the provision, maintenance and effectiveness of the said boundary fence is the responsibility of the pool owner whilst ever the pool exists. Alternatively, the pool shall be fully enclosed by isolation fencing.

### 32 J008 - Smooth faced barrier

A smooth faced barrier is to be fixed to the existing boundary fence at a width of 1200mm externally and 300mm internally from the junction of the pool fence and shall extend to the height of the boundary fence. This is required so as to restrict holds for climbing in accordance with AS 1926 "Swimming Pool Safety".

### 33 [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).

### 34 [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](http://www.swimmingpoolregister.nsw.gov.au) or in person at Penrith City Council (\$10 fee applies when registering at Council).

### 35 [J012 - Backwash and Overflow](#)

All backwash from the swimming pool shall be directed into the mains sewer.

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

### 36 [K016 - Stormwater](#)

Stormwater drainage from the site shall be discharged to the:

- a) Existing drainage system or
- b) Level spreader system or
- c) Absorption trench

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.

### 37 [K101 - Works at no cost to Council](#)

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

### 38 [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 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.

### 39 [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, 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

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

Note:

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

### 40 [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.

## Landscaping

### 41 [L008 - Tree Preservation Order](#)

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.

### 42 [L012 - Existing landscaping \(for existing development\)](#)

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

## Payment of Fees

### 43 [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

44 **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.

45 **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.



1.2.1	<p><b>Landscape / Scenic Character</b></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>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Existing dwelling.</p> <p>Proposed additions do not impact on ridgelines or existing vegetation.</p>
1.2.2	<p><b>Setbacks and Building Separations</b></p> <p><b>1) Setbacks from Roads</b></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><b>2) Setbacks from Watercourses</b></p> <p>a) A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the “bank” is difficult to define.</p> <p>b) A minimum setback of 75m is required from South Creek for all dwellings and</p>	<p>NA</p> <p>Yes</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>Yes</p> <p>Yes</p>	<p>The proposed development is located behind the front building line</p>

	<p>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><b>3) Building Separations and Side Boundary Setbacks</b></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>	<p>No</p> <p>NA</p> <p>Yes</p>	<p>The north eastern corner of the dwelling encroaches into the side setback however the proposed dwelling additions maintain a greater than 10 side setback.</p>
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1.2.3	<p><b>Site Coverage, Bulk and Massing</b></p> <p>1) Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).</p> <p><b>Note:</b> '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 spaces shall face towards a public road or place. Any additional garages shall be setback behind the building line and screened.</p> <p>5) A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to other parts of this chapter.</p>	<p>Yes</p> <p>Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p>	<p>172.94m<sup>2</sup></p> <p>Existing ground and first floor.</p> <p>Note that the dwelling has a single storey appearance from the street.</p> <p>172.94m<sup>2</sup></p>
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1.2.4	<p><b>Height, Scale and Design</b></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><b>Design and Quality</b></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>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>NA</p>	<p>Split level development not proposed, however both the ground and first floor additions extend from the established floor levels of the existing dwelling and subfloor.</p> <p>Earthworks are limited to a max 1m as shown on the details provided.</p> <p>Existing fencing.</p>
1.2.7	<p><b>Materials and Colours</b></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>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	
E9	Mulgoa Valley	Complies Y/N	Comments

9.1.2	<p><b>Siting</b></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>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>The proposal is for non-habitable additions to the existing dwelling. All proposed works are behind the existing building line.</p>
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9.1.3	<p><b>Building form, materials and colours</b></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>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Proposed roofs align with existing roof pitches.</p>
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9.1.4	<p><b>Planting</b></p> <p>1) Existing stands of indigenous vegetation and key individual indigenous trees that contribute to the landscape character shall be retained.</p> <p>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.</p> <p>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.</p> <p>4) Non-traditional introduced species with strongly coloured or otherwise prominent foliage is not recommended.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	
9.1.5	<p><b>Access, Parking and Services</b></p> <p>1) Driveways and access roads shall follow the contours of the land as much as possible and be of the minimum width</p> <p>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</p> <p>3) Parking areas shall be separated from access roads and from the buildings they serve by planting and other landscaping</p> <p>4) Large parking areas shall not be visible from public roads</p> <p>5) Services should be appropriately located and screened by walls and vegetation to form part of a coherent group.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>Existing vegetation provides screening.</p> <p>Existing parking area.</p>
9.1.6	<p><b>Fences and Entrances</b></p> <p>1) If practicable, avoid fences on road frontage boundaries.</p> <p>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.</p> <p>3) Gates and entrances should also be simple, and in keeping with traditional forms. Examples are:</p> <p>a. Rendered and pointed brickwork, blockwork, sandstone, painted timber or post and rail</p> <p>b. Decorated gateposts with the property name carved or painted onto the gatepost or painted onto a wide timber top rail and</p> <p>c. Decorated iron steel or timber gates.</p> <p>4) Gates and entrances should relate to the materials and colours of the building to which they belong.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>	<p>Not proposed</p>

Additional comments:

The proposal features a pool shed and pergola structure within the side setback to the northern boundary. The buildings are low profile and maintain the rural character of the established area, further the pool shed will help maintain acoustic privacy from noise generated by the pump it is proposed to house. Minimal adverse impacts will occur as a result.

During the site inspection it was noted that the in-ground pool and external wall of the proposed store room are already constructed. These do not form part of this consent and may be formalised through a building certificate application.

The pool fence and pool shed do form part of this consent.

Scenic and landscape values will not be impacted as a result of the development.