
STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed new dwelling and shed at 168 Church Lane Castlereagh



Prepared for Mr Nicholas Borg and Mrs Katherine Borg

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1. INTRODUCTION AND EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by Griffin Planning for Mr Nicholas Borg and Mrs Katherine Borg in support of a development application (DA) made under Part 4 of the Environmental Planning and Assessment Act 1979 (EP and A Act). The DA seeks approval for a single residential dwelling and a farm shed on the site at 168 Church Lane, Castlereagh; the legal title of which is described as Lot 6 of DP 1209152. The SEE addresses:

- (a) the environmental impacts of the development,
- (b) how the environmental impacts of the development have been identified,
- (c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,
- (d) any matters required to be indicated by any guidelines issued by the Secretary for the purposes of this clause.

The subject site is located within the Penrith Local Government Area and the proposed development is permissible with consent in accordance with State Environmental Planning Policy (Penrith Lakes Scheme) 1989 and with Interim Development Order 1993. This SEE assesses the proposal against the SREP, the Penrith IDO and the relevant statutory planning framework applicable to the site and against the relevant heads of consideration under Section 4.15 of the EP and A Act 1979.

The subject site is controlled by multiple planning instruments which complicates the assessment process. Penrith IDO is a dated planning instrument with limited controls. The site is located within the vicinity of the Penrith Lakes Scheme and has been affected by the regional planning controls relevant to the function of the Lakes. As the active life of the Lakes scheme draws to a close these lots on the hill off Church Lane overlooking the Lakes have become available for development through a recent subdivision which was approved through the Land and Environment Court with due diligence to all policy matters affecting the new allotments and was accompanied by environmental and heritage impact studies as well as flood studies and evacuation plans. With these broader issues dealt with through the subdivision process; these lots have now been sold and are being developed as rural lifestyle properties. This SEE deals with the matters relating to the residential development of the site and notes that the broader issues mentioned above have been resolved through the subdivision approval process.

The locality is in transition with planning approvals recently being granted for adjoining allotments for larger residential single dwellings. The area is becoming a rural lifestyle retreat; with less emphasis on the rural activities which are a historic use now. The 2 hectare blocks – encumbered by steep slopes on the western side of the land are not feasible for commercial agricultural use. A visual impact assessment accompanies this SEE to demonstrate that larger dwellings on lot with an area of @ 2 ha are now commonplace within the locality and that the proposed dwelling with its impressive detailing and presentation will make a positive impact on the character of the locality and should be supported by Council through approval of the plans as presented.

The following documentation accompanies this SEE and forms the development application:

- Architectural plans and site plan by Frank Kosztelnik
- BASIX certificate
- Bushfire threat assessment - prepared by Control Line Consulting dated 18.10.17
- Geotechnical report for soil stability
- Geotechnical report for on site sewer – prepared by envirotech dated 14 June 2018
- Flood risk assessment and evacuation plan – prepared by Urbnan City Consulting Pty Ltd dated 18.8.17



2. SITE DESCRIPTION

The subject site is located north of Castlereagh Road and the Penrith Lakes Scheme – Church Lane is accessed via Cranebrook Road. The locality is defined by the Nepean River and eastern escarpment of the Blue Mountains and is significant in the history of the establishment of NSW as an early and fruitful rural settlement. The site is approximately 8.3 km north of Penrith and 15 km south of Richmond. Church Lane is typified by low density rural lifestyle properties within a bushland setting. Agricultural use of the land has diminished and newer developments in the locality are larger dwellings with sheds.

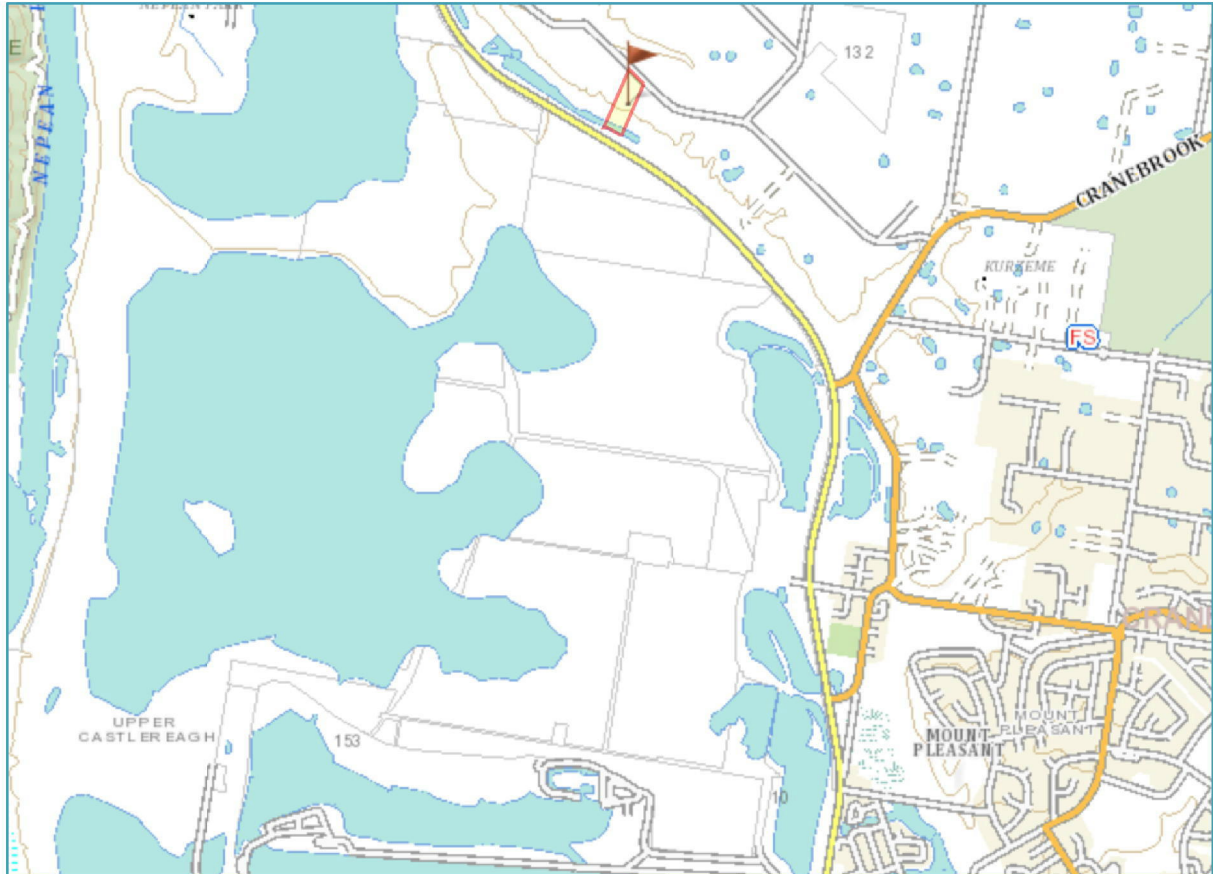


FIGURE 1: LOCALITY MAP: SUBJECT SITE

168 Church Lane is a rectangular shaped allotment that is located on the south side of Church Lane and is bounded by a watercourse on the south western boundary. The site has a level area with a gentle rise from the Lane and drops steeply down to Castlereagh Road on the southern side of the site. The property has established native trees within the frontage of the site to the Lane and cleared paddock within the central section of the site. The land contains native vegetation on the steeply sloping parts of the site. The site is not visible from Castlereagh Road as a result of the topographical features of the site.

The property has a frontage to Church Lane of 88.78 metres and a depth of 269.52 metres. The property has two shipping containers located on the north western side of the allotment. The site has an area of 2.085 hectares.

The two adjoining lots are currently vacant but have recently both been approved for large dwellings – at 174 Church Lane a single new dwelling (DA17/0285) proposed at over 608m² as well as a shed with an area of 288m² and at 162 Church Lane (DA17/1349) for a 818m² floor area.





FIGURE 2: AERIAL IMAGE OF PROPERTY



TABLE 1: SITE PHOTOS



View of frontage of property looking north west



Existing shipping containers on site to be removed post development



View from property looking west



View of central parts of the property



Table 2: Dwellings in Castlereagh



91 Church Street



114 Tadmore



137 Tadmore



Figure 3: 161-191 Church Street: large single dwellings with sheds



Dwellings within the locality are generally large and impressive structures with grand presentations to the street including circular driveways and access to large sheds. The preceding images show typical dwellings within the locality. The proposed dwelling is consistent in form and presentation to those dwellings within the locality.

3. PROPOSAL

The proposal is to:

- Construct a two storey x 4 bedroom dwelling with basement for car storage and cinema room; with a building footprint of 559.4m².
- Construct a farm shed for the storage of equipment associated with the maintenance of the property and for personal use and enjoyment by the residents with a building footprint of 298.36m² including room for stables for horses.
- Remove the 88B restriction from the title of the property in order to allow for an expanded building envelope area.

The proposed dwelling will be setback 30 metres from Church Lane. The proposed farm shed will be setback 32.2 metres from Church Lane.

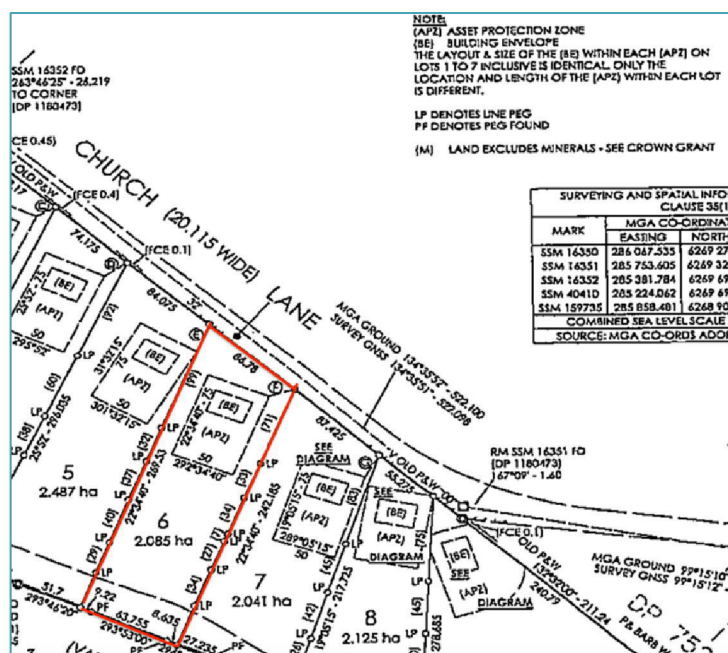
4. VARIATION TO 88B INSTRUMENT

The site is affected by a restriction as to user as listed at items 2 and 3 in the DP 1209152 and with Penrith City Council as the prescribed authority.

Item 2 identifies a building envelope for any new development and notes that a wastewater management plan is to be prepared to accompany a development application for a dwelling house on the lot.

Item 3 identifies an asset protection zone area to be retained around the building envelope. The intention of the restriction as to user is to ensure that buildings are sited to be within a BAL29 fire rated part of the site and to allow for sufficient space to accommodate on site sewer management.

The restrictions as to the user on Lot 6 is replicated below:



The site plan prepared by Frank Kosztenik shows the location of the building envelope in relation to the proposed building. The dwelling is largely located within the building envelope; however, a small part of the building extends outside of the building envelope. In addition the detached shed will be entirely outside of the building envelope.

The objective of applying the BE on the title is seen to be twofold:

- a) to ensure that the APZ is contained within the level sections of the site and will not affect the bushland located on the south western side of the site and
- b) to ensure that wastewater management on site is located at a significant distance from the lagoon located on the south western side of the site.

The proposed siting of the dwelling and the shed will not impact on the achievement of the abovementioned objectives. The application is accompanied by a bushfire threat assessment and a wastewater report that identifies the required location for waste water management and the boundaries and extent of an APZ for the proposed building.

The proposed shed location will not result in the removal of any additional trees from the site and will be screened from the street by the existing native bushland which will be retained within the front setback of the property.

The departure from the Sec 88B instrument is considered justified and can be varied by the Council without hindering the environmental objectives for the instrument.

5. PLANNING CONTROLS

The following section will address all relevant planning controls applicable to the site in accordance with Section 79C (1)(a) of the Environmental Planning and Assessment Act, 1979.

5.1 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX - BASIX) 2004

The proposal is accompanied by a BASIX certificate that complies with the requirement of the state planning policy.

5.2 PENRITH INTERIM DEVELOPMENT ORDER 93

Clause 3: General Development Control

Comment: The site is zoned Rural A2 under the provisions of IDO 93. Dwelling houses are permitted with consent in the zone.

Clause 9 – Setbacks: The minimum setback required is 30 metres.

Comment: The proposal complies with this development standard.

Clause 14(2) Heights: The council may, as a condition of its consent, require the floor of the building or work to be erected at a height sufficient, in the opinion of the council, to prevent or reduce the incidence of flooding of that building or work or of adjoining land.

Comment: The proposal complies with this clause.

Clause 15: In respect of any application for the consent of the council to the carrying out of the following development, namely -



(a) any development within view of any waterway, or adjacent to a designated road the council shall take into consideration the probable aesthetic appearance of the land or of the proposed building or work when used for the proposed purpose and viewed from the waterway or road;

Comment: *The proposal will be visible from Church Lane - but will not be visible from Castlereagh Rd. The aesthetic appearance of the proposed building will be of a high quality and substantial residence which is consistent with the approvals for adjoining development and with the general character of development along Church Lane.*

c) the erection of a dwelling-house, the council shall take into consideration the likelihood of floodwaters entering the dwelling- house and may impose conditions or any consent requiring the floor to be erected at a height sufficient, in its opinion, to obviate the frequent flooding of the dwelling-house.

Comment: *The proposal is consistent with the clause.*

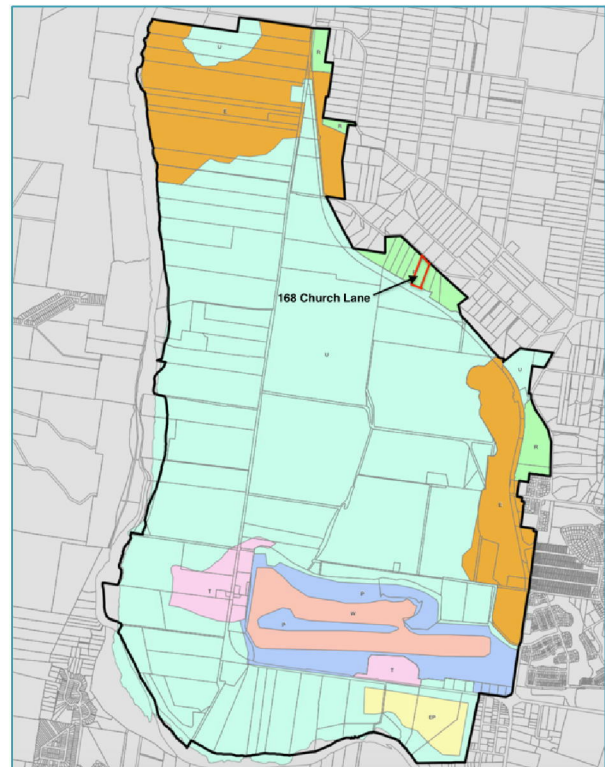
The proposal is consistent with the requirements of Penrith IDO 93.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (PENRITH LAKES SCHEME) 1989

SEPP (Penrith Lakes Scheme) 1989 applies to the site. The site is zoned residential under the provisions of this plan.

The objectives of the Residential zone under this policy are as follows:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise the potential for conflict between development in residential areas and land uses within adjoining zones.
- To ensure that land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land and water quality management practices.



Clause 25 – Residential development

(1) Development consent must not be granted for development on land zoned Residential unless the consent authority is satisfied that the number of dwellings on all land zoned Residential will not exceed 30.

Comment: *There are only 13 allotments zoned Residential within the area affected by the Penrith Lakes Scheme. It is understood that the number of residential dwellings on land zoned residential under the provisions of this policy have not yet been exceeded.*



(2) Development consent must not be granted for development on land zoned Residential unless the consent authority has considered the following:

(a) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person,

Comment: *An Aboriginal Archaeological Assessment was conducted for the locality under the parent subdivision application which concludes that any development will have minimal if any impacts on heritage items or Aboriginal places. The subdivision assessment process foreshadowed the possibility of the site being developed with a residential dwelling.*

(b) a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development,

Comment: *A geotechnical assessment has been prepared to accompany the development application and provides recommendations for site preparation for the building envelope. The report was prepared by Geotechnique Pty Ltd and is dated 7 September 2017.*

(c) an evacuation plan that is prepared by an emergency services organisation and endorsed by the NSW State Emergency Service as being appropriate for the development.

Comment: *An flood risk assessment and evacuation plan has been prepared for the site by Urban City Consulting Pty Ltd and dated August 2017 and accompanies this application. The report concludes that the proposed dwelling will not increase impact on flood behavior or impose an increased risk to residents*

CLAUSE 28 – HERITAGE ASSESSMENT

The site is not affected by any heritage items or conservation areas. The site has been subject to an Aboriginal Archaeological assessment prior to the subdivision approval of the subject site with no significant sites or matters to be addressed. The proposal to erect a dwelling on the subject site will have no adverse impact on heritage values in the locality.

CLAUSE 29 - BUSHFIRE THREAT ASSESSMENT

A bushfire threat assessment accompanies this report – the dwelling has been designed to comply with the BAL rating assessment for the property. All structures proposed by this development application are located within a BAL 29 fire rated zone. The proposal meets the requirements and objectives of Planning for Bushfire Protection. The proposal will be referred to the RFS in accordance with Clause 4.14 of the Environmental Planning and Assessment Act, 1979.

CLAUSE 33 – FLOOD PLANNING

The flood planning level was determined for the property by the Coffey Geotechnical Report. The building envelope is located above the 1:100 year flood level at RL 46 metres AHD. This RL is well above the flood level identified by the Penrith Lakes Development Corporation of RL 22 metres AHD. The building site is clear of any flow paths or potential flood impact lands and the proposed development will not hinder the safe and orderly evacuation of the area in the event of an emergency.

SCHEDULE 2 – MATTERS TO BE INCLUDED IN THE STATEMENT OF ENVIRONMENTAL EFFECTS

This SEE satisfactorily addresses the requirements and objectives of the SEPP. The proposal is for a relatively minor development within the locality and will not affect the implementation of the broader planning objectives for the Penrith Lakes.



5.4 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following provides an assessment against the relevant clauses of the Penrith DCP 2014. Further assessment is not provided where matters have been dealt with under the IDO or SEPP and SREP considerations in the above report. Note that DCPs provide more detailed development standards that are designed to be applied flexibly in response to variable site conditions and aspects. Assessment needs to weigh the benefits of complying with all design standards against the actual site outcomes and usability of the development.

TABLE 3: COMPLIANCE TABLE - PENRITH DCP 2014

COMPLIANCE TABLE Penrith DEVELOPMENT CONTROL PLAN 2014		
Clause	Provision	Statement of Compliance
C1 Site Planning and Design Principles		
1.1.2	Key Areas with Scenic Views Any areas with views to and from the Nepean River	The property has views across the Penrith Lakes to the river. The subject site is secluded from public areas west of the site – the site will be screened from view by the vegetation and by the natural topography of the site. The proposed building will not obstruct or impede any views to scenic areas.
1.2.3	Building form – height, bulk and scale a) Context b) Character c) Articulation d) Overshadowing	a) The proposed development is within a new subdivision of a small lot land release. The character of the locality has yet to be established – however substantial single residential dwellings have been recently approved by Council on adjoining allotments. The new dwellings have similar form and presentation to that which is proposed in this development application. b) The new building has been designed as a luxury dwelling within a secluded location. It is noted that new dwellings within the locality are larger than average and prestigious in design. The proposal will be consistent with the emergent character of the locality. c) The building is highly articulated and does not have an elevation greater than 20 metres in length. d) The maximum height of the proposed dwelling is 8 metres and the setbacks to the boundaries and articulation are such that there will be no



	<p>e) Setbacks</p> <p>i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</p> <p>ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</p> <p>iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</p> <p>iv) Maximise permeable surface areas for stormwater management; and</p> <p>v) Minimise overshadowing.</p> <p>f) Building façade treatment</p> <p>g) Roof design</p>	<p>adverse impacts on the solar amenity of adjoining residential buildings.</p> <p>e) The proposed design provides deep setbacks which allow for deep soil zones and separation between neighboring dwellings. The proposed setback is consistent with the requirements of IDO 93.</p> <p>The setbacks allow for landscaping around the dwelling.</p> <p>Substantial pervious areas will be retained around the site.</p> <p>f) The building façade treatment provides articulation and high quality design.</p> <p>g) The roof design is broken up to reduce large expanses and reduce the appearance of bulk.</p>
1.2.4	Responding to sites topography and landform	The building site is relatively flat and has been designed through the subdivision process to accommodate a new dwelling. A geotechnical report accompanies this development application verifying the stability of the site in relation to the proposal.
1.2.5	Crime prevention through design	The proposed dwelling has living areas with an outlook to the street which will positively contribute to the passive surveillance of the area and will enhance public safety and security.
C2 Vegetation Management		
2.1	(6) Trees and new development	The building envelope is cleared – existing trees on site will be retained. No new trees will be planted to the rear (west) of the site; in accordance with recommendations within the bushfire threat assessment.
2.3	Bushfire management	The application is accompanied by a bushfire threat assessment.
C3 Water Management		
3.2	Catchment management and water quality	The proposed development does not occur within 40 metres of the lagoon. Onsite stormwater management and effluent treatment has been designed to minimize any adverse impacts.
C4 Land management		



4.1	Site stability and earthworks	Earthworks to create the building platform are kept to within 1 metre for cut or fill across the site. The proposal can be consistent with any Council requirements for site management in the construction phase.
4.3	Erosion and sedimentation	The plans include details for erosion and sedimentation control during the course of development.
C5 Waste Management		
5.1	Waste management plans	A waste management plan accompanies the development application and complies with Council's requirements.
5.2	Development specific controls	Waste storage areas are available within the proposed residence. The proposed layout and design is consistent with Councils requirements for waste management.
C6 Landscape design		
6.1	Development category	The proposed works is category 2 works as it is work below 2 million not described under category 1.
C10 Traffic and parking		
10.2	Parking rates Dwelling house- 2 spaces per dwelling	The proposal complies with the development standard.
C13 Infrastructure and Services		
13.2	Utility and infrastructure provision	The proposal will be serviced by all essential services and infrastructure. On site sewer management is detailed within the accompanying reports to this application. Arrangements for infrastructure provision have been established through the subdivision process and connection to the relevant utilities will be arranged through construction in accordance with requirements.
D1 Rural Land Uses		
1.2.1	Siting and orientation of dwellings and outbuildings	The proposal is consistent with the site planning controls in that the development: <ul style="list-style-type: none"> • Retains privacy of existing and proposed development • Provides flood free access to dwelling



	<p>Landscape Scenic Character</p> <p>Setbacks and building separations From roads (15 metres):</p> <p>From watercourses (40 metres)</p> <p>For dwellings from side boundaries (land greater than 2 hectares) (10 metres)</p>	<ul style="list-style-type: none"> • Minimises risk of bush fire by locating the building site in the least fire prone location on the site; • Maximises solar access • Retains existing vegetation on site; • Minimises excavation <p>The building is setback as far as practicable from the ridge line. The proposed development is sited so as to minimise visibility from Castlereagh Road – existing vegetation is retained and will screen the development from Church Lane and Castlereagh Rd. The view of the building from Church Lane will be obscured by the screening of trees within the front setback.</p> <p>The IDO states a minimum setback of 30 metres. The proposal is consistent with Council policy.</p> <p>The proposal is > 100 metres from the lagoon located on the southern boundary of the site.</p> <p>The dwelling is setback a minimum of 15 metres from the side boundary.</p>
<p>1.2.3</p>	<p>Site coverage, bulk and massing</p> <ol style="list-style-type: none"> 1) dwellings shall have a maximum ground floor footprint of 500m² 2) dwellings shall have a maximum overall ground floor dimension of 45 metres – with a maximum of 18 metres at any one point. 3) The maximum floor space of the second storey is to be 70% of the floor space of the lower floor. 4) No more than three undercover parking spaces shall face towards a public street 5) A maximum ground floor footprint of 600m² is 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 this chapter. 	<p>A variation to the maximum ground floor footprint is sought as the proposed development has a footprint of 559.4m² which is a minor variation. Justification to the variation is provided below in this report</p> <p>The dwelling has a maximum ground floor dimension of 44 metres and does not exceed the maximum dimension of 18 metres at any one point. The proposal complies with this clause.</p> <p>The first floor has a floor area of 212.95m² which is 38% of the floor space of the lower floor. The proposal complies with this clause.</p> <p>The entrance to the garage is facing towards the southern side of the site and does not impact on the streetscape.</p> <p>The ground floor footprint (including associated structures) is 710m². It is requested that Council allow for a variation to this development standard given that the ground floor footprint of the dwelling complies with this development standard. The associated structures including the indoor swimming pool and three car garage which are located at the rear of the dwelling and will not impact on the streetscape in a negative manner. The design responds to the objectives of the clause by reducing the bulk of the development and creating a</p>



		highly articulated and intricate building that will not present as a bulky structure to the street.
1.2.4	<p>1) Height and Scale</p> <p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p> <p>d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7.</p> <p>2) Design and Quality</p> <p>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</p> <p>b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.</p>	<p>The proposed dwelling is no more than 2 storeys in height. At any one point there is no more than 2 storeys of livable space. In one section of the dwelling there is a 3rd level providing access to the subfloor area which will improve opportunities for maintenance of the building; ventilation and drainage and emergency egress. These areas are not livable. The proposal complies with the clause.</p> <p>The maximum height of the ceiling of the top floor is 8 metres. The proposal complies with this clause.</p> <p>The maximum cut across the building envelope is 1 metre max. the proposal complies with this clause.</p> <p>The fill is a result of creating a sub ground floor for the cinema room and garage and will result in a reduction in the overall bulk of the development when viewed from the street.</p> <p>The proposal presents a high quality design that is sympathetic to the locality which is characterized by larger dwellings on rural lifestyle properties.</p> <p>Details of the fencing are not included in this application. any fencing constructed on site will comply with the exempt fencing permitted on the site.</p>

1.3 Farm Buildings

1.3.1	<p>1) Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict.</p> <p>2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.</p> <p>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.</p>	<p>The proposal includes a shed which will be used as a farm building. There is only one farm building proposed which will reduce the impact of built form on the landscape. This farm building is located as close as practical to the dwelling and will not result in any land use conflict.</p> <p>The colours and presentation of the shed will complement the dwelling.</p> <p>The shed will be located on level ground and will require minimal cut and fill.</p>
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	<p>4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.</p> <p>5) The narrowest elevation of farm buildings should face the road.</p> <p>6) Farm buildings shall be set back a minimum of 40m from any watercourse.</p> <p>7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.</p> <p>8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.</p> <p>9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.</p> <p>10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.</p> <p>11) Farm buildings should be a minimum distance of 5m from the side boundaries.</p>	<p>The shed is located on land that is already cleared of vegetation.</p> <p>The shed is angled to present a narrow frontage towards the road in compliance with this clause.</p> <p>The shed is setback > 40 metres from a watercourse.</p> <p>The shed is setback behind the building line of the dwelling.</p> <p>The shed is > 10 metres from the dwelling.</p> <p>The shed will be located a minimum of 20 metres from buildings on adjacent lots (which require a 15 metres setbacks + 5 metres)</p> <p>Existing trees will be retained within the frontage and to the side of the shed where possible.</p> <p>The shed is a minimum of 5 metres from the side boundary.</p>
<p>1.3.2</p>	<p>Floor space, height and design</p> <p>1) For allotments 3 hectares or less the maximum accumulative footprint is 200m²</p> <p>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.</p> <p>5) A farm building must not be greater than 8m in height.</p> <p>6) The maximum external wall height of a farm building is 5 metres (to eaves).</p> <p>7) Where a farm building is higher than the dwelling it must be located behind the dwelling and screened from view.</p> <p>8) The design of farm buildings should comprise traditional roof shapes</p> <p>9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.</p>	<p>The proposed shed is 298m². Justification to the variation to the development standard is provided below.</p> <p>The maximum height complies with this development clause.</p> <p>Compliant</p> <p>The farm shed will not be higher than the dwelling.</p> <p>The farm shed has been designed to complement and integrate with the design of the dwelling.</p>



	<p>10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.</p> <p>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.</p>	<p>The farm shed has been designed to minimize bulk and will not result in a bulky presentation to the street.</p>
1.3.3	<p>Materials and colours</p> <p>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.</p> <p>2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.</p> <p>3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.</p> <p>4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.</p>	<p>The proposal can comply with Councils requirements for materials and colours.</p>
1.4	<p>Agricultural development</p> <p>Objectives</p> <p>a) To encourage sustainable land use practices;</p> <p>b) To retain viable agriculture lands;</p> <p>c) To avoid land use conflicts;</p> <p>d) To adopt appropriate water management practices including water consumption patterns to maintain and improve water quality and flows;</p> <p>e) To ensure protection of biodiversity values and natural vegetation; and</p> <p>f) To ensure protection of heritage values and landscape values in rural areas.</p>	<p>The use of the land will be for hobby farm use only and will be limited in any potential for commercial use. The owner will keep a couple of small horses and domestic pets on site. The size of the allotment and the limited usable land area for agricultural use restricts the use of the property to large lot residential use as the primary use.</p>
1.5	<p>Non agricultural development</p> <p>Home business and home industries</p> <p>1.5.6. Truck parking areas – Schedule 2 of LEP 2010 – specifies max area of 200m²</p>	<p>No trucks associated with business use will be kept on the property.</p>



2 trucks per property - must not include the construction of a shed to create the parking area?

6. JUSTIFICATIONS FOR VARIATIONS TO THE DCP

Note that the Environmental Planning and Assessment Act, 1979 makes it clear that the DCP is to provide additional detailed development controls specific to sites and localities. The assessment of development applications against the DCP standards are to be addressed in a flexible manner. Where there is justification for the departure the variation to the development standards can be supported by Council.

Part D1- Rural Land Uses: 1.2.3 Site coverage, bulk and massing.

The objectives to this clause are:

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

Comment: The proposal is compliant with the objectives of the clause. As can be seen in the site description section of this report – the surrounding locality is characterised by larger dwellings on lots averaging 2 hectares similar to what is proposed in this application. The following images also reiterate the point that the proposed site coverage will be similar in form and location to that which has established within the locality.



Castlereagh Road



Sheredan Road

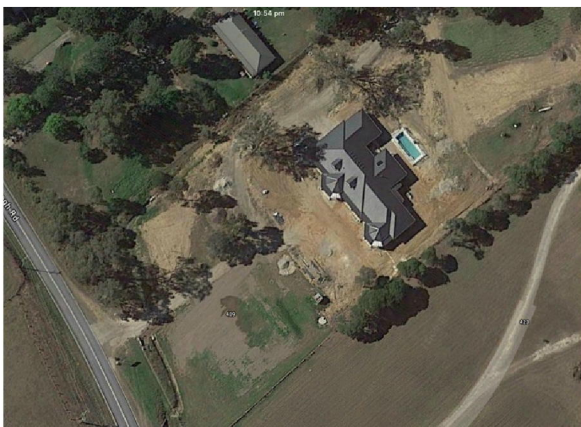




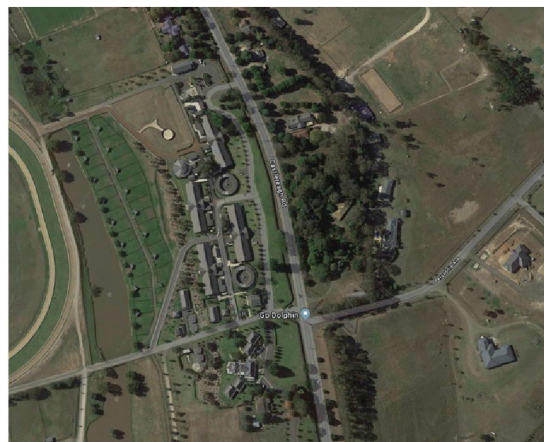
Hinxman Road



Church Lane



Castlereagh Road



Castlereagh Road

1) dwellings shall have a maximum ground floor footprint of 500m²

The proposed dwelling has a maximum ground floor footprint of 456m². The proposal provides an appropriate site coverage given the allotment is over 2 hectares. The building is articulated and will not present as a bulky dwelling. The dwelling design is appropriate to the character of the area. The upper floor area is much less than that which is permitted. The proposal complies with maximum widths and setbacks and will be of an appropriate scale to the site. It is considered that the departure from the development standard is justified.

5) A maximum ground floor footprint of 600m² is 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 this chapter.

The footprint of the dwelling and associated structures is 710m². The farm shed is not included in the calculation as it is definable as a farm building. It is requested that Council allow for a variation to this development standard. Of the 710m² proposed; 150m² includes alfresco areas and a portico and verandahs. In addition 103.9m² is taken up by the indoor pool which could be built outdoors and would not be counted as floor area. When these ancillary uses are taken out of the equation the actual building footprint of the dwelling is 456m² and is compliant with the development standard. In addition: the design of the residence includes associated structures such as the indoor swimming pool and a three car garage which is located at the rear of the dwelling and will not be visible from the street. The car parking and swimming pool could ostensibly be located elsewhere on the site and excluded from "footprint" calculations; and thus achieve compliance with the



development standard. However the owner is seeking to build an integrated structure which retains the landscape setting around the dwelling as far as practicable. The design responds to the objectives of the clause by reducing the bulk of the development and creating a highly articulated and intricate building that will not present as a bulky structure to the street. The dwelling complies with the maximum width requirements. The departure from the variation will not have any impact on the public interest as the development is suitable for the site.

1.3.2 – FARM BUILDINGS

Floor space, height and design

1) For allotments 3 hectares or less the maximum accumulative footprint is 200m²

The maximum footprint of the farm shed is 298m². The dimensions and footprint of the proposed shed is consistent with the shed recently approved by Council at 174 Church Lane – next door. The visual impact of the shed is minimised by the fenestration and articulation provided to the front of the shed which faces the street at an angle which will reduce the visual impact of the shed as viewed from the street.

The extent of the departure from the development standard for the shed is justified by the owners need for parking and storage including the following:

- Stables for horses
- Backhoe and tractor for maintenance of the property
- Jet ski
- Ride on lawnmower
- RV for personal use
- Utility vehicle
- Vintage cars and tractors and equipment
- Workspace

The shed will accommodate all maintenance and storage needs on the property which will mean that the property presents in an orderly fashion without the need for outdoor storage of equipment or gear. The existing on site shipping containers will be removed from the property. The shed is not a prefabricated structure and will present as a high quality building which will positively contribute to the character of the locality. The proposed departure from the standard is considered to be well justified.

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

In accordance with the requirements of Section 4.15 (1)(b), Council is required to consider the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

The environmental impact of the development will be minimal as the new lot has been designed to accommodate a dwelling structure and as such services and infrastructure are available to ensure that environmental impacts are accommodated. The site is relatively level and does not require substantial cut and fill.

The development will contribute to the establishment of a high standard of development – which creates a positive impact on the locality.

6. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979; the consent authority is required to consider the suitability of the site for the development. The previous sections of this



report have demonstrated the suitability of the site for the proposed development, particularly in the following terms:

- i. The proposal provides a site responsive design and provides a new single dwelling that is in character with the existing streetscape.
- ii. The proposed design is consistent with the overarching objectives for development as stated within Penrith City Council's environmental planning controls.
- iii. The site has been recently subdivided to accommodate rural lifestyle properties.

7. PUBLIC INTEREST

In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979; the consent authority is required to consider the public interest in the assessment of the proposal. The proposal is considered to accord with the wider public interest in that:

- The development will achieve compliance with all objectives for the site and will be compatible with the character of the surrounding locality as demonstrated throughout this report
- The proposal provides a high quality residential building within a rural landscape
- The proposal will not drain any public resources in the construction and life of the development;
- The proposal will establish a high standard of quality residential development that will positively contribute to the locality.

Having regard to the issues raised and discussed in this report, it is considered that the proposal is not contrary to the public interest.

8. CONCLUSION AND RECOMMENDATION

This Statement of Environmental Effects for the proposed development has considered

- an analysis of the subject site and of the surrounding locality;
- an analysis of the proposal against the provisions of the *Penrith LEP 2010, Penrith Development Control Plan 2014*, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site.
- the circumstances of the case;
- the public benefit of the development;

and finds that the proposal is suitable for the site and in the public interest.

It is respectfully recommended that the consent authority considers the application for approval subject to appropriate conditions of consent.

