



## Statement of Environmental Effects

Proposed Dwelling, Secondary Dwelling and Office



175-181 Cranebrook Road, Cranebrook

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*Statement of Environmental Effects – 175-181 Cranebrook Road, Cranebrook*

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## 1.0 INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development Application seeking approval for the construction of a dwelling, secondary dwelling and conversion of existing dwelling to an office associated with the existing plant nursery to Penrith City Council.

### 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 used for nursery production (wholesale Nursery) with the previous consent of Council

A pre lodgement meeting was held on the 6<sup>th</sup> October 2016 for a range of uses on the property.

The proposed application involves only the new dwelling and secondary dwelling and the conversion and use of the existing dwelling on the site as an office and amenities building for the staff of the wholesale nursery.

Section 6 of the statement has addressed the relevant issues relating to the dwelling and secondary dwelling.

## 2.0 DESCRIPTION

### 2.1 Legal Description

The site is legally described as Lot 8 in DP31820, known as 175-181 Cranebrook Road, Cranebrook 2749.

### 2.2 Site Location

The site is located on the Northern side of Cranebrook Road. Refer map below.

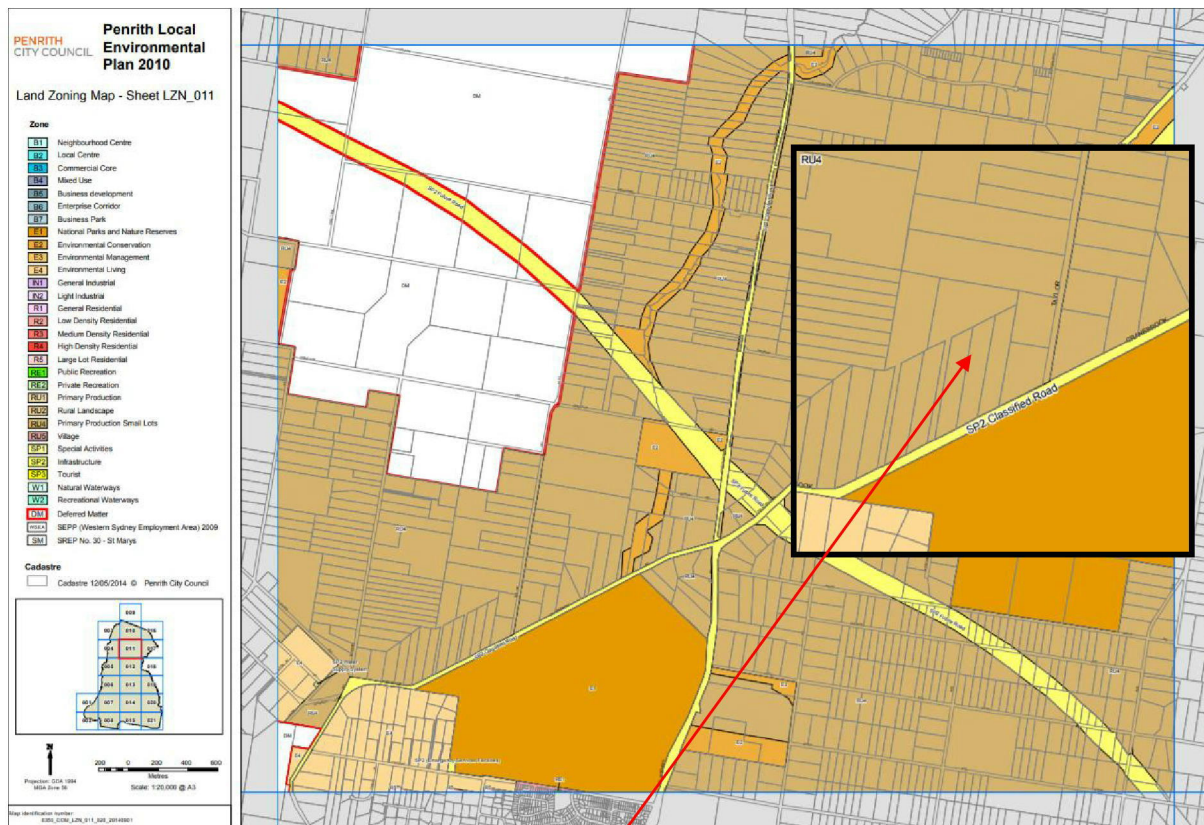


Subject Site



## 2.3 Zoning

The site is zoned **RU4 - Primary Production Small Lots** in Penrith Local Environmental Plan 2010.



Subject Site

## 2.4 Description of Site and Existing Development

The site is regular in shape and has an area of approximately 2ha.

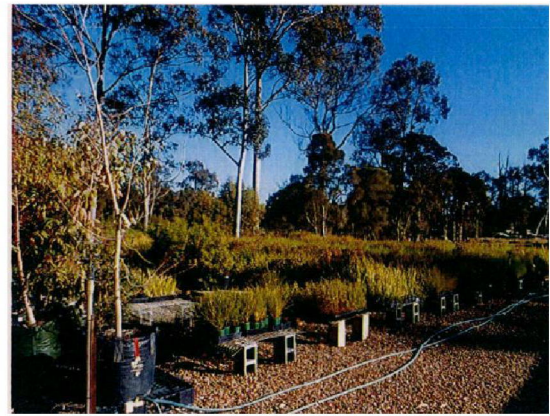
The site is relatively level and contains areas of vegetation towards the front and rear of the property.

The site currently contains a dwelling, outbuildings associated with the existing nursery in operation on the site and a dam.

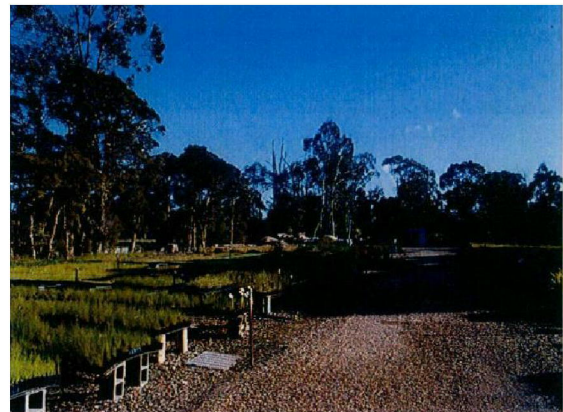
The aerial photo and photos below show the existing development on the site.



Subject Site



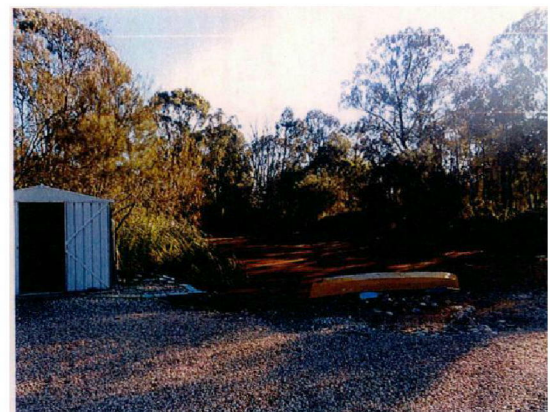
Existing Nursery



Existing Nursery



Existing Dwelling



Existing Dam





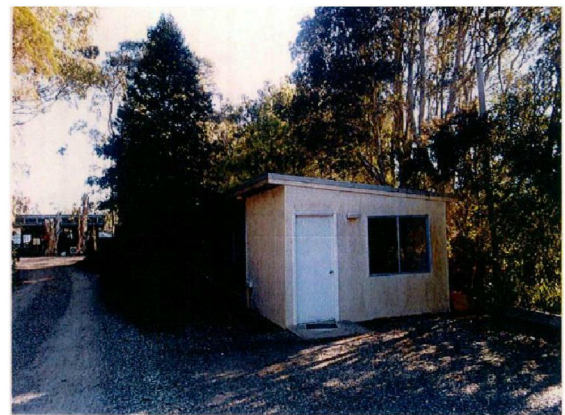
Existing Outbuilding



Rear Area of Site – Location of Proposed Dwelling and Secondary Dwelling



Nursery and Igloos



Existing Outbuilding



Proposed Access Driveway to Proposed Dwelling and Secondary Dwelling



Rear Area of Site – Location of Proposed Dwelling and Secondary Dwelling





Proposed Access Driveway to Proposed Dwelling and Secondary Dwelling



Rear Area of Site – Location of Proposed Dwelling and Secondary Dwelling



Rear Area of Site – Location of Proposed Dwelling and Secondary Dwelling

### 3.0 SURROUNDING DEVELOPMENT

The surrounding development consists of a variety of rural residential uses as evidenced in the previous aerial photo and photos below.



Subject Site



Cranebrook Rd Streetscape – looking West



First Rd Streetscape – North West

### 4.0 PROPOSED DEVELOPMENT

#### 4.1 Details of the Proposed Development

The development application seeks approval for the following:

- Construction of a Dwelling
- Construction of a Secondary Dwelling
- Conversion of existing Dwelling into an Office and staff amenities associated with the existing wholesale nursery



### **Construction of a Dwelling**

The dwelling will be the primary dwelling on the site and is located towards the rear of the site adjacent to the existing dam.

Photos above shows the location of the proposed dwelling.

Details of the proposed dwelling are outlined below.

<b>Characteristics</b>	<b>Comment</b>
<i>Building</i>	Steel Frame, with Hebel Fibre Cement Cladding and Colourbond Steel Roof Sheeting
<i>Bushfire</i>	<p>The site is identified as being bushfire prone land.</p> <p>The accompanying bushfire report has calculated the Bushfire Attack Level of the building to be 29 and 40 along the Eastern and Northern boundaries. It is recommended that a 12m Asset Protection Zone be implemented to achieve the BAL 40 rating.</p>
<i>Demolition</i>	No demolition is proposed.
<i>Earthworks</i>	No significant earthworks are proposed for development.
<i>Effluent Disposal</i>	<p>The building proposes a new on-site waste water system adjacent to the dwelling.</p> <p>An on-site sewer management report accompanies the application.</p>
<i>Facilities / Rooms</i>	<p>The proposed dwelling will contain:</p> <ul style="list-style-type: none"><li>• Front Patio</li><li>• Kitchen w/ Butler's Pantry</li><li>• 5 Bedrooms</li><li>• Bathroom</li><li>• Dining Room</li><li>• Family/Living Room</li><li>• Home Theatre</li><li>• Children's Activities Room</li><li>• Laundry</li><li>• Gym</li><li>• Store</li><li>• Garage</li></ul>
<i>Finishes</i>	Refer to the external colours and finishes schedule that accompanies this application
<i>Height</i>	Maximum Height = 7m
<i>Location</i>	The proposed dwelling is located at the rear of the site behind the existing dam. (Refer to photos in the statement above)

Characteristics	Comment
<i>Services</i>	<p>The existing driveway that currently services the site will be used to access the new dwelling.</p> <p>Existing electricity services to the site will be used by proposed dwelling.</p> <p>Waste water will be managed through a new on-site waste management system.</p> <p>The storm water will be connected to the proposed water tank. Any overflow from the tanks are discharged to a level spreader or rubble pit for absorption.</p>
<i>Setbacks</i>	The proposed dwelling will be in excess of 140m from the front boundary, approximately 12.6m from the side boundary, and 12.6m from the rear boundary.
<i>Tree removal</i>	<p>A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling and secondary dwelling.</p> <p>Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.</p>

Plans of the proposed dwelling accompany the application.

### **Construction of a Secondary Dwelling**

The proposal also includes the construction of a secondary dwelling.  
The proposed floor area of the secondary dwelling is 58.98m<sup>2</sup>.

Details of the proposed secondary dwelling are outlined below.

Characteristics	Comment
<i>Building</i>	Steel Frame, Hebel Fibre Cement Cladding and Colourbond Steel Roof Sheeting
<i>Bushfire</i>	<p>The site is identified as being bushfire prone land.</p> <p>The site is identified as being bushfire prone land.</p> <p>The accompanying bushfire report has calculated the Bushfire Attack Level of the building to be 29 and 40 along the Eastern and Northern boundaries. It is recommended that a 12m Asset Protection Zone be implemented to achieve the BAL 40 rating.</p>
<i>Demolition</i>	No demolition is proposed.
<i>Earthworks</i>	No significant earthworks are proposed for development.

Characteristics	Comment
<i>Effluent Disposal</i>	The building proposes a new on-site waste water system adjacent to the dwelling. An on-site sewer management report accompanies the application
<i>Facilities / Rooms</i>	The proposed secondary dwelling will contain: <ul style="list-style-type: none"> <li>• Kitchenette</li> <li>• 2 Bedrooms</li> <li>• Bathroom</li> <li>• Living/Dining Room</li> </ul>
<i>Finishes</i>	Refer to the external colours and finishes schedule that accompanies this application
<i>Height</i>	Maximum Height = 4m
<i>Location</i>	The proposed secondary dwelling is to be located at the rear of the site behind the proposed dwelling.
<i>Services</i>	The existing driveway that currently services the site will be used to access the secondary dwelling  Existing electricity services will be used to service the proposed secondary dwelling.  Waste water will be managed through an on-site waste management system.  The storm water connects to the proposed water tank. Any overflow from the tanks are discharged to a level spreader or rubble pit for absorption.
<i>Setbacks</i>	The proposed secondary dwelling will be located more than 150m from the front boundary, approximately 12.625m from the side boundary, and 14m from the rear boundary.
<i>Tree removal</i>	A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling and secondary dwelling.  Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.

Plans of the secondary dwelling accompany the application.

### **Conversion of Existing Dwelling into an Office**

The proposal also includes the conversion of the existing dwelling into a offices and staff amenities associated with the existing wholesale nursery operations currently operating on the site.

The building will contain a meal room, kitchen and office space which will be utilized as part of the nursery operations.

The office will use the existing on-site waste water system and services which are adequate for the likely generation of waste water and electricity.

The proposed floor plan layout accompanies the application.

## 5.0 DEVELOPMENT CONTROLS

The following development controls apply to the subject site;

- 5.1 Penrith Local Environmental Plan 2010 (PLEP)
- 5.2 Penrith Development Control Plan 2014 (PDCP).
- 5.3 Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River).
- 5.4 Environmental Planning & Assessment Act. 1979 & Regulation 2000.

### 5.1 Penrith Local Environmental Plan 2010

The land is zoned **RU4 - Primary Production Small Lots** under this LEP and the following provisions of the plan apply.

**Permissibility** – Dwellings, secondary dwellings and wholesale plant nurseries are permissible with consent in the RU4 Zone under Penrith LEP 2010.

**Clause 2.3 (2)** - *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect to land within the zone.*

#### RU4 - Primary Production Small Lots

<b>Primary Matters</b>	<b>Comment</b>
<i>To enable sustainable primary industry and other compatible land uses.</i>	The proposed dwelling, secondary dwelling and office/staff amenities are compatible land uses within the zone and a consistent with the character of the locality and current use of the site as a wholesale nursery.
<i>To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</i>	The proposed development (office and amenities) is associated with existing wholesale nursery operating on the site
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposed development will be consistent with the surrounding land uses, being rural residential.
<i>To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.</i>	The proposed development is of a scale and nature that is compatible with environmental capabilities of the land. This has been confirmed by the conclusions of the various technical reports that accompany the application.



<b>Primary Matters</b>	<b>Comment</b>
<i>To preserve and improve natural resources through appropriate land management practices.</i>	The natural resources on site will not be affected by the proposed development. A landscape plan accompanies the application and specifies a rehabilitation plan for the site after works have been completed. The flora and fauna report has concluded the removal of trees associated with the construction of the dwelling and secondary dwelling will not have a significant impact
<i>To maintain the rural landscape character of the land.</i>	The proposed development is consistent with the rural character of the land.
<i>To ensure that development does not unreasonably increase the demand for public services or facilities.</i>	The proposed development will not increase any demand for public services or facilities and use the existing services on the site except for the new on site waste water system..

#### **Relevant clause under Penrith Local Environmental Plan 2010**

<b>Clause</b>	<b>Development Provision</b>	<b>Comment</b>
<b>Part 4 Principal Development Standards</b>		
<b>4.1 – 4.2</b>	<i>Subdivision</i>	Not Applicable
<b>4.3</b>	<i>Height of buildings</i>	No Maximum Height Specified.  The proposed dwelling and secondary dwelling will have a maximum height of 7m which complies.
<b>4.4 - 4.5</b>	<i>Floor Space Ratio</i>	No FSR specified for the development site.
<b>4.6</b>	<i>Exceptions to development standards</i>	Not Applicable
<b>Part 5 Miscellaneous Provisions</b>		
<b>5.1-5.1</b>	<i>Relevant Acquisition Authority</i>	The land is not subject to any acquisition purpose.
<b>5.2</b>	<i>Classification and Reclassification of Public Land</i>	Not Applicable.
<b>5.3</b>	<i>Development Near Zone Boundaries</i>	The development does not seek any flexibility in zone boundaries.
<b>5.4</b>	<i>Controls relating to Miscellaneous Uses</i>	The development is identified in the prescribed uses as being a secondary dwelling, the total floor area does not exceed 60m <sup>2</sup> , being 58.98m <sup>2</sup> .



<b>5.5</b>	<i>Development within Coastal Zone</i>	The land is not located within coastal zone.
<b>5.6</b>	<i>Architectural Roof Features</i>	The development does not contain any architectural roof features.
<b>5.7</b>	<i>Development Below Mean High Water Mark</i>	No works are proposed below the mean high-water mark.
<b>5.8</b>	<i>Conversion of Fire Alarms</i>	Not Applicable.
<b>5.9</b>	<i>Preservation of trees or vegetation (Repealed)</i>	
<b>5.10</b>	<i>Heritage</i>	There are no heritage items on the subject property
<b>5.11</b>	<i>Bushfire Hazard Reduction</i>	The proposed development is located on bushfire prone land.  A bushfire report accompanies this application.
<b>5.12 – 5.15</b>		Not Applicable.
<b>Part 6 Urban Release Areas</b>		
	<i>Urban release areas</i>	The land is not within an urban release area.
<b>Part 7 Additional Local Provisions</b>		
<b>7.1</b>	<i>Earthworks</i>	Earthworks are proposed as part of this application.  A maximum cut is proposed to be 1.01m and a maximum fill is proposed to be 360mm, to create level building platforms.
<b>7.2</b>	<i>Flood planning</i>	The site is not identified as 'Flood Planning Land' on the Flood Planning Map of the PLEP.
<b>7.3</b>	<i>Development on natural resources sensitive land</i>	The site is not identified as 'Natural resources sensitive land' on the PLEP Natural Resources Sensitivity Land Map.
<b>7.4</b>	<i>Sustainable development</i>	The proposed development is considered to meet the principles of sustainable development.

<b>7.5</b>	<i>Protection of scenic character and landscape values</i>	The site is identified as 'Land with scenic and landscape values' on the PLEP Scenic and Landscape Values Map. The proposed development is in the rear portion of the site. The location of the proposed development is such that the visual impact will be minimal if any at all from Cranebrook Road.
<b>7.6</b>	<i>Salinity</i>	The proposed development does not involve any earthworks that will affect the water table, natural hydrological systems or soil salinity.
<b>7.7</b>	<i>Servicing</i>	The proposed development will be connected to the existing services available to the site.  New waste water system is proposed to be installed for the dwelling and secondary dwelling.
<b>7.8</b>	<i>Active Street Frontages</i>	The site is not identified as 'Active Street Frontage' on the PLEP Active Street Frontages Map.
<b>7.9</b>	<i>Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport</i>	Not Applicable.
<b>7.10</b>	<i>Dual occupancies and secondary dwellings in certain rural and environmental zones</i>	The proposed secondary dwelling is located on land zoned RU4 – Primary Production Small Lots.  The combined area of the site is approximately 2ha.  The proposed development will not result in there being more than two (2) dwellings on the lot.  The proposed development does not involve subdivision.
<b>7.11 – 7.25</b>		Not Applicable.

## 5.2 Penrith Development Control Plan 2014

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**

<b>Provision</b>	<b>Comment</b>
<b>Part B Development Control Plan Principles</b>	
<b><u>1.2 Principles</u></b>	
Principle 1: Provide a long-term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The development has considered sustainability and equity, integrating sustainable design principles in the design of the proposed dwelling, secondary dwelling and office/amenities building.
Principle 2: Achieve long term economic and social security.	Not Applicable. The proposed development is rural residential in nature. The proposed development will not cause fragmentation of the land.
Principle 3: Recognise the intrinsic value of biodiversity and natural ecosystems, and protect and restore them.	<p>The small-scale nature of the proposed development and the management plans will minimize any impact on biodiversity or natural systems.</p> <p>The flora and fauna report has concluded the removal of trees with the construction of the dwelling and secondary dwelling will have no significant impact.</p>
Principle 4: Enable communities to minimise their ecological footprint.	<p>A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling.</p> <p>Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.</p>
Principle 5: Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	Not Applicable.
Principle 6: Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	The site is not affected by heritage provisions and allows for continued housing through providing for the social needs of the occupants and it is considered the proposal is consistent with this principle.
Principle 7: Empower people and foster participation.	Not Applicable.
Principle 8: Expand and enable cooperative networks to work towards a common, sustainable future.	Not Applicable.

Provision	Comment
Principle 9: Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	Not Applicable.
Principle 10: Enable continual improvement, based on accountability, transparency and good governance.	The development does not prevent the achievement of this principle.

Provision	Comment
<b>Part C – City Wide Controls</b>	
<b>C1 SITE PLANNING AND DESIGN PRINCIPLES</b>	
<b>C1.1 Site Planning</b>	
<i>1.1.2 Key Areas with Scenic and Landscape Values.</i>	The site is identified as 'Land with scenic and landscape values' on the PLEP Scenic and Landscape Values Map. The proposed development (new buildings) are located in the rear portion of the site. The location of the proposed development is such that the visual impact will be minimal.
<b>1.2 Design Principles</b>	
<i>1.2.1. Application of Certification System</i>	Not applicable.
<i>1.2.2. Built Form - Energy Efficiency and Conservation</i>	A BASIX certificate accompanies the application
<i>1.2.3. Building Form - Height, Bulk and Scale</i>	The proposed dwelling is 7m in height and the proposed secondary dwelling is 4m in height, there is no height of buildings restriction on the site. The development is consistent with the adjoining buildings in the locality. The bulk and scale are of rural residential nature. The colours and finishes are consistent with the rural landscape.
<i>1.2.4. Responding to the Site's Topography and Landform</i>	The proposed development has been located, oriented and designed to minimise excavation, cut and fill and the potential for drainage issues.
<i>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</i>	The proposed development will incorporate safety and security measures.
<i>1.2.6 Maximising Access and Adaptability</i>	The proposed development will be serviced by the existing gravel access driveway which is to be used by the proposed development.

Provision	Comment
<b>C2 Vegetation Management</b>	
	<p>A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling and secondary dwelling. The development includes a Landscape Management Plan.</p> <p>Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.</p>
<b>C3 Water Management</b>	
3.1 The Water Cycle/ Water Conservation	The storm water connects to the proposed water tank. Any overflow from the tanks are discharged to a level spreader or rubble pit for absorption.
3.3 Watercourses, Wetlands, and Riparian Corridors	The development will not impact on any watercourses.
3.5 Flood Planning	The site is not identified as 'Flood Planning Land' on the Clause Application Map of the PLEP
3.6 Storm water Management and Drainage	The storm water from the proposed development will be connected into the proposed water tank.
3.8 Rainwater / Storage Tanks	The rainwater will be stored in the proposed water storage systems on site (water tank).
<b>C4 Land Management</b>	
	<p>A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling and secondary dwelling. The development includes a Landscape Management Plan</p> <p>Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.</p>
<b>C5 Waste Management</b>	
	Refer Waste Management Plan accompanying this application.
<b>C6 Landscape Design</b>	
	<p>Earthworks are proposed as part of this application.</p> <p>A maximum cut is proposed to be 1.01m and a maximum fill is proposed to be 360mm, to create level building platforms.</p>



Provision	Comment
<b>C7 Culture and Heritage</b>	
	The site is not identified as containing any heritage items nor is it within the vicinity of any heritage items or areas.
<b>C8 Public Domain</b>	
	There is no impact of the proposal on the public domain.
<b>C9 Advertising and Signage</b>	
	No signage is proposed.
<b>C10 Transport, Access and Parking</b>	
<i>C10.5 parking, access and driveways</i>	The site contains existing car parking and an access driveway that will be upgraded.
<b>C11 Subdivision</b>	
	Not applicable
<b>C12 Noise and Vibration</b>	
	No impact on noise or vibration will occur from the proposed development.
<b>C13 Infrastructure and Services</b>	
	<p>The proposed development will be connected to existing electricity service available to the site.</p> <p>Storm water disposal proposed to be connected to the proposed water tank. Any overflow from the tanks are discharged to a level spreader or rubble pit for absorption.</p> <p>A new on site waste water system is proposed for the new dwelling and secondary dwelling.</p>
<b>Part D – Rural Land Uses</b>	
<b>D1 Rural Land Uses</b>	
<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>	The site is zoned RU4 – Primary Production Small Lots, therefore this section of the Penrith DCP applies.
<b>1.1 Rural Character</b>	
<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>	The proposal is considered consistent with the rural residential character of the area.

Provision	Comment
<b>1.2 Rural Dwellings and Outbuildings</b>	
<b>1.2.1 Siting and Orientation of Dwellings</b>	
<p><b>Site Planning</b></p> <p><i>a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</i></p> <p><i>i) Protecting the privacy of proposed and existing buildings;</i></p> <p><i>ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself;</i></p> <p><i>iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</i></p> <p><i>iv) Maximising solar access;</i></p> <p><i>v) Retaining as much of the existing vegetation as possible; and</i></p> <p><i>vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6)</i></p>	<p>The proposed development is near the existing development on the site to minimise fragmentation.</p> <p>The proposed development will undertake necessary safety and security measures.</p> <p>The proposed development is consistent with the level of the existing buildings. No flood planning controls apply to the site.</p> <p>The site is identified as being bushfire prone land.</p> <p>The site is identified as being bushfire prone land.</p> <p>The accompanying bushfire report has calculated the Bushfire Attack Level of the building to be 29 and 40 along the Eastern and Northern boundaries. It is recommended that a 12m Asset Protection Zone be implemented to achieve the BAL 40 rating.</p> <p>The proposed development includes windows that allow for maximized solar access.</p> <p>A total of ten (10) trees are proposed to be removed in association with the construction of the dwelling and secondary dwelling. The development includes a Landscape Management Plan</p> <p>Refer the accompanying flora and fauna assessment which concludes the proposed development will not result in any significant impact to the sites flora and fauna species.</p> <p>Earthworks are proposed as part of this application.</p> <p>A maximum cut is proposed to be 1.01m and a maximum fill is proposed to be 360mm, to create level building platforms.</p>

Provision	Comment
<p><i>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</i></p> <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>	<p>The development will be accessed from the existing gravel driveway, proposed to be upgraded. fencing. No additional fencing is proposed.</p> <p>The proposed development is clustered towards the rear of the site and is amongst other buildings on the site, minimizing the visual appearance of the development on the surrounding development.</p>
<p><b><i>Landscape / Scenic Character</i></b></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> <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> <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> <p><i>d) Roads should be designed and located to run with the contours of the land.</i></p> <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> <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>	<p>The proposed development will not intrude into the skyline.</p> <p>The proposed development will not be located on a ridgeline or peak.</p> <p>No screening is proposed. The existing and retained vegetation will be utilized to act as privacy to the proposed development. Refer to the accompanying Landscape Management Plan.</p> <p>No new roads are proposed. Upgrading of the existing driveway is proposed.</p> <p>The roofline of the proposed dwelling and secondary dwelling is pitched with allowing drainage of stormwater to proposed water tank.</p> <p>A simple roofline has been proposed for both the proposed dwelling and secondary dwelling, which is consistent with the rooflines of surrounding development.</p>

Provision	Comment
<b>1.2.2. Setbacks and Building Separations</b>	
<b>Setbacks from Roads</b>	
<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>	The proposed dwelling and secondary dwelling have setbacks greater than 140m from Cranebrook Road.
<i>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</i>	The development location complies with this requirement.
<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>	Cranebrook Road is 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>	The site does not adjoin Mulgoa Road.
<b>Setbacks from Watercourses</b>	
<i>a) A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank.</i>	The site is not located in near a watercourse.
<i>The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.</i>	
<i>b) A minimum setback of 75 metres is required from South Creek for all dwellings and outbuildings.</i>	Not applicable..
<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>	The development is setback more than 40m from any watercourse.
<b>Building Separations and Side Boundary Setbacks</b>	
<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</i>	The proposed dwelling and secondary dwelling have a 6.45m separation.



Provision	Comment
<p><i>intrusions.</i></p> <p><i>b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.</i></p> <p><i>c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.</i></p> <p><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></p>	<p>The site is approximately 2ha, the proposed dwelling has a side setback of 12.6m and the proposed secondary dwelling has a side setback of 12.625m</p> <p>Not Applicable.</p> <p>The proposed development is well removed from dwellings and outbuildings on adjoining sites.</p>
<b>1.2.3. Site Coverage, Bulk and Massing</b>	
<p><i>a) Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).</i></p> <p><i>b) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</i></p> <p><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></p> <p><i>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.</i></p> <p><i>e) A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural</i></p>	<p>The total ground floor footprint of the proposed dwelling is 408m<sup>2</sup> and the ground floor footprint of the proposed secondary dwelling is 59.2m<sup>2</sup>.</p> <p>The proposed dwelling has a maximum ground floor dimension of 28.875m and a maximum of 28.875m along the rear elevation. Due to the location of the proposed dwelling and the front setback, this provision is not deemed to affect the rural landscape or character of the locality.</p> <p>No second storey proposed.</p> <p>The proposed dwelling includes a two (2) car garage. The proposed development also includes a carpark/turn around area with covered parking, for the secondary dwelling, in association with the improved driveway behind the proposed dwelling building line.</p> <p>Proposed Dwelling (including Garage) = 408m<sup>2</sup></p> <p>Secondary Dwelling = 59.20m<sup>2</sup></p> <p>Total ground floor footprint = 468m<sup>2</sup></p>



Provision	Comment
<i>development' referred to in sections 1.4 and 1.5 of this Chapter.</i>	
<b>1.2.4 Height, Scale and Design</b>	
<b>Height and Scale</b>	
<i>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</i>	The proposed dwelling and secondary dwelling are single storey only
<i>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</i>	Not Applicable. As above.
<i>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</i>	The proposed dwelling and secondary dwelling does not exceed 8m above natural ground level.
<b>Design and Quality</b>	
<i>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</i>	The design of the dwelling and secondary dwelling has been considered in the context of existing development on the site and the surrounding rural residential context.
<i>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.</i>	No fencing is proposed.
<b>1.2.5. Dual Occupancy Dwellings</b>	
	Not Applicable.
<b>1.2.6. Secondary Dwellings</b>	
<i>1) With the exception of floor area, the controls applying to dual occupancy development apply to secondary dwellings.</i>	Outlined Below.
<i>These controls apply to dual occupancies in the RU1, RU2, RU4, E3 and E4 zones only.</i>	The site is zoned RU1.
<u>Dual Occupancy Controls</u>	
<b>1) Design</b>	
<i>a) Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design.</i>	The proposed secondary dwelling is considered to have been designed in accordance with the relevant policies.

Provision	Comment
<i>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.</i>	The application has considered these principles, outlined above.
<i>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).</i>	The proposed secondary dwelling is within the curtilage of the proposed dwelling. Refer to the accompanying plans.
<i>d) The second dwelling must be located behind the building line of the existing dwelling house.</i>	The proposed secondary dwelling is located behind the building line of the proposed dwelling. Refer to the accompanying plans.
<i>e) The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m.</i>	The proposed secondary dwelling has a separation of 6.845m. Refer request for variation below.
<i>f) If the dwellings are attached then the second dwelling should be located behind the existing dwelling and should adopt an 'L' shape.</i>	Not Applicable. Proposed Secondary Dwelling is detached.
<i>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 200m<sup>2</sup>.</i>	The proposed Secondary Dwelling is significantly smaller than the proposed dwelling Proposed Dwelling: 408m <sup>2</sup> Proposed Secondary Dwelling: 59.2m <sup>2</sup> The Proposed Secondary Dwelling is 12.35% smaller than the Proposed Dwelling
<i>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.</i>	Both the Proposed Dwelling and Secondary Dwelling have been designed to complement each other in the external finishes of each building,
<b>2) Access, Parking and Services</b>	
<i>a) Access to dual occupancies is to be via a common driveway to both dwellings.</i>	The existing driveway is proposed to be used by the proposed development.
<i>b) At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling.</i>	The proposed dwelling includes a two (2) car garage. The proposed development also includes a carpark/turn around area with covered parking, for the secondary dwelling, in association with the improved driveway behind the proposed dwelling building line.

Provision	Comment
<p><i>c) There should only be one electricity line and meter on the property servicing both dwellings.</i></p> <p><u>Secondary Dwelling Controls</u></p> <p><i>2) Clause 5.4 of Penrith LEP 2010 sets the maximum floor space of secondary dwellings at 60 m<sup>2</sup> or 10% of the total floor area of the principal or main dwelling, whichever is the greater.</i></p> <p><i>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.</i></p>	<p>There will only be one (1) electricity line and meter servicing both dwellings.</p> <p>The proposed Secondary Dwelling has a floor space of 59.2m<sup>2</sup>.</p> <p>Not Applicable. Lot size is approximately 2ha.</p>
<b>1.2.7. Materials and Colours</b>	
<p><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></p> <p><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></p> <p><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></p>	<p>The proposed Secondary Dwelling has external finishes that are consistent with natural surroundings and are non-reflective.</p> <p>Not Applicable. No reflective surfaced materials will used.</p> <p>Not Applicable</p>
<b>1.2.8. Land in the Vicinity of Proposed Second Sydney Airport</b>	Not Applicable.



## **Request and Justification to Variation of Penrith Development Control Plan 2014**

The Penrith DCP requires a 10m separation between the two (2) proposed dwellings on the property.

The proposed secondary dwelling is located 6.845m from (behind) the proposed primary dwelling.

The proposed secondary dwelling has been situated near the proposed dwelling to minimise the impact on surrounding vegetation and minimise tree removal.

It is proposed to be located behind the proposed primary dwelling and cannot be viewed from Cranebrook Road, and it is near and associated with the proposed dwelling on the site.

The proposed secondary dwelling is consistent with other similar developments in the area in size, scale and character and will not affect the local character or landscape through not meeting this provision.

The separation distance between the two dwellings, while not meeting the numerical provisions, is considered to meet the objectives of the control and given the minor non-compliance with the DCP, the variation should be supported by Council.

### **5.3 Regional Environmental Plan 20 (Hawkesbury-Nepean)**

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 nature and location of the proposed development.

The proposal is consistent with the plan.

### **5.4 State Environmental Planning Policy 55 (Remediation of Land)**

The state policy objective is to promote remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment by specifying certain considerations that are relevant in determining development applications in general.

Clause 7 of the policy states

#### ***"7 Contamination and remediation to be considered in determining development application***

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) it has considered whether the land is contaminated, and*
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report*

*specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
  - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
  - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
    - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
    - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge)."*

A preliminary desk top assessment of the use of the subject land has been undertaken over a time period (past 40 years).

The site for the past 30 years has been used for residential purposes and as a wholesale nursery involved with the growing of plants.

The growing of the plants was limited to the middle portion of the site and not the rear section of the site where the dwelling and secondary dwelling are to be constructed.

The photos of this area of the site has confirmed it has remained unchanged and not used for any activity associated with the nursery operation.

The Appendix A attached to the document Managing Land Contamination Planning Guidelines prepared by the Department of Urban Affairs and Planning in 1998 outlines a range of land uses and the types and associated chemicals that may have been used in undertaking the activity.

The past land use of the property (growing of plants) as discussed above is identified in the appendix.

However, as the area of the site proposed for the new dwellings was not used for nursery purposes it is considered highly unlikely to have use any chemicals in this portion of the site.

This area of the site has no evidence of any imported fill material.

Based on the above preliminary investigation as discussed above and the lack of evidence that any chemicals were used in this area of the site it can be considered that the potential for site contamination in this portion of the site is minor and is unlikely to pose a risk to the proposed development and the future uses of the land as proposed by the Development Application.



## 5.5 Environmental Planning & Assessment Act. 1979

The likely impacts of the development as per Section 4 of the Act are considered here.

<b>Primary Matters</b>	<b>Comment</b>
<i>Context &amp; Setting</i>	The erection of a dwelling and secondary dwelling on an appropriate lot in a rural residential area is an appropriate context for the locality that is of a rural/residential character with some small business operations also along Cranebrook Road.
<i>Character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the development</i>	The development is of a minor size and scale and sited to have minimal impact on the streetscape. The appearance will be compatible with the existing dwelling on site. The neighbourhood has a rural residential character appropriate for a dwelling and secondary dwelling.
<i>Access, Transport and Traffic</i>	Access will be via the existing driveway, to be upgraded, from Cranebrook Road. The proposal will not adversely affect the surrounding road network and existing traffic conditions. The proposal will not generate significant additional traffic volumes.
<i>Landscaping</i>	The development removal of ten (10) trees. The development also includes additional landscaping which will be managed by the accompanying Landscape Management Plan.
<i>Acoustic Impacts</i>	The proposed use is consistent with surrounding rural residential uses. The activity and development, associated with a rural residential use, will not have any acoustic impact.
<i>Other amenity impacts</i>	<p>There will be no loss of privacy of local properties due to the size of the land and setbacks from the side property boundaries.</p> <p>Overall the impact of the proposal on the amenity of adjoining properties will be minimal, if any at all.</p>

<i>Storm water, drainage, construction, and utilities</i>	The proposed development will not increase demand on the existing utilities and will be provided with appropriate drainage to Council requirements
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The suitability of the site for the development is considered here:

<b>Primary Matters</b>	<b>Comment</b>
<i>Does the proposal fit into the locality?</i>	The proposed development is of a rural residential character and consistent with adjoining developments.
<i>Are the site attributes conducive to development?</i>	The allotment has an area of approximately 2ha and suitable for the proposed development.

## 6.0 PRE-LODGEEMENT MEETING MATTERS

The relevant matters raised in the pre-lodgment meeting for the proposed dwelling and secondary dwelling.

### PLANNING REQUIRMENTS

- ADDRESS RU4 OBJECTIVES
- COMPLIES WITH DEFINITION OF DWELLING AND SECONDARY DWELLING AND NOT CAPTURE THE DEFINITION OF MULTI UNIT HOUSING.
- COMPLY WITH THE PENRITH DCP 2014
- CUMULATIVE FOOT PRINT OF ALL DWELLINGS NOT TO EXCEED 500SQM
- BUSHFIRE PRONE AREA
- OVERDEVELOPMENT OF THE SITE

#### COMMENT:

The RU4 objectives have been addressed in section 5.1.

The proposed development is for a dwelling and secondary dwelling and conversion of the existing dwelling to an office and staff amenities for the wholesale nursery.

Section 5.2 has assessed the development against the relevant sections of the Penrith DCP 2014.

Bushfire report accompanies the application.

The proposed development has been reduced to involve only a dwelling and secondary dwelling and not the place of worship and community facility.

### ENVIRONMETNAL MANAGEMENT REQUIRMENTS

- WASTE WATER REPORT TO ACCOMAPNY THE APPLICATION
- ADDRESS THE REQUIREMENTS UNDER SEPP 55
- FLORA AND FAUNA
- WASTE MANAGEMENT

**COMMENT:**

The application is accompanied by a waste water and flora and fauna report.  
Assessment under SEPP 55 has been undertaken in section 5.4 of the statement.  
Waste management plan accompanies the application.

**ENGINEERING REQUIREMENTS**

- CONCEPT DRAINAGE PLAN

**COMMENT:**

The application is for a dwelling and secondary dwelling and a concept drainage plan and details accompanies the application.

**BUILDING REQUIREMENTS**

- BUSHFIRE REPORT
- PROVISION OF ACCESSIBLE PATHWAYS AND TOILET FACILITIES.

**COMMENT:**

A bushfire report accompanies the application.  
The floor plan of the office/amenities building shows the accessible facilities.

## 7.0 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 and Penrith LEP 2010. An assessment of the proposals against Penrith City Council's DCP is included in this report and the development generally complies therewith.

The application has addressed the relevant matters raised in the pre-lodgement meeting relevant to the dwelling and secondary dwelling.

The proposal is submitted for Council approval.