

152-159 Park River Close, Mulgoa

Proposed Shed

STATEMENT OF ENVIRONMENTAL EFFECTS

ADVICE | APPLICATIONS | APPEALS



Job Reference: 190156

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Document Control

Document: 152-159 Park River Close, Mulgoa
Statement of Environmental Effects

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General Disclaimer

This report is based on one site inspection and a desktop assessment only. Details contained in this report only address issues of significance relevant to the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 as well as the Environmental Planning Instruments applicable at the date of the assessment.

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1.0 INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development Application to Penrith City Council, seeking approval for the construction of a Shed at 152-159 Park River Close, Mulgoa under the Penrith Local Environmental Plan 2010.

1.1 Scope

The purpose of this report to address the following matters:

1. The environmental impacts of the proposed dwelling;
2. How the environmental impacts of the development have been identified; and
3. The steps to be taken to protect the environment or to lessen the expected harm to the environment.

The following matters will be addressed and discussed;

1. The subject site and existing development;
2. Describe the locality in which the proposed development is to be situated;
3. Discuss Statutory Controls such as the Environmental Planning & Assessment Act 1979 and Regulation 2000, Environmental Planning Instruments (EPI's) and or Development Control Plans (DCP's).

1.2 Background

The site has been subject to the following applications: -

- DA14/0807 – Residential – Alterations and Additions – Deck
- DA14/0808 – Residential – Alterations and Additions – Existing Garage
- DA15/0473 – Residential – New Second Occupancy – Detached Dual Occupancy

2.0 SUBJECT SITE AND THE LOCALITY

2.1 Legal Description

The site is legally described as Lot 59 in Deposited Plan 241749, known as No. 152–159 Park River Close, Mulgoa 2745.

2.2 Zoning

The site is zoned part E2 – Environmental Conservation and E3 – Environmental Management in Penrith Local Environmental Plan 2010.

The proposed shed will be constructed within an area of the site that is zoned **E3 – Environmental Management** which is permissible with consent.

2.3 Physical Description

The site is irregular in shape and has an area of approximately 14.3ha.

The site slopes from the front northern portion of the site towards the southern portion of the site.

The majority of the site is heavily vegetated and unmanaged, except for the front northern portion which is cleared managed land.

The site contains two (2) dams in the front northern portion of the site.

2.4 On the Site

The site currently contains the following: -

- Dwelling
- Detached Garage
- Dual Occupancy

Refer to aerial photo and other photos of existing development attached.

2.5 Neighbourhood Character

The site is located within an established rural residential area.

The surrounding locality is characterised by rural residential development, involving dwellings and outbuildings, as well as agricultural uses and associated structures.

Refer to the aerial photo and other photos attached.

3.0 PROPOSED DEVELOPMENT

3.1 Details of Proposed Development

The proposed development involves the construction of a shed.

The shed will be located on a building platform in the north eastern portion of the site in close proximity to the existing development on site.

Characteristics	Shed
Dimensions	17m x 15m
Floor Area	255m ²
Height	5m (eave) 7.73m (apex)
Pitch	20°
Setbacks	Front = 106.06m Side = 5.2m Zone Boundary = 520mm
Earthworks	Cut: 756mm Fill: 865mm The earthworks have been undertaken on site and have involved cut and fill material from the site only. The development does not require any material to be brought onto site.
Construction	Steel Frame on a Concrete Slab with Steel Cladding and Roof Sheeting
Additional Notes.	Doors – The shed will contain 4x Roller Doors and 1x Personal Access Door. Stormwater – The shed will drain roof water to the proposed 3,000L water tank, on the south eastern side of the shed and dam which in in close proximity to the shed and will be used for tank overflow. Services – The shed will connect to existing services available to the site including electricity. Use – The shed will be used by the owners of then primary dwelling for the storage of machinery, including an excavator, a bobcat, maintenance machinery including mowers and other personal storage as well as an area for a domestic workshop.

Landscaping

The proposed development includes the removal of one (1) tree located in the northern portion of the site and north of the existing dam.

The proposed development includes additional landscaping which will be used to screen the proposed development.

The proposed landscaping includes the continuation of existing hedging along the northern boundary for the full length of the proposed shed.

The proposed landscaping will reduce the bulk and scale of the shed and provide screening from neighboring properties.

Refer to the landscape plan accompanying the application.

4.0 CONSULTANTS REPORTS / ASSESSMENTS

4.1 Heritage Impact Assessment

The application is accompanied by a Heritage Impact Assessment which identifies the adjoining heritage item and discusses the proposed development against the relevant provisions of the LEP and DCP.

The assessment concludes that the proposed shed will have no impact on the adjoining heritage item being Item 141 (Table Rock Lookout) due to the setbacks and location of the proposed development.

4.2 Visual Impact Assessment

The application is accompanied by a Visual Impact Assessment which identifies areas in the locality with particular scenic values being the heritage item adjoining the site.

The assessment concludes that the proposed shed will have no impact on the public area with particular scenic value – which also includes the heritage item 141.

5.0 EVALUATION

Clause 4.15 of Environmental Planning and Assessment Act 1979

(1) Matters for Consideration—General

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

The following environmental planning instruments apply to the proposed development;

5.1 Penrith Local Environmental Plan 2010

Clause 2.1 – Land Use Zones

The land is zoned part **E2 – Environmental Conservation** and **E3 – Environmental Management**

The proposed shed will be constructed within the **E3 – Environmental Management** zone.

The proposed shed is permissible with consent being ancillary to the primary dwelling on site.

Clause 2.3 – Zone Objectives and Land Use Table

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

E3 Environmental Management – Zone Objectives

Zone Objectives	Comment
<i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i>	The proposed development will not impact on any areas with special ecological, scientific, cultural or aesthetic values.
<i>To provide for a limited range of development that does not have an adverse effect on those values.</i>	The proposed shed is ancillary to the dwelling and will not have an adverse effect of the above values.
<i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i>	The proposed development is consistent with the surrounding land uses and structures and will not cause a conflict within the zone nor with land uses within adjoining zones.
<i>To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.</i>	The proposed shed is considered to be compatible with the environmental capabilities of the site and will not significantly increase the demand for public services or facilities.
<i>To preserve and improve natural resources through appropriate land management practices.</i>	The proposed shed will not impact on any natural resources.

Penrith LEP 2010 Table

Clause	Development Provision	Statement of Compliance	Comment
Part 4 Principal Development Standards			
4.3	Height of Buildings	Compliant.	There is no maximum height control for the subject site. The proposed shed will have a height of 7.73m.
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	Compliant.	The site adjoins a heritage item - Item 141 – Table Rock Lookout A Heritage Impact Assessment accompanies the application.
5.11	Bushfire Hazard Reduction	Compliant.	The site is identified as being bushfire prone – Vegetation Category 1 and 2. The proposed shed is located more than 10m from the dwelling on site, therefore, bushfire related development and construction controls do not apply.

Clause	Development Provision	Statement of Compliance	Comment
Part 7 Additional Local Provisions			
7.1	Earthworks	Compliant.	<p>Minimal earthworks are proposed as part of the development.</p> <p>Max Cut = 756mm Max Fill = 865mm</p> <p>As discussed previously, the earthworks have already been undertaken, with a balance of cut and fill from material on site.</p> <p>The earthworks are considered consistent with the landscape and the proposed development and do not cause any significant environmental impacts.</p> <p>Erosion and sediment control measures will be implemented during the construction of the shed.</p>
7.2	Flood Planning	Compliant.	<p>The site is identified as being subject to flood related development controls in relation to overland flow flooding.</p> <p>After discussions with Council officers, it is confirmed that the proposed shed will be located above the flood level for the site with a finished floor level of 18.55m.</p> <p>Refer to the assessment below.</p>
7.3	Development on Natural Resources Sensitive Land	Compliant.	<p>The site is identified as being partially located on the Penrith LEP Natural Resources Sensitivity Land Map.</p> <p>The proposed development involves the construction of a shed within an area of the site identified as Natural Resources Sensitive Land.</p> <p>Refer to assessment below.</p>
7.5	Protection of Scenic Character and Landscape Values	Compliant.	<p>The site is identified as being partially located on the Penrith LEP Scenic Protection Land Map.</p> <p>The proposed development will have minimal impact on the scenic character and landscape values of the locality.</p> <p>Refer to the Visual Impact Assessment that accompanies the application.</p>

7.2 Flood Planning

<p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> (a) <i>to minimise the flood risk to life and property associated with the use of the land,</i> (b) <i>to limit uses to those compatible with flow conveyance function and flood hazard,</i> (c) <i>to manage uses to be compatible with flood risks,</i> (d) <i>to enable safe and effective evacuation of land,</i> (e) <i>to ensure the existing flood regime and flow conveyance capacity is not compromised,</i> (f) <i>to avoid detrimental effects on the environment that would cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or waterways.</i> 	<p>Compliant. Compliant. Compliant. Compliant. Compliant.</p>
<p>(2) <i>This clause applies to the following land:</i></p> <ul style="list-style-type: none"> (a) <i>land at or below the flood planning level,</i> (b) <i>land identified as “Flood planning land” on the Clause Application Map.</i> 	<p>The site is identified as being affected by overland flooding.</p>
<p>(3) <i>Development consent is required for any development on land to which this clause applies.</i></p>	<p>The proposed development is subject to flood related development controls.</p>
<p>(4) <i>Development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:</i></p> <ul style="list-style-type: none"> (a) <i>is compatible with the flood hazard of the land, and</i> (b) <i>if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and</i> (c) <i>is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i> (d) <i>is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and</i> (e) <i>is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and</i> (f) <i>is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of riverbanks or waterways, and</i> (g) <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</i> (h) <i>incorporates appropriate measures to manage risk to life from flood, and</i> (i) <i>is consistent with any relevant floodplain risk management plan.</i> 	<p>Compliant. Compliant. Compliant. Compliant. Compliant. Compliant. Compliant. Compliant. Compliant.</p>

<p>(5) Development consent must not be granted for development on land identified as “Flood planning land” on the Clause Application Map, unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.</p>	<p>The proposed shed will be constructed above flood level for the site and will not adversely affect the evacuation of the site or surrounding neighbourhood.</p>
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7.3 Natural Resources Sensitive Land

<p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to protect, enhance and manage the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land, (b) to enhance connections between remnants of indigenous vegetation, (c) to prevent the fragmentation and degradation of remnant vegetation, (d) to ensure that clearing and other development is located and designed to avoid or minimise the impact on the ecological, hydrological, scientific, cultural and aesthetic values of biodiversity and wildlife habitat corridors, natural waterways and riparian land. 	<p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p>
<p>(2) This clause applies to all land identified as “Natural resources sensitive land” on the Natural Resources Sensitivity Land Map.</p>	<p>The site is identified as being natural resource sensitive land.</p>
<p>(3) Development consent is required for the following on land to which this clause applies:</p> <ul style="list-style-type: none"> (a) the subdivision of land, (b) earthworks (including removal of rock or other natural material or alteration of a natural waterway or drainage line), (c) the carrying out of a work, (d) clearing vegetation (including slashing or underscrubbing), (e) irrigation with treated effluent. 	<p>The proposed development involves the construction of a shed with ancillary earthworks and tree removal.</p>
<p>(4) Before deciding an application to carry out development mentioned in subclause (3), the consent authority must consider whether the development meets the objectives of this clause and such of the following as are relevant:</p> <ul style="list-style-type: none"> (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the strategic importance of the land as part of a biodiversity corridor, (d) the sensitivity of the land and the effect of clearing vegetation, 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

<p><i>(e) the relative stability of the bed and banks of any waterway that may be affected by the development, whether on the site, upstream or downstream,</i></p> <p><i>(f) the effect of the development on waterway health, including pollution of the waterway, a significant increase or decrease in the amount or velocity of runoff entering the waterway, or a significant increase in siltation of the waterway,</i></p> <p><i>(g) the effect of the development on the functions of aquatic ecosystems (such as habitat and connectivity).</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p><i>(5) Development consent must not be granted to development mentioned in subclause (3) unless the consent authority is satisfied that:</i></p> <p><i>(a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or</i></p> <p><i>(b) if a potential adverse environmental impact cannot be avoided, the development:</i></p> <p><i>(i) is designed and located so as to have minimum adverse impact, and</i></p> <p><i>(ii) incorporates effective measures to remedy or mitigate any adverse impact caused.</i></p>	<p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p> <p>Compliant.</p>

5.2 Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River)

The site is located within the area of the SREP 20.

The aim of the SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of the future land uses are considered in a regional context.

The proposed development will have no impact on the Hawkesbury-Nepean River system due to the minor nature and location of the proposed developments.

The proposal is consistent with the plan.

Clause 4.15

(1) Matters for Consideration – General

(a) the provision of;

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

Comment: No proposed instruments under consultation apply to the subject site or the proposed development.

(iii) any development control plan, and

5.3 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (PDCP) applies to the development.

The following sections are applicable to the proposed development:

Part B – Development Control Plan Principles

Part C – Controls applying to all Land Uses

Part D – Specific Land Uses / Activities (Rural land uses)

A review of the proposal against the relevant provisions of Penrith DCP 2014 is provided as follows.

Penrith DCP Table

Provision	Statement of Compliance	Comment
Part C – City Wide Controls		
C1 Site Planning and Design Principles		
	Complies.	The proposed development is considered compatible with the site, taking into consideration all site constraints and the scenic significance and values in the locality.
C2 Vegetation Management		
	Complies.	The proposed development involves the removal of one tree with all other vegetation to be retained.
C3 Water Management		
	Complies.	<p>The site is subject to overland flow flooding.</p> <p>The proposed development will be located above the flood planning level for the site and will not be impacted by localized flooding.</p> <p>Stormwater will be directed to the proposed 3,000L water tank and the existing dam.</p> <p>Overflow from the water tank will be directed to the existing dam.</p>
C4 Land Management		
	Complies.	The proposed earthworks are considered consistent with the landscape and the proposed development and do not cause any significant environmental impacts.
C5 Waste Management		
	Complies.	A waste management plan accompanies this application.
C6 Landscape Design		
	Complies.	<p>Additional landscaping is proposed to along the northern property boundary to reduce the visual impact of the shed on adjoining properties.</p> <p>The development will maintain the landscape and amenity of the locality.</p>

Provision	Statement of Compliance	Comment
C7 Culture and Heritage		
	Complies.	The adjoining site contains heritage item 141 – Table Rock Lookout. Refer to the Heritage Impact Assessment that accompanies the application.
C8 Public Domain		
	Complies.	There is no impact of the proposal on the public domain.
C9 Advertising and Signage		
	Not Applicable.	No signage is proposed.
C10 Transport, Access and Parking		
	Complies.	The proposed development will increase the amount of car parking spaces on site. The existing access driveway will be utilized for entry to the site however no driveways are proposed to be extended to the shed.
C11 Subdivision		
	Not Applicable.	None proposed as part of this application.
C12 Noise and Vibration		
	Complies.	No significant impact on noise or vibration will occur from this proposed development.
C13 Infrastructure and Services		
	Complies.	The site contains existing provisions for electricity which will be utilised for the proposed shed.
Part D – Rural Land Uses		
D1 Rural Land Uses		
<i>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.</i>	Complies.	The site is zoned E3 – Environmental Management, therefore this section of the Penrith DCP applies.

Provision	Statement of Compliance	Comment
1.1 Rural Character		
<i>'Rural character is primarily visual – it is the overall impression of our rural lands viewed by people visiting them or driving through them.'</i>	Complies.	The proposal is considered consistent with the rural residential character of the area.
1.2 Rural Dwellings and Outbuildings		
1.2.1 Siting and Orientation of Dwellings and Outbuildings		
Site Planning		
<i>a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</i>		
<i>i) Protecting the privacy of proposed and existing buildings;</i>	Complies.	The shed will not impact on the privacy of the existing buildings on the surrounding properties.
<i>ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself;</i>	Complies.	The proposed shed will be located above the flood planning level for the site.
<i>iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</i>	Complies.	The proposed shed is located more than 10m from the dwelling on site
<i>v) Maximising solar access;</i>	Complies.	The proposed shed will not impact the existing solar access for the any adjoining development.
<i>v) Retaining as much of the existing vegetation as possible; and</i>	Complies.	One tree is proposed to be removed, with all other vegetation being retained.
<i>vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6)</i>	Complies.	The development requires minimal earthworks including 756mm of excavation and 865mm of filling.
<i>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</i>	Complies.	The development has considered all site components.

Provision	Statement of Compliance	Comment
<p><i>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.</i></p>	Complies.	The proposed development is located near the existing development on the site.
<p>Landscape / Scenic Character</p>		
<p><i>a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</i></p>	Complies.	The proposed development does not intrude into the skyline.
<p><i>b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</i></p>	Complies.	The proposed development is not located on a ridgeline or peak.
<p><i>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.</i></p>	Complies.	The proposed shed is sited so it is screened by the natural landscape and existing vegetation.
<p><i>d) Roads should be designed and located to run with the contours of the land.</i></p>	Not Applicable.	No new roads are proposed.
<p><i>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.</i></p>	Complies.	The roof form of the shed is consistent with the roof form of the dwelling on site.
<p><i>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</i></p>	Complies	A simple roofline is included with the proposed shed and is consistent with the roofline of developments surrounding.

Provision	Statement of Compliance	Comment
1.2.2. Setbacks and Building Separations		
Setbacks from Roads		
<i>a) A minimum setback of 15 metres from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.</i>	Complies	Front setback = 106.06m
<i>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</i>	Complies.	Noted.
<i>c) A minimum setback of 30 metres is required to all classified roads (except Mulgoa Road), Luddennam Road, Greendale Road and Park Road. In some cases, larger setbacks may be required. Please contact Council to discuss.</i>	Not Applicable.	Park River Road is not a classified road.
<i>d) A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</i>	Not Applicable.	The site does not adjoin Mulgoa Road.
Setbacks from Watercourses		
<i>a) A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank.</i>	Complies.	The proposed development is located more than 100m from the Nepean River.
<i>b) A minimum setback of 75 metres is required from South Creek for all dwellings and outbuildings.</i>	Not Applicable.	The proposed development is not located near south creek.
<i>c) A minimum setback of 40 metres is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.</i>	Complies.	No watercourse located within 40m of the proposed development.

Provision	Statement of Compliance	Comment
Building Separations and Side Boundary Setbacks		
<i>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.</i>	Not applicable.	No dwelling proposed.
<i>b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.</i>	Not applicable.	No dwellings proposed.
<i>c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.</i>	Not Applicable.	No dwellings proposed.
<i>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</i>	Not applicable.	No dwellings proposed.
1.2.3. Site Coverage, Bulk and Massing		
<i>a) Dwellings shall have a maximum ground floor footprint of 500m² (including any undercover car parking areas).</i>	Not Applicable.	No dwellings proposed.
<i>b) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</i>	Not Applicable.	No dwellings proposed.
<i>c) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</i>	Not Applicable.	No dwellings proposed.

Provision	Statement of Compliance	Comment
d) No more than three (3) undercover car parking spaces can face towards a public road or place. Any additional garages should be setback behind the building line and screened.	Complies.	The proposed shed is behind the building line and is screened by existing vegetation.
e) A maximum ground floor footprint of 600m ² 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 in sections 1.4 and 1.5 of this Chapter.	Non-compliance	<p>The total ground floor footprint of the existing development and proposed shed is listed below:</p> <p>Existing Development = 428m² Proposed Shed = 255m² Total = 683m²</p> <p>Refer to request for variation and justification below.</p>
1.2.4 Height, Scale and Design		
Height and Scale		
a) Dwellings shall be no more than two storeys in height, including garage and storage areas.	Not Applicable.	No dwellings proposed
b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.	Not Applicable.	No dwellings proposed
c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.	Not Applicable.	No dwellings proposed
Design and Quality		
a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.	Complies.	The design of the development has been considered in the context of existing development on the site and in the locality.
b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas.	Not Applicable.	The proposed development does not include and additional fencing.

Provision	Statement of Compliance	Comment
1.2.7. Materials and Colours		
<i>a) 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.</i>	Complies.	The proposed shed has external finishes that are consistent with natural surroundings and are non-reflective. A colours and finishes schedule accompanies the application.
<i>b) 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.</i>	Complies.	No reflective materials will be used.
<i>c) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</i>	Not Applicable	The proposed development does not include the re-siting of dwellings.
1.3 Farm Buildings		
1.3.1 Siting and Orientation		
<i>1) Farm buildings and outbuildings should be clustered in one location on properties.</i>	Complies.	The proposed shed is clustered with other structures on site.
<i>2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.</i>	Complies.	The proposed shed will have colours and finishes which are consistent with existing development on site.
<i>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.</i>	Complies.	The proposed shed will not be constructed on land which has a slope greater than 15%. The construction of the proposed shed include a maximum cut of 800mm and maximum fill of 800mm.

Provision	Statement of Compliance	Comment
4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.	Complies.	The proposed development includes the removal of one (1) tree.
5) The narrowest elevation of farm buildings should face the road.	Complies.	The proposed shed is oriented so that the narrowest elevation faces the road.
6) Farm buildings shall be set back a minimum of 40m from any watercourse.	Complies.	No watercourse located within 40m of the proposed development.
7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.	Complies.	The shed is setback behind the existing building line.
8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.	Complies.	The proposed shed will be located 18.615m from the existing Dual Occupancy.
9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.	Complies.	The proposed shed will be located more than 20m from the adjoining dwelling.
10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.	Complies.	The proposed development includes landscaping which will form a buffer and reduce the visual impact of the building from adjoining properties.
11) Farm buildings should be a minimum distance of 5m from the side boundaries.	Complies.	The proposed shed will be located 5.2m from the side boundary.
1.3.2 Floor Space, Height and Design		
1) For allotments 3 hectares in size or less, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 200m ² (see Figure D1.13).	Not Applicable.	The site has an area of 14.3ha.

Provision	Statement of Compliance	Comment
2) For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m ² .	Not Applicable.	The site has an area of 14.3ha.
3) For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m ² .	Complies.	The site has an area of 14.3ha. The accumulative floor area is 255m ² .
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.	Not Applicable.	No Intensive Agricultural uses proposed as part of this application.
5) A farm building should not be more than 8m high.	Complies.	The proposed shed has a maximum height of 7.73m.
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.	Complies.	The proposed shed has a maximum external wall height of 5m.
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).	Complies.	The shed is not higher than the existing dwellings on site.
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.	Complies.	The proposed shed has a traditional roof shape and design.

Provision	Statement of Compliance	Comment
9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.	Non-compliance	The proposed shed has a maximum external wall length of 17m Refer to request for variation and justification below.
10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.	Complies.	The proposed shed has a roof pitch of 20°.
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.	Complies.	The proposed shed includes 2 roller doors, a personal access door and an overhanging eave on the elevation which faces the Park River Close.
1.3.3 Materials and Colours		
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.	Complies.	The proposed sheds colours will compliment the natural environment. Refer to colours and finishes schedule that accompanies the application.
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.	Complies.	The proposed shed will be constructed of non-reflective materials.
3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.	Complies.	The proposed shed will be constructed of materials which are consistent with other similar buildings in the locality.
4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.	Complies.	The proposed shed will be located above the 1:100ARI flood level.

Request for Variation and Justification of Penrith Development Control Plan 2014

As mentioned above, the proposed development does not meet certain development controls identified in the Penrith Development Control Plan 2014.

A request for a variation to these controls are discussed below.

Variation 1

THE CONTROL BEING VARIED

Clause 1.2.3 Site Coverage, Bulk and Massing

e) 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 in sections 1.4 and 1.5 of this Chapter.

THE NON-COMPLIANCE WITH THE CONTROL

The current ground floor footprint of all existing development on site is approximately 428m².

The proposed shed will have an area of 255m² which increases the total ground floor footprint on site to 683m² which does not comply with the requirement of the DCP.

The proposed development results in the control being exceeded by 83m² or 13% of the maximum footprint allowed.

HOW THE DEVELOPMENT MEETS ALL OF THE RELEVANT OBJECTIVES OF THE CONTROL

The objectives of clause have been assessed and are discussed in the table below.

Objective	Comment
a) <i>To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and</i>	<p>It is noted that this objective relates to dwellings, however the objective has been assessed regardless.</p> <p>The proposed site coverage, including all existing and proposed buildings, equates to approximately 4.8% of the site, while the proposed shed will cover only 1.8% of the site.</p> <p>The proposed height of the shed is compliant with the maximum height provisions identified in the LEP and DCP.</p> <p>The proposed shed is an appropriate size, bulk and scale considering the size of the property, the location of the site, and the existing landscape.</p>

	<p>The shed is compliant with the maximum size for farm buildings control as per the DCP, and will be screened by existing and proposed vegetation.</p> <p>The shed is consistent with other similar structures in the locality in regard to size, bulk and scale and is considered appropriate in this context.</p>	
<p>b) <i>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.</i></p>	<p>As discussed above, the proposed site coverage, including all existing and proposed buildings, equates to approximately 4.8% of the site, while the proposed shed will cover only 1.8% of the site.</p> <p>The shed is consistent with other similar structures in the locality in regard to size, bulk and scale and is considered appropriate in this context.</p> <p>The proposed shed is in keeping with the rural character of the locality.</p>	<p>Complies.</p>

REASONS AND JUSTIFICATION FOR THE NON-COMPLIANCE

The proposed development is generally consistent with other similar structures in the locality in regard to bulk, size and scale.

A number of other properties within the immediate locality contain multiple structures involving dual occupancies, and multiple outbuildings.

The ground floor footprint of other allotments exceeds the proposed ground floor footprint of the subject site, which includes the proposed shed.

The proposed development only exceeds the footprint control by 83m² which is not considered a significant increase to the overall site coverage given the size and location of the site.

As discussed above, the proposed variation is not considered significant considering the size of the site, the existing landscape, the location of the proposed shed and the consistency with adjoining properties.

HOW THE VARIATION WILL NOT ADVERSELY IMPACT ON LOCAL AMENITY

As noted above, the proposed location, setbacks from adjoining developments and proposed landscaping reduce the visual impact of the development on the locality.

The proposed development will also be located in a similar location to the existing development on site and will be constructed of coloured materials to integrate the proposed shed to the other structures on site.

Variation 2

THE CONTROL BEING VARIED

Clause 1.3.2 Floor Space, Height and Design

9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.

THE NON-COMPLIANCE WITH THE CONTROL

The proposed shed has dimensions of 17m x 15m.

The dimension of 17m exceeds the maximum external wall length of 15m.

The proposed development exceeds the maximum external wall length by 2m.

HOW THE DEVELOPMENT MEETS ALL OF THE RELEVANT OBJECTIVES OF THE CONTROL

The objectives of clause have been assessed and are discussed in the table below.

Objective	Comment	
a) <i>To control the size and height of farm buildings to minimise their visual impact on the landscape;</i>	<p>The proposed shed is consistent with the size control for farm buildings as per Clause 1.3.2 (3) of the DCP.</p> <p>The proposed height of the shed is also consistent with the existing development on site, similar surrounding development and the height controls of the LEP and DCP.</p> <p>Landscaping is included as part of the proposed development and will assist to reduce the visual impact of the shed on the surrounding landscape.</p>	Complies.
b) <i>To ensure that the size of farm buildings is consistent with the intended use and the size of the property;</i>	<p>The site has an area of 14.3ha and is rural in nature.</p> <p>The proposed shed is associated with the primary dwelling on site and will be used to store vehicles, machinery, maintenance equipment and areas for a workshop and personal storage.</p> <p>The size of the proposed shed is considered to be consistent with the size and existing use of the site.</p>	Complies

<p>c) <i>To encourage improved design of farm buildings so they enhance the rural landscape and character of an area; and</i></p>	<p>The proposed shed design is consistent with the existing development on the site as well as other similar development in the locality.</p> <p>The proposed shed is considered consistent with the existing rural landscape and character of the area.</p>	<p>Complies</p>
<p>d) <i>To ensure that farm buildings use a range of design measures to suit individual circumstances</i></p>	<p>The proposed shed design is considered to be suitable for the existing site including the location and slope of the land.</p>	<p>Complies</p>

REASONS AND JUSTIFICATION FOR THE NON-COMPLIANCE

The proposed shed exceeds the maximum external wall length due to the need for storage space.

The shed is a simple kit designed shed proposed to house the various vehicles, machinery and maintenance equipment owned by the residents.

The shed is considered to be consistent with the existing development on site and surrounding development in the locality as there are other similar sized sheds located in the immediate vicinity of the site.

As discussed above, the shed fits within the existing landscape and character of the site as well as the size and use of the property.

The proposed development includes landscaping which will reduce the visual bulk of the shed on the adjoining properties.

HOW THE VARIATION WILL NOT ADVERSELY IMPACT ON LOCAL AMENITY

As noted above, the proposed orientation, setbacks from adjoining developments and proposed landscaping reduce the visual impact of the development on the locality.

The shed will be oriented so that the elevation of the shed with the shortest dimension faces the front of the site.

The shed has appropriate setbacks from surrounding development and the elevation which exceeds the maximum external wall length does not contain any windows which could impact on visual privacy.

The proposed development includes landscaping which assists in reducing the visual bulk of the shed through providing a screen.

The proposed development will also be located in a similar location to the existing development on site.

Clause 4.15

(1) Matters for Consideration – General

(a) the provision of;

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Comment: No planning agreement or draft planning agreement has been entered into that applies to this site.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

Comment: The proposed development has considered the Environmental Planning and Assessment Regulations 2000.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Comment: As discussed and demonstrated previously in this report, the proposed development will have minimal environmental impacts on both natural and built environments.

The proposed shed is consistent with all relevant development controls and is consistent with the use of the site and other similar structures in the locality.

(c) the suitability of the site for the development,

Comment: As discussed and demonstrated previously in this report, the subject site is considered suitable for the proposed development.

The site does not contain any constraints which would prevent the effective development of the site as proposed.

(d) any submissions made in accordance with this Act or the regulations,

Comment: Not applicable.

(e) the public interest.

Comment: The proposal is considered to be within the public interest as

- It provides an appropriate use of the site,
- It will have minimal impact on locality amenity considering the consistency with existing landscape, similar structures in the locality and proposed landscaping, and
- It is consistent with all relevant SEPPs, LEP and DCP.

6.0 CONCLUSION

The aim of this report has been:

- ❑ To describe the proposal
- ❑ To discuss compliance of the proposed development with relevant statutory considerations; and
- ❑ To provide an assessment of the likely environmental effects of the proposal
- ❑ Provide information to permit Council to undertake an assessment under S79C of the EPA Act.

The proposal is consistent with the provisions of the Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River) and the Penrith LEP 2010.

The proposed development is generally in accordance with Penrith Development Control Plan 2014, except for the controls relating to site coverage and building dimensions.

Justifications have been provided for variations to these controls.

The proposed shed is consistent with the locality and other sheds in the immediate locality.

The proposal is submitted for Council approval.

7.0 ATTACHMENTS

Plate 1 & 2. Locality Map



Plate 3. Zoning Map

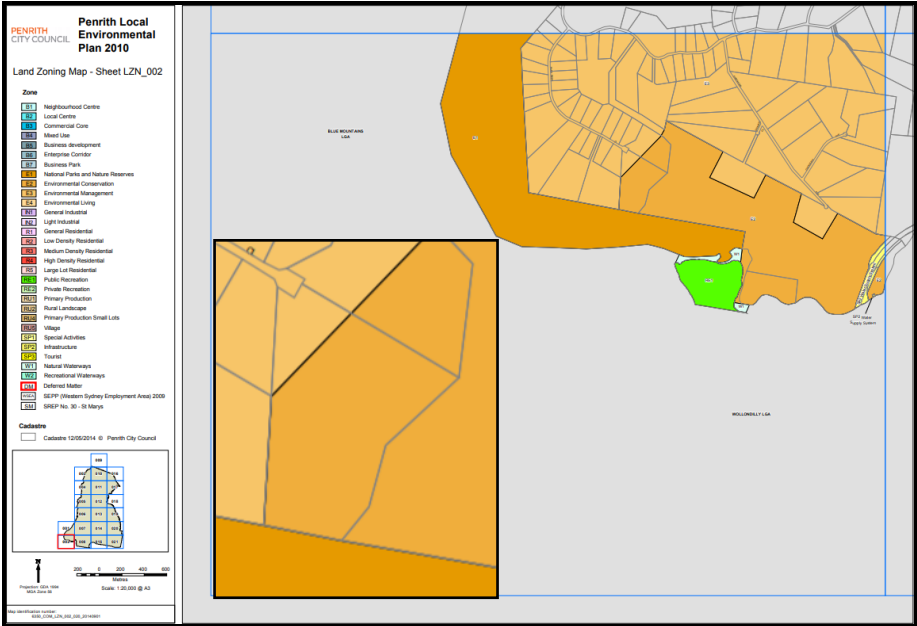


Plate 4. Aerial Image



Plate 5. Site Photos



Plate 6. Streetscape

