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D1 Rural Land Uses

A. Background

Overview

The location of Penrith at the western fringe of Sydney and at the foothills of the Blue Mountains escarpment provides it with a unique countryside setting. Its urban areas are flanked by the Ropes Creek corridor, the Nepean Valley flood plains and significant bush land areas.

The surrounding countryside covers a large percentage of the City's area and comprises productive rural lands to the north and south, natural reserves, riparian environments and rural villages. These rural areas form an integral part of the character of the City. This character is valued by the community and is one which Council is committed to preserving.

The rural areas that are covered by this section of the DCP include land zoned RU1 (Primary Production), RU2 (Rural Landscape), RU4 (Primary Production Small Lots), RU5 (Village) and other zones where rural land uses may occur including the E3 (Environmental Management) and E4 (Environmental Living) zones.

B. General Objectives

- a) To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;
- b) To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities;
- c) To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;
- d) To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;
- e) To increase the awareness of ecologically sustainable rural land use practices amongst landholders, land users and the community generally, and promote responsible stewardship of Penrith's rural lands;
- f) To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;
- g) To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;
- h) To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);
- i) To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;
- j) To maintain and improve the water quality of watercourses within the City;
- k) To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors;

- l) To consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development;
- m) To promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and
- n) To ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land.

C. Other Relevant Sections of this Plan

Penrith DCP 2014 is a multi layered and integrated document that recognises the inter-relationships between a number of issues, all of which contribute to sustainable outcomes. It is therefore important to read all parts of this DCP.

Council will consider each development application on its merit, having regard to this section and other relevant sections of the DCP, and other relevant environmental planning instruments, contributions plans or Council policies. Compliance with this Chapter alone does not guarantee that consent will be granted to an application.

D. Other Information

People seeking further information on rural land uses or preparing development applications may wish to refer to the following:

- Penrith Rural Lands Study (Penrith City Council, 2001)
- Penrith Rural Lands Strategy (Penrith City Council, 2003)
- Policy for Sustainable Agriculture in New South Wales (NSW Agriculture, 1998)
- State Environmental Planning Policy (Rural Lands) 2008
- NSW Biodiversity Strategy (National Parks and Wildlife Service, 1999).

1.1. Rural Character

A. Background

Protecting the character of Penrith's rural lands is a key driver for this DCP. Rural character is primarily visual – it is the overall impression of our rural lands viewed by people visiting them or driving through them. Consequently, the provisions aimed at protecting rural character focus on ensuring that the visual impact of development is in keeping with rural areas, and does not unnecessarily intrude on the landscape. The Penrith LEP 2010 Scenic and Landscape Values Map identifies land which is particularly sensitive to visual impact. Although the visual impact of development will be considered for every application, it is particularly critical in these areas.

The key components that contribute to Penrith's rural character are the rural landscapes, agricultural lands, native vegetation, biodiversity and riparian corridors, areas of mixed rural uses and rural living areas.

B. General Objectives

- a) To preserve the rural character of the City of Penrith, including its scenic and landscape qualities;
- b) To retain and protect each of the elements that make up the rural character of Penrith; and

- c) To address the visual impact assessment requirements for major applications, as required.

C. Controls

To preserve the rural character of the City of Penrith, all major development should seek to retain and protect the scenic, landscape and rural character of the City (where the relevant land uses are permissible within the zone and in accordance with the controls in Penrith LEP 2010 and this DCP).

Major development applications may be required to provide more detailed studies including, but not limited to, a Visual Impact Assessment (See section on 'Site Planning and Design Principles' and Appendix F3 'Submission Requirements').

1.2 Rural Dwellings and Outbuildings

A. Background

Rural Dwellings

Penrith's rural areas contain a diverse range of housing types. The style, size and location of dwellings are, in many areas, typical of specific eras and social influences.

Some localities, for example, are typified by small scale fibro or brick cottages within a tapestry of agricultural activities. Other, more recently developed, areas contain more residential development and smaller scale agricultural activities, where the separation between buildings is reduced.

All development should take into account the inherent rural character of a locality and be responsive to that character and the local landscape qualities.

Outbuildings

Outbuildings are an integral part of rural life and activities. They include carports, garages, garden sheds, small-scale storage sheds for non-agricultural purposes, gazebos, etc. Outbuildings should be designed and sited to complement rural character. Inappropriate uses and activities are not permitted.

In some cases, outbuildings may be exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) or Penrith LEP 2010. If an outbuilding does not meet the relevant criteria specified in the SEPP or LEP, then development consent will be required.

B. General Objectives

- a) To ensure that development does not detract from the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of rural areas;
- b) To provide separation between residential uses and noise generating sources;
- c) To provide buffers between residential buildings and land uses to minimise the potential for land use conflict and additional pressure on agriculture or other rural activities;
- d) To ensure that external finishes used have minimal detrimental impact on the visual amenity of an area;
- e) To encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development; and
- f) To encourage a diversity of interesting rural dwellings and outbuildings, which respect the inherent character of the locality.

1.2.1. Siting and Orientation of Dwellings and Outbuildings

A. Background

This section aims to ensure the siting of dwellings and outbuildings takes into account the principles of site planning, landscape/scenic character and the environmental qualities of the area and site.

B. Objective

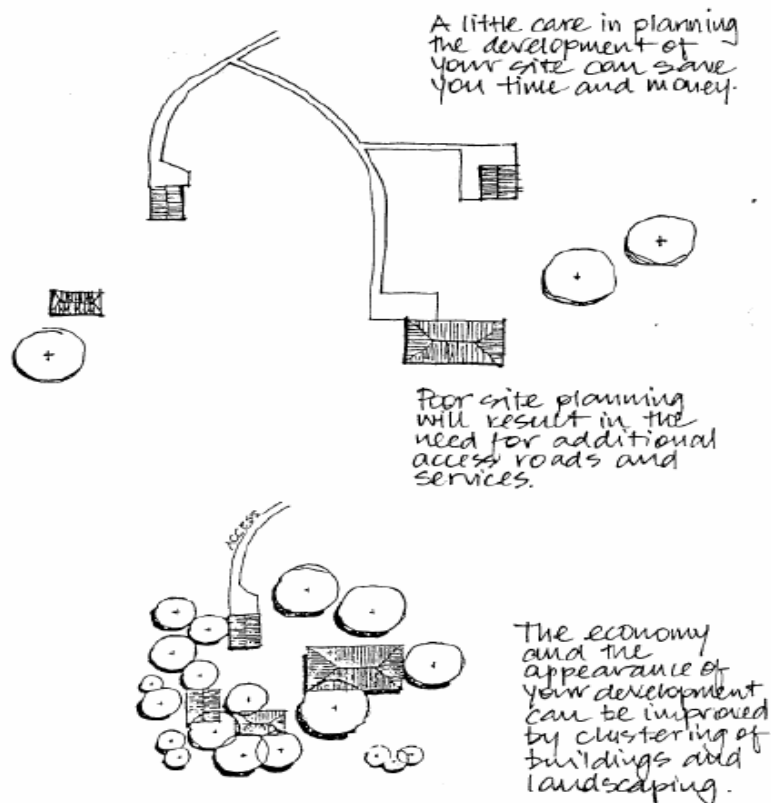
The objective of this section is to ensure dwellings and outbuildings are sited in accordance with the general objectives listed above.

C. Controls

1) Site Planning

- a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:
 - 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).
- b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.
- 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.

Figure D1.1 Site Planning - Consider the natural advantages of the land, and cluster buildings where possible.



2) Landscape / Scenic Character

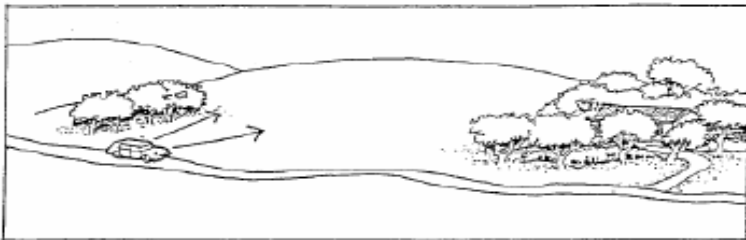
- a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.
- b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.
- c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment.
- d) Roads should be designed and located to run with the contours of the land.
- 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.
- f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.

Figure D1.2 Scenic Character - Set buildings below the ridgeline or behind vegetation to reduce visual impact and enhance privacy.

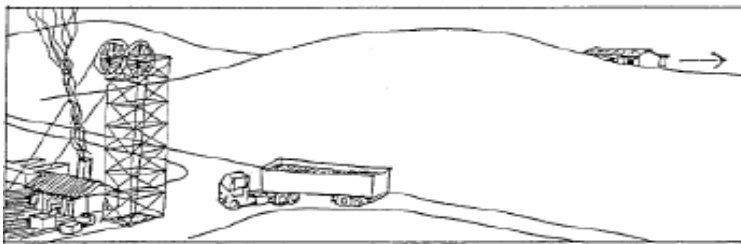
SITING OF HOUSES

Often, with a little thought you can choose a site for your house which is private, sheltered from winds or noise yet has good views.

A little effort in selecting your house site may save you later problems.



New plantings or existing vegetation can give you privacy from passing traffic.

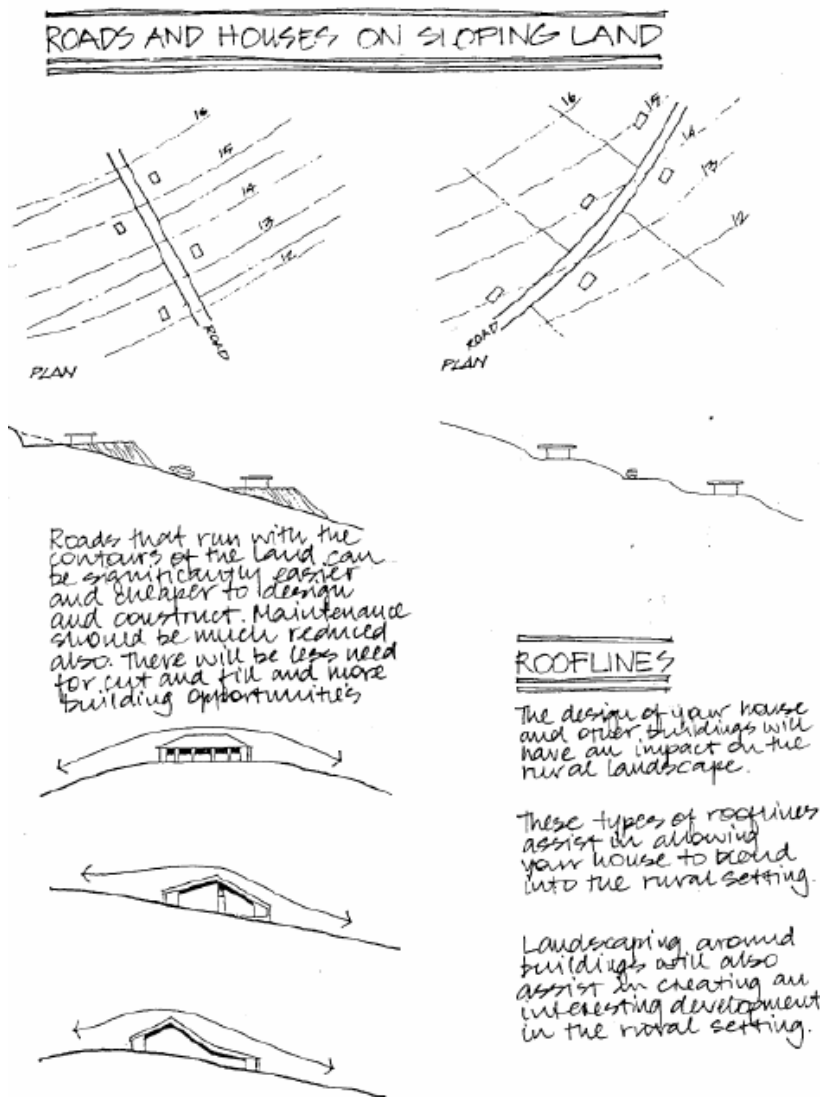


Siting the house over the crest of the hill minimizes the impact from nearby development.



Houses in a developed landscape will be private, screened from winds and will provide a pleasant living environment.

Figure D1.3 Roads and houses on sloping land and rooflines



1.2.2. Setbacks and Building Separations

A. Background

This section aims to maintain visual and acoustic amenity for dwellings by requiring setbacks from public roads and dwellings and other buildings on adjacent allotments. Setbacks from watercourses protect both the dwelling and outbuilding in the event of a flood, and the riparian corridor, associated vegetation and water quality.

B. Objectives

Dwellings and outbuildings are to be sufficiently setback from roads, property boundaries and watercourses:

- a) To maintain sight distances for vehicular safety; and
- b) To preserve trees and other vegetation, and provide adequate areas for landscaping.

C. Controls

1) Setbacks from Roads

- a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.
- b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.
- 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.
- d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).

2) Setbacks from Watercourses

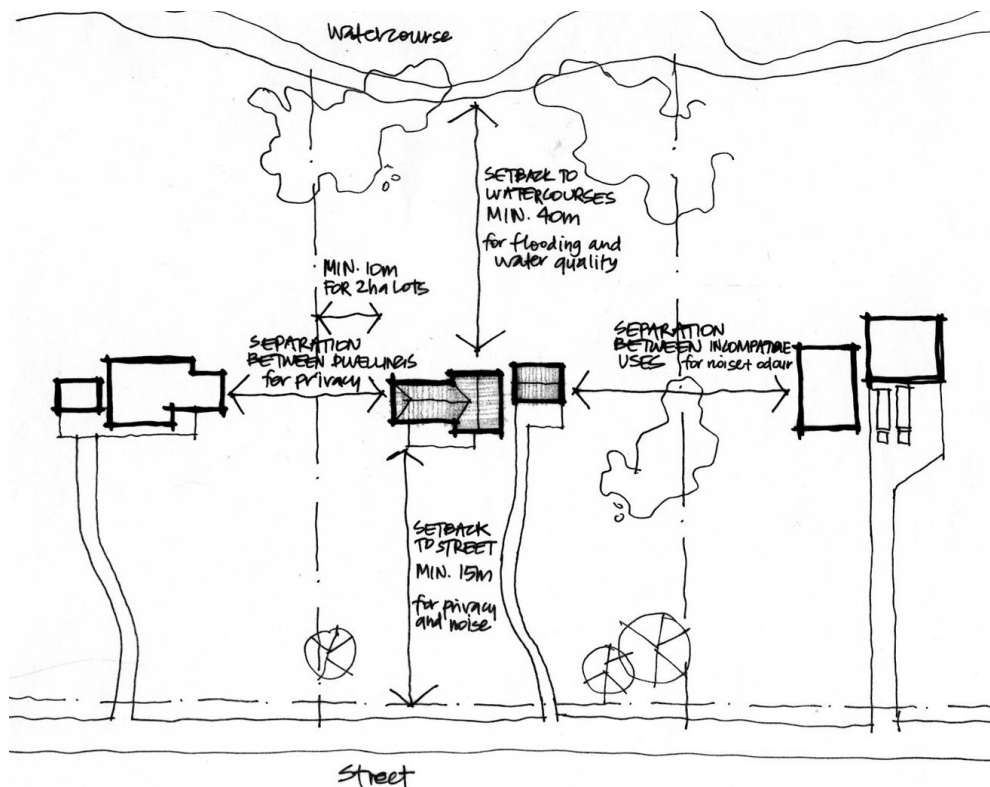
- a) A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.
- b) A minimum setback of 75m is required from South Creek for all dwellings and outbuildings.
- c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.

3) Building Separations and Side Boundary Setbacks

- a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.
- b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger.
- c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.
- 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.

Minimum separations depend on the nature of the farm buildings/activity occurring on the adjacent allotment. Minimum setbacks are set out in other sections of this chapter for agricultural and other types of development.

Figure D1.4: Setbacks for rural dwellings and outbuildings



1.2.3 Site Coverage, Bulk and Massing

A. Background

This section aims to ensure that rural developments adopt a suitable level of development and site coverage that is in keeping with the rural landscape and character.

B. Objectives

- a) To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and
- b) To ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.

C. Controls

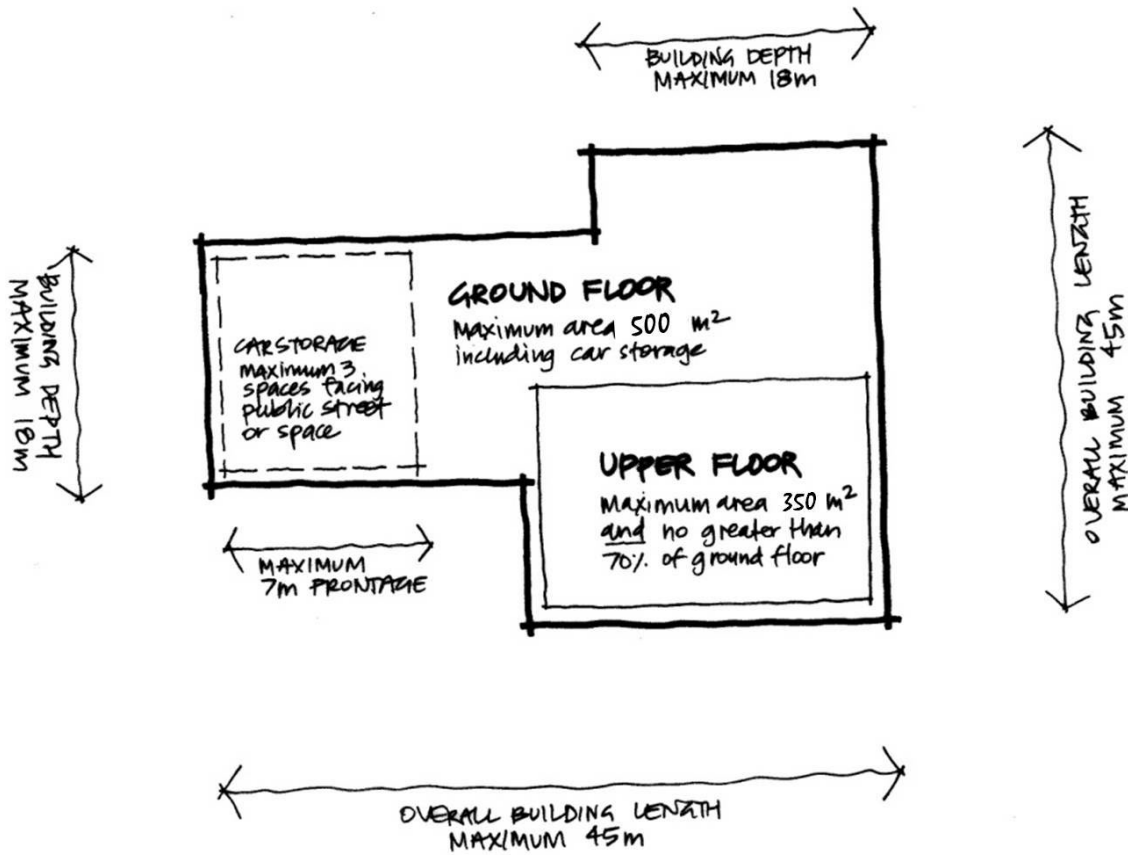
- 1) Dwellings shall have a maximum ground floor footprint of 500m² (including any undercover car parking areas).

Note: 'Ground floor footprint' is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.

- 2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.
- 3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.

- 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.
- 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.

Figure D1.5: Maximum site coverage and building lengths for dwellings



1.2.4 Height, Scale and Design

A. Background

This section aims to ensure that rural dwellings and outbuildings adopt an appropriate height, scale and design suited to the rural landscape and character of the area.

B. Objectives

Dwellings and outbuildings are to adopt:

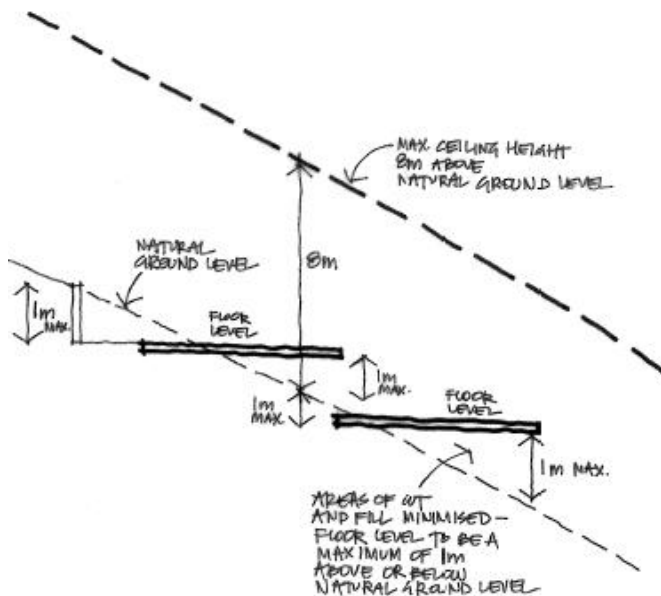
- a) An appropriate height and scale for the size of the site and character of the area; and
- b) A high quality of design that is sympathetic to the rural character but also promotes innovation.

C. Controls

1) Height and Scale

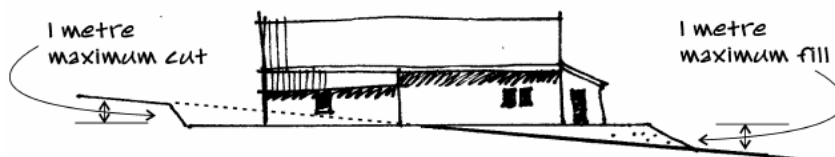
- a) Dwellings shall be no more than two storeys in height, including garage and storage areas.
- b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.
- c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.

Figure D1.6: Maximum height on sloping land



- 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.

Figure D1.7: Maximum permitted cut and fill



2) Design and Quality

- a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.

- 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.

1.2.5. Dual Occupancy Dwellings

A. Background

Development of rural land for dual occupancy dwellings needs to be carefully designed and implemented to mitigate any potential impacts of the increased density of this form of development on local character and landscape.

The concept of a dual occupancy is to have the second dwelling either as an addition to the house or a separate building smaller than the main dwelling. This protects the traditional rural streetscape of residential buildings and farm buildings separated by large spaces.

Any application for dual occupancy will need to address issues of size, design, location and environmental impacts to ensure that the desired rural character is maintained.

As a general rule, dual occupancy must comply with the requirements for rural dwellings relating to:

- Siting and orientation;
- Setbacks and building separations;
- Bulk and massing (excluding site coverage); and
- Height, scale and design.

B. Objectives

The objective of this section is to permit dual occupancy development which:

- a) Is in close proximity to and associated with the existing dwelling on the site; and
- b) Adopts a similar or sympathetic design to the existing dwelling on the site.

C. Controls

These controls apply to dual occupancies in the RU1, RU2, RU4, E3 and E4 zones only.

1) Design

- a) Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design.
- b) The second dwelling should take into account the principles in the sections on 'Site Planning and Design Principles', 'Vegetation Management' and 'Landscape Design' (with particular attention to protecting existing trees and vegetation on the site) of this DCP.
- c) The second dwelling should be located within the curtilage (proximity) of the existing dwelling house on the same lot (and preferably within its garden area).
- d) The second dwelling must be located behind the building line of the existing dwelling house.
- e) The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m.
- f) If the dwellings are attached then the second dwelling should be located behind the existing dwelling and should adopt an 'L' shape.

- g) The second dwelling must be significantly smaller than the existing dwelling house (approximately 50% in floor area).

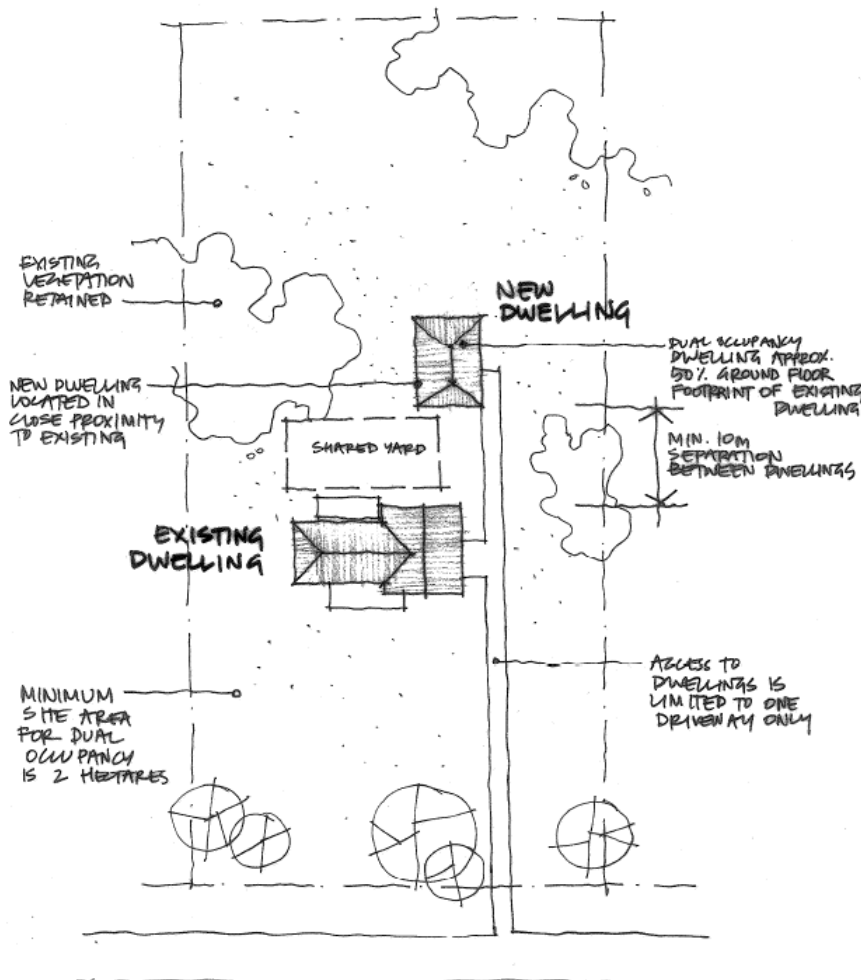
Consideration, however, will be given to varying this control where the existing house has a floor area of less than 200m².

- h) The development should be designed so that the dwellings complement each other and the rural character. In this regard, external finishes should be similar or compatible. Council may require upgrading of the existing dwelling where considered necessary.

2) Access, Parking and Services

- a) Access to dual occupancies is to be via a common driveway to both dwellings.
- b) At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling.
- c) There should only be one electricity line and meter on the property servicing both dwellings.

Figure D1.8: Key principles for dual occupancy development



1.2.6 Secondary Dwellings

A. Background

Subject to meeting certain criteria, secondary dwellings (or granny flats) are generally permissible with consent in rural zones, though some exclusions apply (refer to Penrith LEP 2010).

Secondary dwellings may be considered either upfront as part of building a new dwelling or as an addition to an existing dwelling. As a general rule, secondary dwellings must comply with the requirements for rural dwellings and dual occupancy development.

B. Objectives

The objective of this section is to permit secondary dwellings which:

- a) are part of, attached to or in close proximity to the existing dwelling on the site;
- b) are limited in their size; and
- c) adopt a similar or sympathetic design to the existing dwelling on the site.

C. Controls

- 1) With the exception of floor area, the controls applying to dual occupancy development apply to secondary dwellings.
- 2) Clause 5.4 of Penrith LEP 2010 sets the maximum floor space of secondary dwellings at 60 m² or 10% of the total floor area of the principal or main dwelling, whichever is the greater.
- 3) Secondary dwellings may be located on a lot of less than 2 hectares in size, where it can be demonstrated that the effluent disposal system has sufficient capacity for both dwellings.
- 4) Secondary dwellings shall have a maximum of two bedrooms.

1.2.7. Materials and Colours

A. Background

This section aims to ensure that the materials and colours for any rural dwellings and associated structures (including outbuildings) are of a high quality and are sympathetic to the character of rural areas.

B. Objectives

The objective of this section is to ensure that dwellings and outbuildings:

- a) Use materials that are durable and of high quality; and
- b) Use colours that are sympathetic to the rural character and minimise any visual impact from the development.

C. Controls

- 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.

- 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.
- 3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.

1.2.8. Land in the Vicinity of Proposed Second Sydney Airport

A. Background

This section relates to land which may be under the flight path of the proposed second Sydney airport as identified in the Department of Aviation's Environmental Impact Statement (1985).

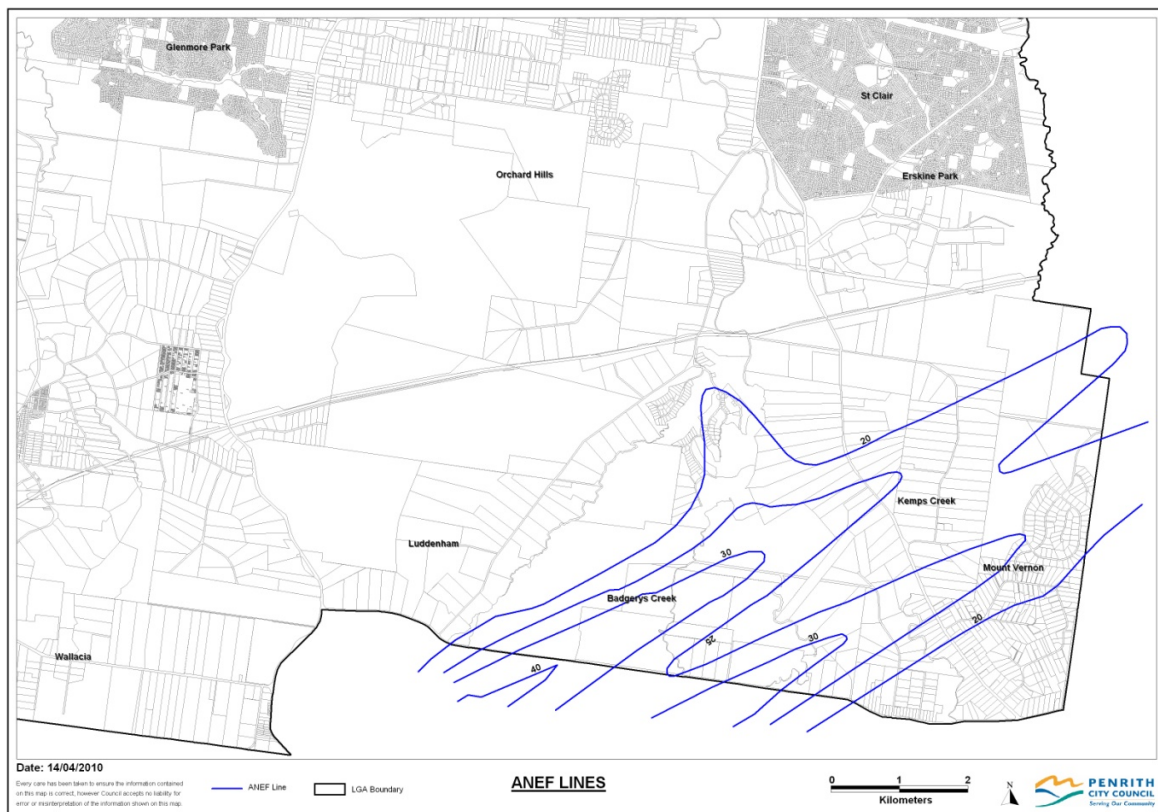
B. Objectives

- a) To allow development which is compatible with the predicted noise levels; and
- b) To prevent the approval of dwellings in areas where noise levels may be unacceptable.

C. Controls

- 1) New dwellings (or significant alterations and/or additions to existing dwellings) within the 20-25 Australian Noise Exposure Forecast (ANEF) zone shall be designed to achieve the requirements discussed in the section on 'Aircraft Noise' in the 'Noise and Vibration' section of this Plan.
- 2) New dwellings (or significant alterations and/or additions to existing dwellings) will not be permitted on land where the ANEF exceeds 25.

Figure D1.9: Land affected by ANEF contours for the proposed second Sydney airport



D. Lifting the Bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Rural Dwellings and Outbuildings' section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- 1) Improved sustainability outcomes including vegetation management and landscaping, water management, land management and waste management in accordance with this DCP;
- 2) Consideration of larger dwellings where it demonstrates:
 - a) High quality architectural design;
 - b) Innovation;
 - c) Integration into the landscape design;
 - d) Consideration of the visual catchment and the rural and scenic character of the area;
 - e) Articulation to reduce building scale and bulk; and
 - f) Minimisation of hard surfaces.
- 3) Inclusion of the top ten features of a 'Universally Designed' home in designing dwellings:
 - a) Easy access to the entrance;
 - b) Level entry;

- c) Essential living areas on entry level;
- d) Bathroom capable of future adaptation;
- e) Reinforcement of bathroom walls;
- f) Easy access to and within the kitchen;
- g) Easy access doors and corridors;
- h) Consistent installation of switches, power points and window controls;
- i) Easy operable door and window hardware; and
- j) Straight stairways.

1.3 Farm Buildings

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.

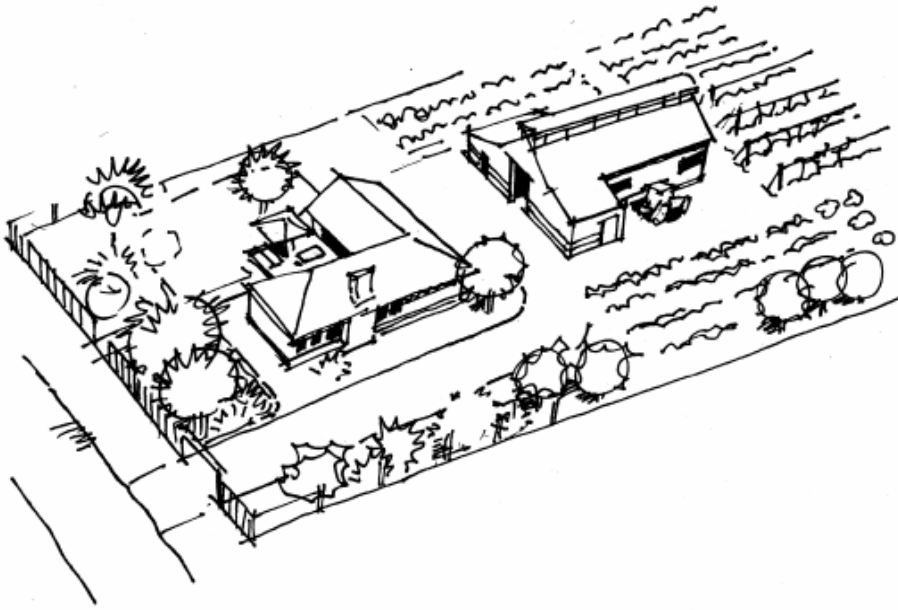
Unless specifically stated, the controls for farm buildings also apply to all sheds and outbuildings ancillary to any permissible use of rural land (specific to the relevant zone), whether or not that use is considered an agricultural use.

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.

Figure D1.10: Siting of a farm building



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.

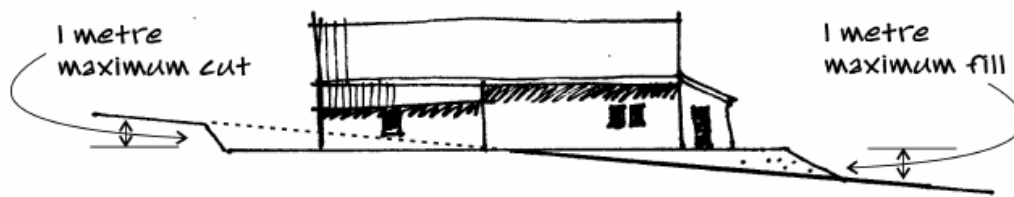
B. Objectives

- 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

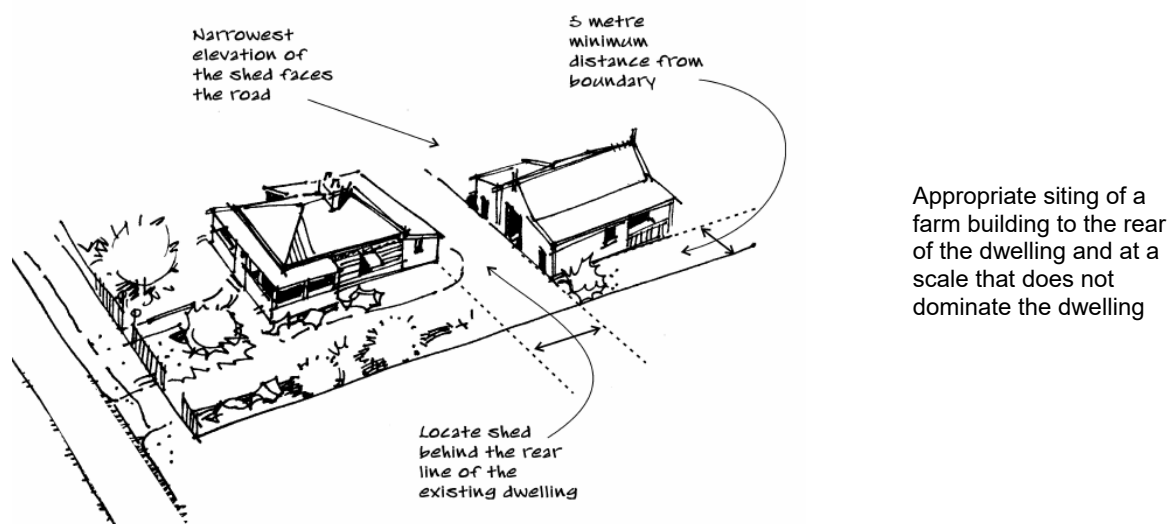
- 1) Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict.
- 2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.
- 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.

Figure D1.11



- 4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.
- 5) The narrowest elevation of farm buildings should face the road.
- 6) Farm buildings shall be set back a minimum of 40m from any watercourse.
- 7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.
- 8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.
- 9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.
- 10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.
- 11) Farm buildings should be a minimum distance of 5m from the side boundaries.

Figure D1.12



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).
- 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).

- 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.
- 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.
- 5) A farm building should not be more than 8m high.
- 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.
- 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).
- 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.
- 9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.
- 10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.
- 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.

Figure D1.13

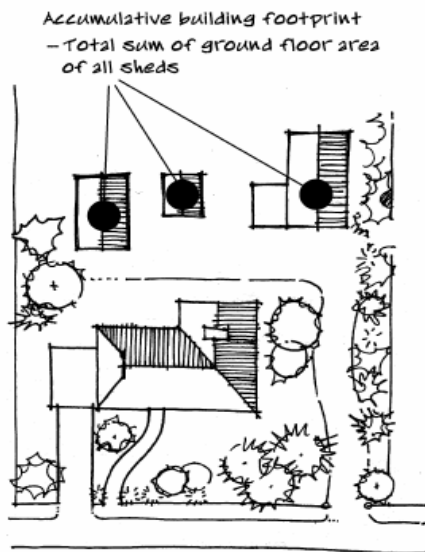


Figure D1.14

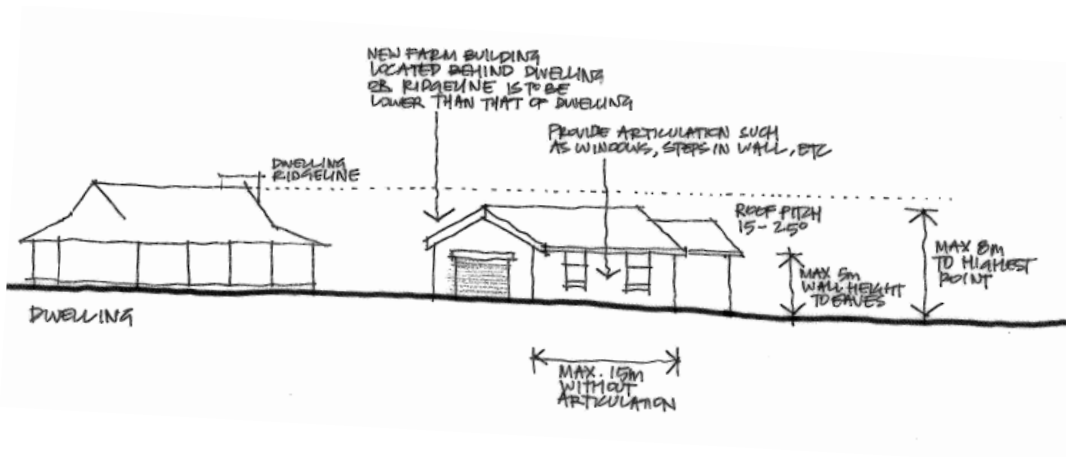
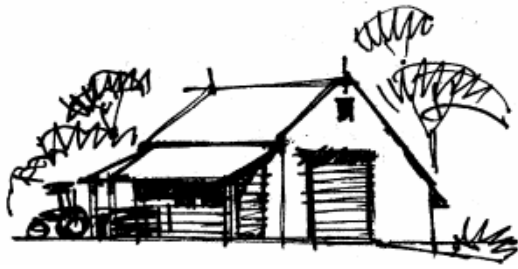


Figure D1.15



Farm building with rounded higher roof element and awning



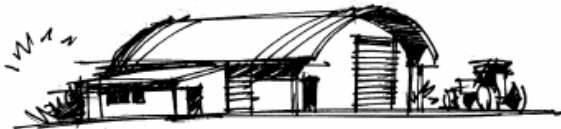
Simple gabled roof with awning - note farm building size and roof are in proportion



Farm building with gabled higher roof element and awning



Simple farm building with gabled roof and lean-to additions which assist in articulating the building form



A farm building of contemporary design that achieves articulation and interest to the form through a lean-to addition and rounded roof form

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.

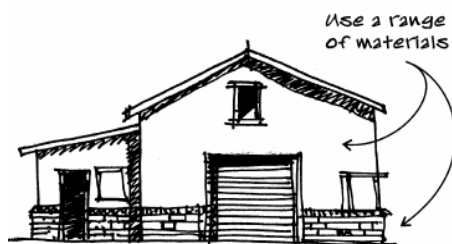
B. Objectives

- 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.
- 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.
- 3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.
- 4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.

Figure D1.16



E. Lifting the Bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Farm Buildings' section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- a) Where farm buildings include large roof surfaces that are oriented towards the north, solar cells are placed on farm building roofs to capture solar energy for electricity generation or hot water systems;
- b) Where farm buildings include large roof surfaces, guttering systems and water tanks are connected to capture rainwater and store for re-use;
- c) Farm buildings are designed to allow natural ventilation for cooling to avoid the need for mechanical ventilation; and
- d) Where farm buildings involve substantial construction, they are designed to allow future reuse for other agricultural-related uses.

1.4. Agricultural Development

A. Background

The aim of this section is to provide appropriate controls for a range of agricultural land uses. One of the key conflicts regarding agricultural development is between the retention of viable agricultural lands and the demand for and expectations of large lot residential allotments.

This pressure is most acute when residential allotments are in close proximity to intensive agricultural uses, which may have a number of off-site impacts.

In addition to conflicts that exist between agriculture and other land uses, land use conflicts also exist between different forms of agriculture, such as intensive and extensive (broadacre) forms of agriculture, or organic and non-organic enterprises. Issues include chemical spray drift, dust, odour and noise. Traditional agricultural activities may also conflict with sensitive environmental areas.

B. General Objectives

- a) To encourage sustainable land use practices;
- b) To retain viable agriculture lands;
- c) To avoid land use conflicts;
- d) To adopt appropriate water management practices including water consumption patterns to maintain and improve water quality and flows;
- e) To ensure protection of biodiversity values and natural vegetation; and
- f) To ensure protection of heritage values and landscape values in rural areas.

1.4.1. Extensive Agriculture

A. Background

Extensive agriculture is permissible without consent in the RU1, RU2, RU4 and E3 zones. It does, however, require consent on some sites, which are listed in Schedule 1 Additional permitted uses of Penrith LEP 2010.

It should be noted that permitting extensive agriculture without consent does not automatically permit the clearing of native vegetation. If any clearing is required to carry out extensive agriculture, consent must be sought prior to clearing. In this regard, applicants should refer to the section on 'Vegetation Management' for further details.

Existing extensive agriculture requires a level of protection from rural residential development to remain viable both in terms of sizes of allotments and avoidance of land use conflicts that limit farming operations. In most cases, the allotment sizes in Penrith are not large enough to support new extensive agricultural businesses. Therefore, there is a need to protect the existing large allotments and agricultural enterprises, where possible.

In general terms, as there are fewer impacts from extensive agriculture, this form of agriculture does not require as comprehensive an assessment for consent as more intensive forms of agriculture.

All buildings associated with extensive agriculture should comply with the controls for farm buildings in Section 1.3 'Farm Buildings' of this Plan.

B. Objectives

- a) To support extensive agriculture where it is viable;
- b) To avoid environmental impacts from agricultural practices; and
- c) To restore native plant communities and increase the use of native grasses in grazing.

C. Controls

- 1) Any proposal for extensive agriculture should comply with the controls set out in the other sections of this DCP.

- 2) Agricultural practices shall give consideration to:
 - a) Obligations under the Noxious Weeds Act 1993,
 - b) NSW Department of Primary Industries guidelines at www.dpi.nsw.gov.au; and
 - c) Use of native grasses for grazing.
- 3) Use of chemicals (including pesticides and herbicides) should be in accordance with:
 - a) Agricultural and Veterinary Chemicals Act 1994; and
 - b) Agricultural and Veterinary Chemicals (NSW) Regulation 2000.

1.4.2 Intensive Livestock Agriculture

A. Background

Intensive livestock agriculture has the potential to impact on surrounding properties and the environment. Some of the key issues are:

- a) Impacts on the amenity of surrounding areas, especially in relation to odour, dust, noise and insects;
- b) Impacts on surface and groundwater, as well as land degradation, resulting from poor management practices;
- c) Availability of suitable land areas for managing effluent and manure sustainably;
- d) Availability of suitable water supplies for stock water, cleaning (e.g. washing out dairies) and, depending on effluent volume and quality, for dilution of effluent for irrigation;
- e) Management of other wastes (e.g. dead carcasses); and
- f) Impacts on rural landscape character.

All buildings associated with intensive livestock agriculture should comply with the controls for farm buildings in Section 1.3 Farm Buildings of this Plan. Where there is an inconsistency between Section 1.3 Farm Buildings and this section (Agricultural Development), the controls in this section should be applied.

B. Objectives

- a) To ensure that an appropriate water supply is available for the proposed use and sustainable water management practices are adopted;
- b) To allow intensive livestock production where satisfactory arrangements are made for the containment and disposal of wastes;
- c) To ensure adequate drainage for the site, whilst avoiding contamination of waterways or land;
- d) To provide dust, odour, pest and vermin control to minimise the impact on the amenity of neighbouring properties and users;
- e) To minimise traffic impacts and provide appropriate access and parking facilities for the size of the facility; and
- f) To minimise visual impact on the landscape and scenic qualities of rural areas.

C. Controls

These controls apply to all types of intensive livestock agriculture. More detailed controls for specific types of intensive livestock agriculture are set out later in this section.

1) Location

- a) Farm buildings and animal holding areas shall not be located in floodways to prevent loss of stock and pollution of waterways during flood events.
- b) The size and location of the intensive livestock agricultural use must take into account the distance of the proposed site to the nearest sensitive land use (including residential zones, educational establishments or groups of five or more dwellings) to minimise the impact of noise and odour.
- c) Intensive livestock agriculture shall be located so as to not impact on natural resources sensitive land identified on the Penrith LEP 2010 Natural Resources Sensitivity Land Map.

2) Water Supply

- a) Council will not grant consent for any new or substantially expanded intensive livestock agricultural use unless it is satisfied that the supply of water to the property is adequate. This may include pre lodgement consultation with Sydney Water.
- b) Council's consent is required to construct or form a dam, pond or water retention basin. Specific advice on the construction of dams can be obtained from NSW Department of Primary Industries. See also controls in the chapter on 'Water Management' relating to water retention basins/dams.

3) Waste Management

- a) Development applications must specify the method by which wastes, including the disposal of dead carcasses of animals and effluent, will be managed.
- b) On-site disposal of manure is generally not acceptable. On-site waste disposal may be considered where the allotment is of sufficient size and potential runoff is limited.
- c) The burning of animal carcasses is prohibited. Removal by waste contractors is preferred.
- d) No liquid or solid wastes from the intensive livestock agricultural use shall be allowed to enter into any stream, watercourse or groundwater or to contaminate land so as to render it unfit for future farming or other relevant activities.

4) Control of Pests and Vermin

- a) Adequate vermin control shall be carried out with a regular fly and pest control program.
- b) The control program shall comply with the requirements of NSW Department of Primary Industries and shall be maintained to the satisfaction of Council officers.
- c) Development applications must include information on how the requirements of the Noxious Weeds Act 1993 will be met.

5) Pesticides

For any new or substantially expanded intensive livestock agricultural use, the applicant should incorporate, in any development application, a schedule of all pesticides and other toxic chemicals likely to be stored and used on the site. The schedule should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals.

6) Dust Control

- a) All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation.
- b) To eliminate dust as a nuisance, grass cover should be maintained and grown, wherever practical.
- c) Landscape buffers that will minimise dust transfer should be provided around all outdoor holding areas for hoofed animals.

7) Noise and Odour Control

- a) If the use is likely to produce odours that will impact on adjacent properties, the application must include an outline of management protocols to minimise impacts, considering prevailing winds, timing of cleaning, timing of effluent application, etc.
- b) If the use is likely to produce substantial noise (or noise during night hours), the application must include an outline of management protocols to minimise impacts, considering timing of operations, ways to minimise noise generation and travel, etc.

8) Drainage

- a) Development applications should be accompanied by details of the proposed method of draining the site.
- b) Drainage should be designed to incorporate treatment of wastewater to the standards of the NSW Office of Environment and Heritage.

9) Soil Erosion

- a) An Erosion and Sediment Control Plan will be required in conjunction with any development application for a new or substantially expanded intensive livestock agricultural use. This plan should be prepared in consultation with the NSW Department of Primary Industries and comply with all relevant sections of this DCP (especially the section on 'Land Management').

10) Landscaping

- a) All structures are to be screened by landscaping to minimise visual impact. A landscaping buffer should be established around the perimeter of all development.
- b) Plant species should include those which will grow to over 7m in height with a large canopy as well as smaller intermediate shrubs. Species that occur locally should be included in the landscaping plan. A list of appropriate species can be obtained from Council's Development Services Department.
- c) Planting should be adequately protected from damage by livestock or native animals during its establishment; e.g. using tree guards, or staking and wire.

11) Access, Traffic and Parking

- a) The frequency and intensity of traffic associated with all intensive livestock agriculture should be addressed in terms of the capacity of the road system.
- b) Access to the site should be provided from a main or secondary arterial road which is constructed to a standard to take articulated vehicles. Access should only be provided from a local road where it is not practicable to provide access from a main or secondary arterial road.
- c) The design of the development should incorporate parking and access areas related to the use and vehicles likely to be associated with the development.
- d) Client/employee parking areas and vehicular crossings are to be provided.

12) Visual Impact

- a) Any development should consider the impact on the rural and landscape character of the area and seek to minimise this visual impact by appropriate siting of buildings, landscaping and screen plantings, especially from public places and roads.
- b) The development shall be designed to have a minimal impact on the streetscape and views enjoyed by adjoining residences.

1.4.3 Poultry Farms, Piggeries, Feedlots and Dairies

A. Background

Poultry farms, piggeries, feedlots and dairies are specific forms of intensive livestock agriculture which can have significant additional impacts. Issues include:

- Concentrated noise from animals;
- Management of dust and odours; and
- Management of waste.

Council consent is required for any of these uses that will operate as a commercial venture.

B. Objectives

- a) To ensure properties used for these purposes are large enough to support the required facilities and allow sufficient setbacks from boundaries, adjacent land uses and public areas to minimise impacts, particularly noise;
- b) To provide appropriate buffer distances and setbacks between poultry farms, piggeries, feedlots or dairies and land reserved or in use for sensitive uses (particularly dwellings) to minimise noise, dust and visual impact;
- c) To ensure that farms are properly managed and methods of waste disposal are adequate;
- d) To adopt a consistent approach to planning for the development of new farms and extensions to existing farms;
- e) To provide controls for the prevention of excessive air, noise, water and visual pollution; and
- f) To minimise the visual impact of structures associated with these uses.

C. Controls

1) Preparing an Application

- a) NSW Department of Primary Industries and Penrith City Council should be contacted regarding their requirements prior to the preparation of any application.
- b) Certain proposals for piggeries and cattle feedlots must address the matters set out in State Environmental Planning Policy No.30 – Intensive Agriculture.

2) Allotment Sizes and Animal Numbers

- a) Poultry Farms
 - i) Poultry farms must have a minimum lot size of 8 hectares.
 - ii) Buildings must cover no more than 10% of the site.

b) Piggeries

- i) A minimum area of 2 hectares is required for piggeries.
- ii) On a block of 2 to 6 hectares, there shall be no more than one breeding sow and its progeny to each half hectare. At no time is the total number of pigs to exceed ten times the approved number of breeding sows (e.g. on a 5 hectare block, there may be no more than 10 breeding sows and no more than 100 pigs in total).
- iii) The above maximums can only be achieved where an adequate effluent disposal system is in place. This system must be designed by an approved trade waste consultant.

3) Setbacks

a) Poultry Farms

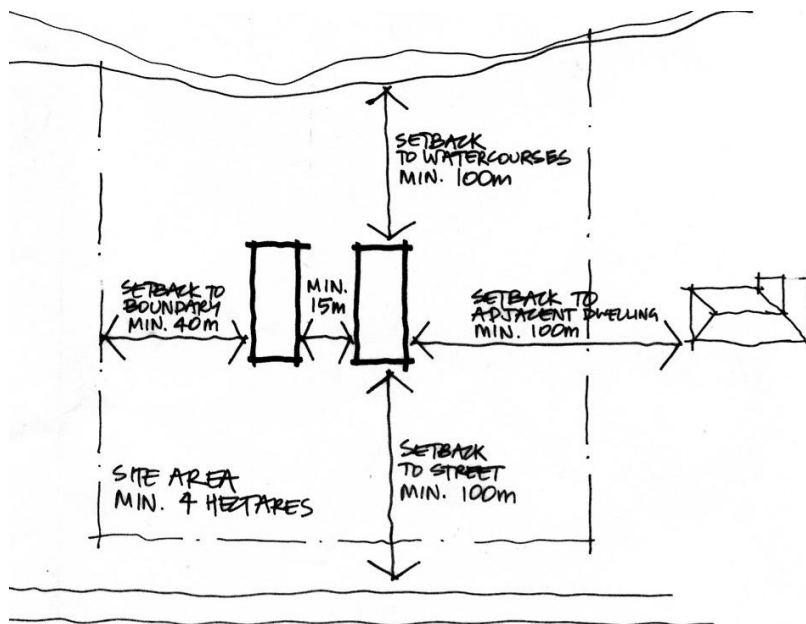
- i) Setbacks for poultry buildings are to be provided in accordance with Table D1.1 and Figure D1.17 below.
- ii) The setbacks are required to incorporate vegetated/ landscaped buffers on the property to screen sheds and activities, and to help reduce noise and odours.

Table D1.1

Minimum distance from poultry buildings to:	Distance
Public Roads	100m
Boundaries and Dry Gullies	40m
Watercourses and Wells	100m
Adjoining Dwellings	100m
Other Poultry Farms	500m
Zones where Lots < 4ha	300m
Dwelling(s) on the Same Farm	No minimum

Separation - poultry buildings on same farm	Distance
Parallel Broiler - Pullet Breeding	15m
Parallel High Rise Layer	30m
Laying and Rearing	100m
Laying Sheds and Egg-Holding Room	40m

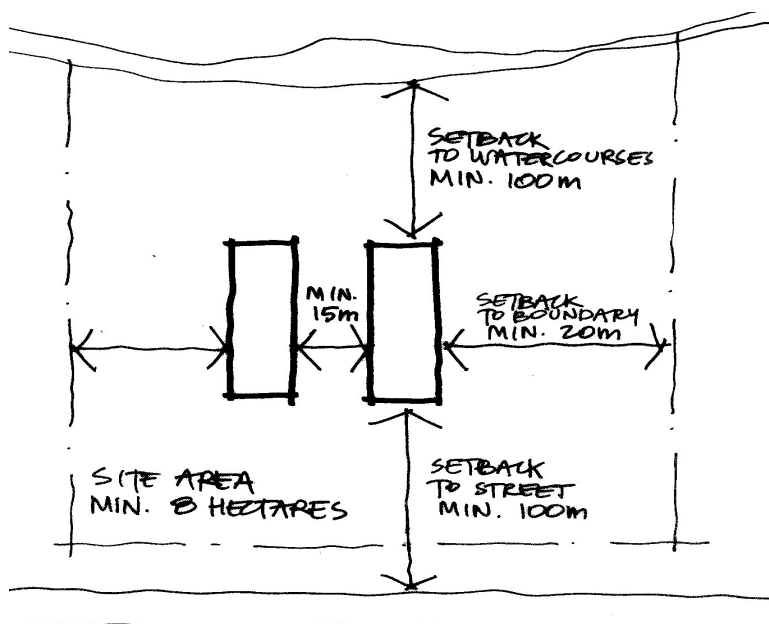
Figure D1.17: Setback requirements for poultry farms



b) Piggeries

- i) A piggery on a site of 2 to 6 hectares should locate all piggery facilities at least 20m from boundaries and 40m from a road or public place.
- ii) A piggery on a site of more than 6 hectares should locate all piggery facilities at least 40m from boundaries and 80m from a road or public place.
- iii) All piggeries (including the disposal areas) shall be a minimum distance of 100m from any watercourse. The distance may be increased by Council according to the slope of the land and the permanency of the watercourse.

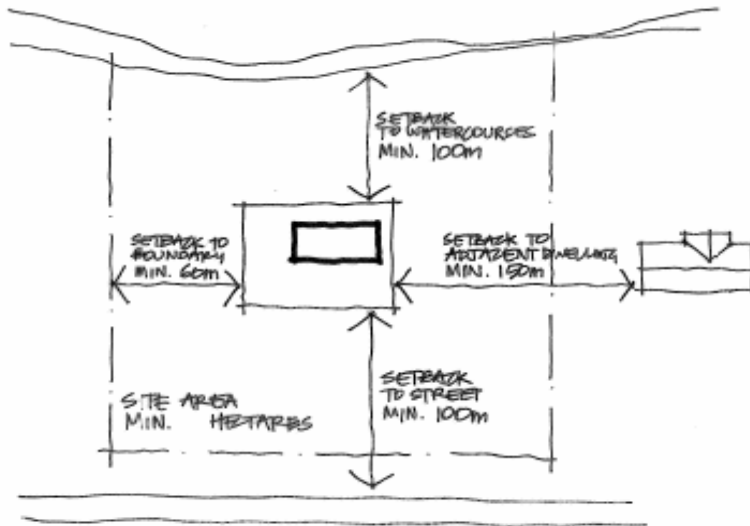
Figure D1.18: Setback requirements for piggeries



c) Feedlots

- i) The site should be large enough to achieve a minimum separation of 150m between feedlot yards/farm buildings and residences on adjoining properties.
- ii) All feedlot facilities must be setback a minimum of 60m from property boundaries.
- iii) All feedlot facilities must be setback a minimum of 100m from a public road.
- iv) All feedlot facilities must be setback a minimum of 100m from any watercourse.

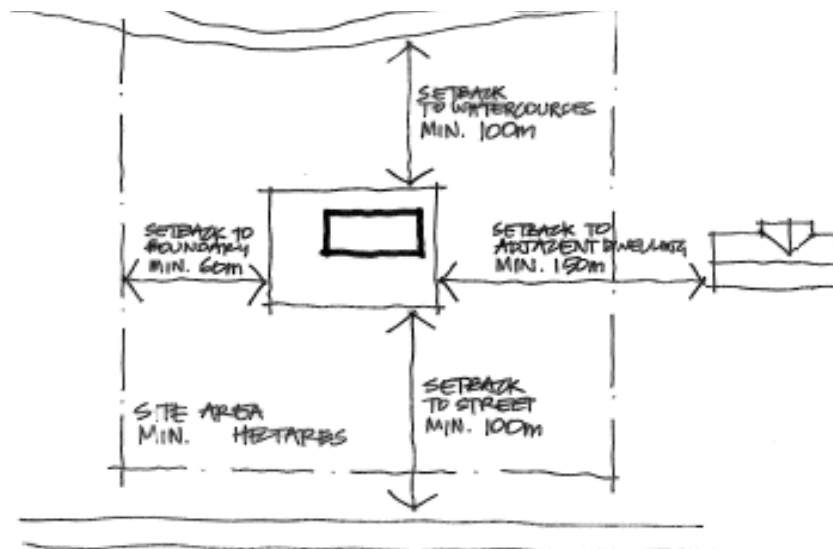
Figure D1.19: Setback requirements for feedlots



d) Restricted Dairies

- i) The site should be large enough to achieve a minimum separation of 150m between dairy yards/sheds and residences on adjoining properties.
- ii) All dairy facilities should be setback a minimum of 60m from boundaries.
- iii) All dairy facilities should be setback a minimum of 100m from a public road.
- iv) All dairy facilities must be setback a minimum of 100m from any watercourse.

Figure D1.20: Setback requirements for restricted dairies



4) Odour Control (for poultry farms, piggeries, feedlots and dairies)

- a) Required buffers/setbacks must include landscaping, including a dense area of vegetation, a minimum of 25m wide.
- b) Ventilators on poultry sheds should be directed up rather than down.

5) Noise Control (for poultry farms, piggeries, feedlots and dairies)

- a) All development should comply with the relevant State Government authority or agency standards and guidelines for noise.
- b) Council may require a Noise Impact Statement to be submitted, depending on the scale and location of sheds to residential areas. Information on the requirements of a Noise Impact Statement are provided in the 'Noise and Vibration' section of this Plan.
- c) A noise management plan (including feed delivery) must be prepared which outlines measures proposed to minimise noise to surrounding areas. For poultry farms, this should consider daylight catches or a reduction in the number of pickups required.

6) Design and Construction

a) Feedlots

- i) Any application must address the requirements of the New South Wales Feedlot Manual (see www.dpi.nsw.gov.au).
- ii) Any application must address the requirements of the National Guidelines for Beef Cattle Feedlots in Australia (1997) (see www.dpi.nsw.gov.au) in determining an appropriate drainage system, controlled drainage area and capture and storage of runoff (effluent), and for using effluent and manure on-site.
- iii) Applications should be prepared in consultation with Council officers. Information relating to the issues above should be submitted with the application, together with a plan of management which indicates factors such as, but not limited to:
 - Animal concentration per hectare;
 - Paddock rotation intervals;

- Revegetation strategies for soil degraded paddocks;
- Location of stock in relation to adjoining premises;
- Odour control; and
- Location of feeding points.

1.4.4. Animal Boarding or Training Establishments

A. Background

Animal boarding or training establishments include dog kennels, catteries, horse breeding facilities, horse training facilities (such as trotting tracks) and large-scale aviaries. Fish are dealt with under aquaculture.

The issues associated with animal boarding or training establishments include:

- Concentrated noise from animals;
- Management of dust and odours, including from animal exercise areas;
- Management of solid and liquid wastes;
- Availability of suitable water supplies for stock watering and cleaning;
- Impacts on rural landscape character; and
- Impacts on the local road system.

B. Objectives

- To allow the development of these establishments while minimising the impact on adjoining land uses and the local road system;
- To encourage establishments which are designed to promote efficient internal circulation, drainage and aesthetic appeal; and
- To ensure that properties are large enough to support the required facilities and allow for sufficient setback from boundaries, adjacent land uses and public areas to minimise impacts.

C. Controls

1) General Requirements

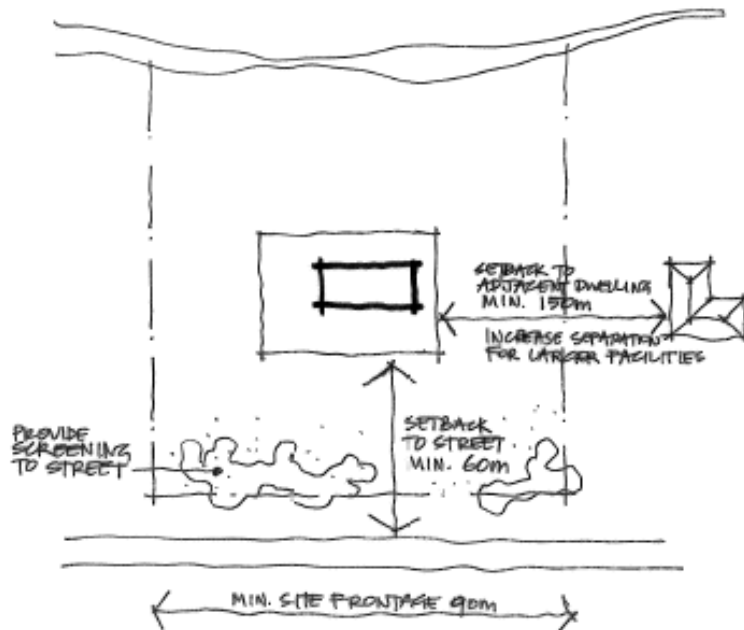
- Sites should be selected with consideration for the location of clients, feed supplies and adjoining land uses.
- The specific controls for dog boarding, training or breeding establishments are set out below. Other forms of animal boarding or training establishments will be considered based on a merit review.

2) Setbacks for Dog Boarding, Training or Breeding Establishments

- Dog boarding, training or breeding establishments will not be approved on allotments which have a frontage of less than 90m.
- Kennels shall be located a minimum of 150m from any existing dwelling or potential dwelling site.
- Kennels, which are located 150m from existing or future dwellings, shall accommodate not more than 10 dogs.

- d) A proportional increase in the number of dogs will be permitted as the distance from existing or future dwellings is increased, to a maximum of 40 dogs for 300m.
- e) Kennels should be setback a minimum of 60m from any public road.

Figure D1.21: Setback requirements for dog boarding, training or breeding establishments



3) Design for Dog Boarding, Training or Breeding Establishments

- a) All kennels are to be screened to ensure that dogs cannot see the street.
- b) Concrete floors are to be provided to all kennels and runs to facilitate cleaning.
- c) Sound-proofed holding sheds are to be provided for distressed animals.
- d) Applications for consent to establish kennels shall be accompanied by an acoustic study which demonstrates that the proposal can operate with acceptable impact on adjoining and nearby properties.
- e) Structures and enclosures should be designed to minimise visual impact on the streetscape and views enjoyed by adjoining properties. Large areas of light coloured or reflective materials will not be permitted.
- f) Development applications should include details of proposed advertising and sign posting.

4) Operations for Dog Boarding, Training or Breeding Establishments

- a) Dogs are to be confined to their individual runs or exercise areas at all times.
- b) Council may consent to the sale of animals, which are bred or raised on the property, where the sale remains ancillary to the boarding, breeding, training or treating.

1.4.5. Aquaculture

A. Background

The key issues for aquaculture include:

- Impacts from clearing or site selection on native flora and/or fauna;
- High water consumption;
- Management of waste; and
- Potential for release of non-native species into natural waterways.

B. Objectives

- a) To encourage sustainable aquaculture;
- b) To set out the minimum site location and operational requirements for permissible aquaculture development; i.e. the minimum performance criteria:
 - i) To protect natural waterbodies or wetlands;
 - ii) To protect existing native terrestrial or aquatic vegetation and the habitat of native fauna;
 - iii) To minimise noise impacts on adjacent land uses;
 - iv) To minimise the potential for escape of non-native aquaculture species to natural waterbodies;
 - v) To provide waste management practices which ensure that the disposal of waste, particularly organic waste, does not impact on surrounding water and land systems or on adjoining land owners; and
 - vi) To minimise water consumption requirements and recycle water, where possible.

C. Controls

1) Setbacks

- a) All ponds, dams, tanks and internal drains should be setback at least 50m from a natural waterbody or wetland. (Note: For barramundi and other high security species, the minimum distance must be 500m).
- b) A vegetated riparian corridor of not less than 40m should be maintained between any ponds, dams, tanks and internal drains, and the high bank of any adjoining watercourse. This riparian corridor should be maintained to protect any existing native plant species. Proposals should include a Vegetation Management Plan to indicate how the riparian corridor will be protected and enhanced.
- c) The site layout for the ponds, dams, tanks, water intake, outlet and circulation system and operational facilities should be designed to minimise the destruction or disturbance of native terrestrial and aquatic vegetation or the habitat of native fauna.
- d) It is preferable for freshwater aquaculture ponds to be constructed above the probable maximum flood (PMF) level.

2) Impacts on Neighbouring Land Uses

- a) Design and layout should incorporate all possible measures to minimise operational impacts on the neighbours and the broader community. Reference should be made to the NSW Industrial Noise Policy (<http://www.environment.nsw.gov.au>).

- b) Where possible noisy activities (e.g. truck loading areas or plant/equipment) should be located remote from neighbouring houses or in a location where there is an existing barrier between the noisy activity and the receiver. Where there is the potential for noise to become a nuisance, options to reduce noise impacts should be considered including:
- i) Quieter, insulated plant/equipment;
 - ii) Enclosing the noisy activities in a building; or
 - iii) Building a noise barrier.

3) Waste Management

- a) The aquaculture farm should be designed to minimise waste and reuse and recycle materials. This includes:
- i) Pond and tank water;
 - ii) Processing water;
 - iii) Pond/tank sludge and filter materials;
 - iv) Processing wastes and dead fish; and
 - v) Packaging material.
- b) Any proposal which includes the on-site disposal of waste, in particular organic waste, must consider the potential to impact on any nearby residences or contaminate surface or ground water.

4) Water Management and Pond/Tank Design

- a) Ponds/tanks should be orientated to allow for efficient circulation of water through water supply access facilities, storage dams/tanks, growing ponds/tanks, reconditioning ponds/tanks and drainage lines.
- b) Water circulation systems should be designed so that pond/tank discharge water can be retained in reconditioning ponds/tanks (for an appropriate time to reduce suspended solids and to allow for appropriate treatment, if necessary) and have the capacity to recirculate the water on the farm or release/reuse the water in an appropriate manner.
- c) For freshwater aquaculture farms, the water circulation system should include appropriate reconditioning ponds/tanks before recirculation or reuse so there is no discharge of water from the fish farm to the natural waterway. Reuse options may include agriculture or other purposes on the farm or by arrangement with other water users as a substitute for raw water.
- d) The use of water in freshwater aquaculture enterprises is conditioned on “no discharge” into public or Crown roads, Crown land, neighbouring land, rivers, creeks or natural wetlands, groundwater aquifers or native vegetation.

1.4.6 Horticulture

A. Background

The key issues for horticulture include:

- Visual impacts of buildings and structures to protect horticultural crops (including glasshouses and hail netting);
- Impacts on native vegetation and habitat;
- High water consumption;

- Impacts from irrigation including salinity and raised water tables;
- Soil management issues such as erosion and degradation;
- Use and runoff of chemical pesticides, fertilisers and herbicides;
- Transport and access for crop distribution;
- Noise impacts from hail, frost and bird prevention equipment; and
- Sale of produce on-site.

B. Objectives

- a) To support the establishment of horticulture where the potential impact on adjoining land uses can be contained;
- b) To promote sustainable horticulture which minimises impacts on adjacent watercourses and native vegetation, and which protects soil quality;
- c) To ensure that properties are large enough to support the required activities and allow for sufficient setbacks from boundaries, adjacent land uses and public areas to minimise impacts;
- d) To minimise the visual impact of structures associated with horticulture on the scenic quality of rural areas;
- e) To provide controls for the prevention of excessive air, noise, water and visual pollution; and
- f) To ensure that satisfactory arrangements are made for the management and disposal of wastes.

C. Controls

1) Water Management

- a) Council shall not consent to any new or substantially expanded horticultural activity unless it is satisfied that the supply of water to the property is adequate. This may include pre lodgement consultation with Sydney Water.
- b) Where mains water supply is not available to the site, the applicant will be required to demonstrate to Council that any alternative water supply is of adequate quantity and quality for the intended purpose.
- c) Council's consent is required to construct or form a dam, pond or water retention basin. Specific advice on the construction of dams can be obtained from NSW Department of Primary Industries. See also controls in the 'Water Management' section of this Plan relating to water retention basins/dams.

2) Sustainable Soil Management

- b) An application for any new (or substantially expanded) horticultural activity needs to demonstrate that any increased cultivation will not lead to more erosion or sedimentation than the existing use of the subject land.

3) Waste Management

- a) An application for any new (or substantially expanded) horticultural activity should specify the method by which wastes, including the disposal of plant matter, rubbish and unused natural fertilisers, will be managed.

4) Control of Pests and Vermin

- a) An application for any new (or substantially expanded) horticultural activity shall include information on how the requirements of the *Noxious Weeds Act 1993* will be met.

5) Pesticides

- a) An application for any new (or substantially expanded) horticultural activity shall include a schedule of all pesticides and other toxic chemicals likely to be stored and used on the site. The schedule should stipulate the purpose/s for which such chemicals are to be used, the manner of application and the extent of knowledge or experience that the person has had in using such chemicals.

6) Dust Control

- a) All areas of vehicular access are to be stabilised and treated in a manner to minimise dust nuisance caused by traffic generation.
- b) To eliminate dust as a nuisance, grass cover should be maintained and grown, wherever practical.

7) Drainage

- a) An application for any new (or substantially expanded) horticultural activity should be accompanied by details of the proposed method of draining the site.
- b) Drainage should be designed to incorporate treatment of wastewater to the standards of the NSW Office of Environment and Heritage.

8) Soil Erosion

- a) An Erosion and Sediment Control Plan (see section on 'Land Management') will be required in conjunction with an application for any new (or substantially expanded) horticultural activity. This plan should be prepared in consultation with the NSW Department of Primary Industries and comply with all relevant sections of this DCP.

9) Landscaping and Visual Impact

- a) All structures associated with the horticultural use of the land shall be compatible in form and colour with the rural character.
- b) Where large reflective surfaces are necessary for greenhouses and polyhouses, the structure should be located to have minimal visual impact when viewed from any road or public place.
- c) Any development should consider the impact on the rural and landscape character of the area and seek to minimise this visual impact by appropriate siting of buildings, landscaping and screen plantings, especially from public places and roads.
- d) Plant species should include those which will grow to over 7m in height with a large canopy as well as smaller intermediate shrubs. Species that occur locally should be included in the landscaping plan. A list of appropriate species can be obtained from Council's Development Services Department.
- e) The visual impact of hail netting must be addressed in relevant development applications.
- f) All structures associated with the horticultural use of the land shall be compatible in form and colour. Where large reflective surfaces are necessary for greenhouses and polyhouses, the structure should be located to have minimal visual impact when viewed any road or public place. Where a site is visually prominent, extensive landscaping will be required.

- g) Where appropriate, rain water tanks must be installed to capture the rainwater off the roofs of greenhouses/ polyhouses. This water shall be reused for irrigation of the plants growing in the greenhouse. When determining the capacity of the rainwater tank to be provided, proximity to natural watercourses and potential impact on environmental flows in local streams will be considered.

10) Access, Traffic and Parking

- a) The frequency and intensity of traffic associated with any horticultural activity should be addressed in terms of the capacity of the road system and the requirements in the 'Transport, Access and Parking' section of this DCP.
- b) Access to the site must be provided from a major or secondary arterial road which is constructed to a standard to take articulated vehicles. Access should only be provided from a local road where it is not practicable to provide access from a main or secondary arterial road.
- c) The design of the development should incorporate parking and access areas related to the use and vehicles likely to be associated with the development.
- d) Client/employee parking areas and vehicular crossings are to be provided.

11) Minimising Impacts of Chemicals

- a) Use of chemicals (including pesticides and herbicides) should be in accordance with:
 - i) Agricultural and Veterinary Chemicals Act 1994; and
 - ii) Agricultural and Veterinary Chemicals (NSW) Regulation 2000.
- b) Any application needs to provide strategies to minimise use, chemical drift and off site movement via runoff water or sediment.

E. Lifting the Bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in the 'Agricultural Development' section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

- a) Use of native grasses in grazing;
- b) Innovative treatment of water from greenhouses / polyhouses, considering reuse, environmental flows and downstream impacts;
- c) Innovative approaches to minimising the use of chemicals, particularly if this can lead to organic certification; and
- d) Use of best practice and innovative techniques to reduce the impacts of intensive livestock agriculture.

1.5 Non-Agricultural Development

A. Background

Non-agricultural land uses can be important to the economic and social sustainability of the City of Penrith. They can, however, sometimes result in a number of land use conflicts due to their distinction from agricultural activities and their potential impact on an area's rural and landscape character.

Examples of non-agricultural development in Penrith include:

- Home businesses and home industries;
- Tourist and visitor accommodation (including bed and breakfast accommodation);
- Rural industries (including agricultural produce industries and stock and sale yards); and
- Retail premises (including roadside stalls and cellar door premises).

Note: Although permissible in some rural areas, controls for vehicle repair stations, educational establishments, places of public worship, cemeteries, crematoriums and funeral homes can be found in the chapter on 'Other Land Uses' of this DCP.

B. General Objectives

- a) To ensure that the bulk and scale of structures do not adversely affect the visual amenity and scenic quality of an area;
- b) To discourage the siting of developments in the rural zones which in Council's opinion would be more appropriately located in industrial, business or special uses zones;
- c) To protect the viability of agricultural land uses in rural and environmental zones;
- d) To ensure that traffic generated by any development does not adversely affect the safety and efficiency of the road network, access or rural amenity; and
- e) To prevent the establishment of uses which have the potential to impact upon the rural and residential environment, particularly with regard to noise and traffic generation.

1.5.1 Rural Amenity and Design

A. Background

This section aims to provide a number of general principles for non-agricultural development in the rural areas. In particular, it seeks to protect the rural character and amenity, and avoid unnecessary conflicts between inconsistent land uses.

B. Objectives

- a) To protect the heritage and environmental values of the area;
- b) To protect rural amenity against unreasonable noise, dust, odour, etc.; and
- c) To avoid unreasonable increases in demand on existing services and infrastructure.

C. Controls

1) Rural Amenity

- a) Non-agricultural developments must demonstrate the following:
 - i) There will not be significant visual impacts from either the main activity or associated activities on the rural area or adjacent properties; and
 - ii) The development will achieve the noise control standards established by the NSW Office of Environment and Heritage or relevant authority.

2) Design

- a) Structures associated with any use shall be designed with regard to the rural character of the area and the form and scale of buildings on rural land surrounding the site.
- b) Bulky buildings of industrial character are not favoured.

- c) Structures on sites adjoining the villages should relate to the character of the village.
- d) Buildings used for non-agricultural purposes also need to comply with the controls in Section 1.3 'Farm Buildings', unless specifically stated.

1.5.2 Home Businesses and Home Industries

A. Background

Home businesses include, for example, small home office-based businesses (such as private consultants) that employ limited assistance. This use aims to support 'start-up' businesses and small scale employment opportunities close to home. Home industries include, for example, small-scale businesses for the repair of electronic goods or furniture restoration.

B. Objectives

- a) To allow home businesses and home industries which promote employment opportunities and the economic use of rural land for the benefit of the owner or occupier; and
- b) To discourage uses which have the potential to adversely affect the amenity of a locality.

C. Controls

1) Design and Operation

- a) Structures for the accommodation of the use should relate to the dwelling and other structures on the property and must comply with the design controls for dwellings in this DCP.
- b) Buildings detached from the primary dwelling should be clustered in close proximity to the primary dwelling.
- c) Measures to mitigate impacts, particularly noise, are to be outlined in the development application. It should be noted that uses which have an adverse impact on surrounding properties would not comply with the definition of home business or home industry in Penrith LEP 2010, and therefore would not be permissible.

2) Services

- a) Uses which require amplification of services above domestic capacity will generally not be permitted.

3) Advertising and Signage

- a) Home businesses and industries should only provide building and business identification signs that are in keeping with the rural character and the low scale nature of the operation. In many cases, this signage can be undertaken as exempt development. Applicants should refer to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for further details.

4) Traffic and Parking

- a) Developments which generate significant amounts of traffic will not be permitted. Parking must be provided on-site for visitors.

1.5.3 Tourist and Visitor Accommodation

A. Background

Tourist and visitor accommodation includes a range of accommodation forms, some of which are encouraged in rural areas, while others are not.

This section provides controls for smaller styles of tourist and visitor accommodation generally up to 20-30 guests. If the proposal is for more than 30 guests on-site, this is likely to require access to public transport and centralised water and sewerage systems, and would be more appropriate in a different zone. Rural areas are most appropriate for bed and breakfast accommodation and other forms of small scale tourist and visitor accommodation.

B. Objectives

- a) To allow a variety of small scale tourist and visitor accommodation at suitable locations;
- b) To ensure that satisfactory arrangements are made for the accommodation of vehicles and traffic associated with the use; and
- c) To ensure that structures associated with the use are compatible with the rural character and environmental capability of the area.

C. Controls

1) Design and Landscaping

- a) Structures and landscaping associated with the development should be designed to harmonise with the rural character.
- b) The controls listed in this Chapter relating to rural dwelling design and/or farm buildings are applicable to the design of all tourist and visitor accommodation.
- c) External finishes should be selected with a view to minimising the visual prominence of the development.

2) Waste Management

- a) The anticipated method of operation should be described with any application to determine the appropriate method of waste disposal/management.

1.5.4 Rural Industries

A. Background

Rural industries, in general, are not permissible in rural and environmental zones. However, agricultural produce industries and stock and sale yards are permissible with consent in some rural zones.

B. Objectives

- a) To ensure odour and noise do not impact significantly on the amenity of neighbouring properties and uses;
- b) To ensure adequate management of water on-site to promote sustainable water use and avoid contamination of water or land systems;
- c) To ensure appropriate management of wastes; and
- d) To provide adequate access and parking.

C. Controls

- 1) All buildings associated with rural industries must comply with the requirements of Section 1.3 for farm buildings, with the exception of floor space.
- 2) Reflective materials should not be used. Colours of any buildings associated with rural industries should be consistent with the colours of other structures on the land, or designed to minimise visual impact.
- 3) Rural industries shall not operate prior to 6.00am or after 5.00pm on weekdays, or prior to 6.00am and after 2.00pm on Saturdays. No noise shall be generated on Sundays.
- 4) Sheds, packing areas or holding yards associated with a rural industry must be separated from dwellings on adjacent properties. Separation must be sufficient to minimise impact, particularly due to noise and odour. Distances may vary depending on the nature of the industry and the potential for impact. Development applications must contain information on how separation will be achieved and how it will mitigate likely impacts from the industry.
- 5) Adequate access and parking arrangements must be made for trucks and employees. All vehicles are to be able to enter and leave the site in a forward direction.
- 6) Appropriate arrangements must be made for waste disposal. The applicant must provide details of the rates of waste likely to be generated and the proposed method of disposal.
- 7) Rainwater tanks shall be installed to collect water from all buildings associated with a rural industry. Where appropriate, this water shall be reused as part of the industry processes, or for truck washing or dust suppression.
- 8) All runoff from the site shall be managed so as to not cause a nuisance to adjoining downstream properties or pollution to waterways. This may require holding runoff in ponds to allow for treatment of nutrients or sediments.
- 9) The size of sheds and hardstand areas shall be appropriate for the use and the character of the area. Generally, no more than 30% of the site shall be covered by sheds or hardstand areas.
- 10) Where trucks are likely to visit the site on a daily basis and will travel on unsealed areas of the site, a washdown area shall be provided at the exit to the site. Where possible, water for this washdown area shall be sourced from rainwater tanks and recycled.

1.5.5 Retail Premises

A. Background

Retail premises that are permissible with consent in the rural areas include:

- Roadside stalls and cellar door premises in some rural zones;
- Neighbourhood shops in the RU5 Village zone; and
- Retail premises, including food and drink premises, in the commercial centres of the RU5 Village zone (see Schedule 1 Additional permitted uses of the LEP).

B. Objectives

- a) To ensure that traffic generation does not adversely affect the safety and efficiency of the local road system;
- b) To ensure the development provides adequate access and parking;

- c) To encourage the establishment of structures which are consistent with the rural character of the locality of the site;
- d) To allow roadside stalls and cellar door premises for the purpose of selling hand crafted goods and agricultural produce produced on the property;
- e) To ensure that roadside stalls and cellar door premises are located where the safety and efficiency of the road system is not impaired; and
- f) To ensure that buildings, structures and advertising associated with the uses do not impact on the rural or landscape character or scenic qualities of the area.

C. Controls

1) Location and Safety

- a) Roadside stalls and cellar door premises will only be permitted where the safety and efficiency of the road system is not impaired.
- b) In the interest of traffic safety, sites with poor visibility for vehicles will be discouraged.
- c) Parking and structures associated with the use are to be fully contained on the applicant's property.
- d) Buildings and structures should be setback a minimum of 20m from the front property boundary at the road frontage.

2) Size and Design

- a) Roadside stalls are limited to a maximum of 20m² in floor space including storage areas.
- b) The stall shall be constructed of a material approved by Council. Light coloured and reflective materials will not be permitted.
- c) Cellar door premises are to be incorporated into farm buildings and must be in accordance with the controls in Section 1.3 for farm buildings in this Plan.

3) Access and Parking

- a) The size of the retail component will determine the amount of parking to be provided on site.
- b) Access areas are to be stabilised or sealed depending on local drainage conditions.
- c) Parking shall be provided on site in a manner which discourages on street parking.
- d) The parking for cellar door premises should be located in close proximity to the sales area within the property and not on the road verge.

4) Business Identification Signs

- a) A maximum of two business identification signs may be placed on the property for the duration of the sale season of the product.
- b) Business identification signs should not be placed on the road reservation or on nearby properties.
- c) The size of the sign will be examined on merit and details should be included with the development application.
- d) Signage should not impact on the rural character, landscape character or scenic qualities of the area.

1.5.6 Truck Parking Areas

A. Background

The use of rural properties (particularly large lot residential and rural living areas) for the purpose of parking a number of trucks or plant equipment is becoming increasingly common, and has significant impact on the amenity of the surrounding area. This equipment is often large and noisy and is sometimes operated at night in close proximity to other dwellings and sensitive adjacent land uses.

Truck parking areas may only be undertaken in rural zones as exempt development. Schedule 2 Exempt development of LEP 2010 includes criteria for truck parking areas. These criteria are designed to ensure that parking for trucks and associated plant has a minimal impact on surrounding properties.

B. Objectives

- a) To allow limited parking of trucks and associated plant owned and operated by the owner or occupier of a property; and
- b) To limit interference on the amenity of the neighbourhood through limited vehicle movements and associated impacts such as noise and light.

C. Controls

- 1) Truck parking areas may only be undertaken in RU1, RU2, RU4, E3 and E4 zones as exempt development. Schedule 2 Exempt development of LEP 2010 contains the criteria for truck parking areas.
- 2) Truck parking areas that do not satisfy the criteria in Schedule 2 are prohibited.