

# Statement of Environmental Effects



2289-2293 The Northern  
Road Mulgoa

To construct a detached dual occupancy  
development involving retention of the existing  
dwelling

21<sup>st</sup> August 2015

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1. Control Table

# 1.0 EXECUTIVE SUMMARY

The proposed development is located in a semi-rural setting that is characterised by homestead style houses on large allotments and outbuildings used in conjunction with small scale farming activities.

The proposed detached dual occupancy development on a relatively large allotment is promoting the objectives of Council's planning controls. The proposed development will fit in with the existing and likely future character of Mulgoa.

Council's Environmental Planning Instrument encourages an evenly spread demographic mix. This can be achieved by the provision of housing opportunities for extended rural family situations.

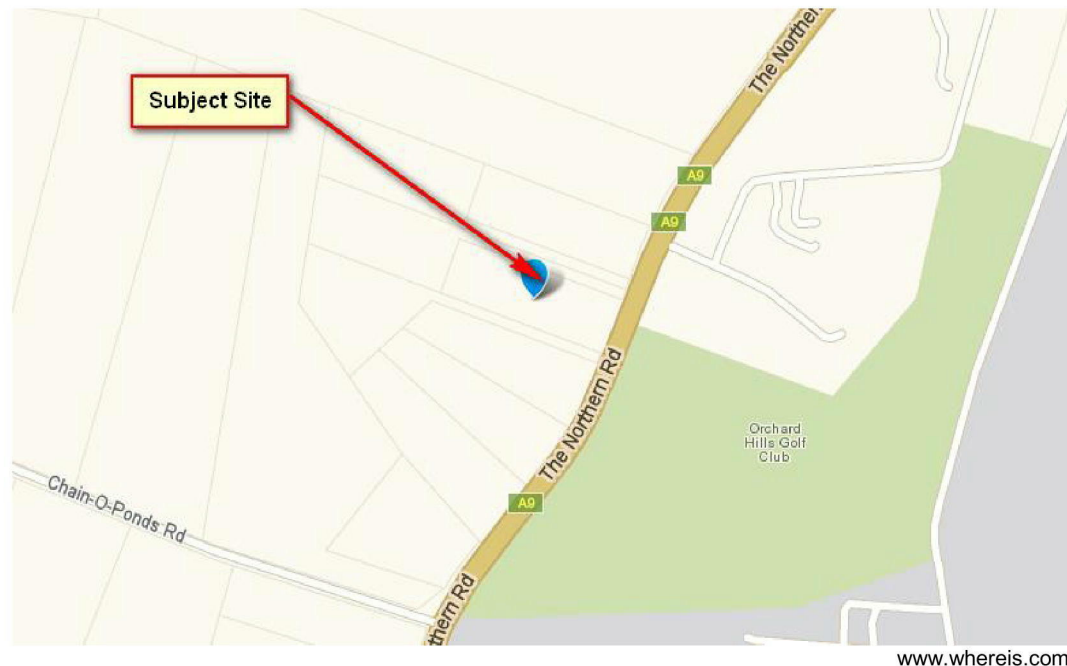
Good planning principles have been incorporated in the design of the proposed dwelling which has resulted in a high quality development that will enhance the locality.

Two dwelling houses on the subject land are permissible and will not have any adverse impacts.

## 2.0 SITE/ LOCALITY

The subject land is known as No. 2289-2293 (Lot 4 DP 29081) The Northern Road, Mulgoa and is located opposite Orchard Hills Golf Club. The site is generally rectangular in shape with a frontage of 81.035m and a minimum depth of 249.465m, comprising a total site area of **2.037HA**.

On the site there are existing structures, which will be retained. The immediate locality is characterised by homestead style dwellings on large allotments and outbuildings used in conjunction with small scale farming activities. Dwellings in the locality are of various size and mixed architectural styles and vary considerably in setbacks from front boundaries.



**Locality Map**



Photo – Streetscape



Location of proposed second dwelling



## 3.0 THE PROPOSAL

The proposal is to construct a single storey detached dual occupancy development involving retention of the existing dwelling.

## 4.0 SITE ANALYSIS

A site analysis has been carried out and an appraisal of how the design of the development has regard to the site analysis is provided in ***Attachment 1 – Site Analysis***.

## 5.0 RELEVANT PLANNING CONTROLS

The following planning instruments and development control plans are relevant with respect to the proposed development:

- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (Deemed SEPP)
- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014

## 5.1 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (Deemed SEPP)

The subject site falls within the Sydney Regional Environmental Plan No. 20. Recently all existing REPs were deemed State Environmental Planning Policies (SEPPs). The Department is reviewing all remaining REPs as part of the NSW planning system reforms.

The aim of the Plan is to '*protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*'. The policy requires consideration of certain general and specific matters including:

- general planning considerations:
  - The aim of this plan – ***the proposed development per say, involving construction of a dual occupancy some distance from Nepean River and South Creek, will not have any regional planning consequences relating to the Hawkesbury Nepean River System, and***
  - Whether there are any feasible alternatives to the development or other proposal concerned – ***the configuration of the subject site (i.e., its width and length) best suites a detached dual occupancy and alternative positioning is unfeasible. The proposed development is considered to be a reasonable response to development of the site, given the current and future planning vision for the locality, and***
  - The relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored – ***the potential impacts associated with the erection of the dual occupancy were considered and satisfactorily addressed through the following:***
    - ***The provision of an adequate Wastewater System,***
    - ***Grated pits,***
    - ***Rainwater harvesting tanks,***
    - ***Colours and finishes, and***
    - ***New landscaping.***
- Specific planning considerations:
  - Total catchment management – ***the proposed development addresses both site specific and wider catchment issues,***
  - Environmentally Sensitive Areas – ***scenic areas associated with the Nepean River/South Creek fall under this category and are covered in more detail under “Riverine Scenic Quality”,***
  - Water Quality - ***a suitable on-site effluent disposal system, which satisfies the NSW Health accreditation criteria, will be available on-site. Stormwater will be disposed of in a controlled manner (i.e., directed through grated and silt arrestor pits),***

- Water Quantity – ***the proposed building works occupy a small portion of the overall site, as such, soft soil absorption and rainwater harvesting ensures that the amount of additional runoff is negligible,***
- Cultural Heritage – ***there are no items of cultural heritage located on the subject site,***
- Flora and Fauna – ***additional landscape planting is proposed as indicated on the Landscape Plan which will result in a net increase in vegetation promoting local biodiversity,***
- Riverine Scenic Quality – ***in this instance ‘scenic quality’ equates to the aesthetic beauty of the locality, particularly those areas immediately adjacent to “Nepean River” and ‘South Creek’. The subject site, however, is located some distance from either, therefore, the visual impact of a low scale single storey building on the scenic quality is minimal, particularly, if earthy colours and tones are used in the finishes. Appropriately positioned landscaping including suitable species of trees and shrubs will in fact improve the scenic quality of the immediate locality and contribute to local biodiversity,***
- Agriculture/Aquiculture and Fishing – ***N/A, and***
- Rural Residential Development – ***Penrith Local Environmental Plan 2010 allows dual occupancy development to be erected in the zone and any perceived impacts associated with the development can be mitigated. The proposed development will not significantly impact on the environment.***

There is ample land available to ensure that the effluent does not cause any adverse environmental effects.

No other environmental impacts are envisaged in this regard. The subject site is located some distance from any continuously flowing natural water bodies and appropriate erosion and sedimentation control measures will be implemented during construction.



## 5.2 Penrith Local Environmental Plan 2010 (LEP)

The subject site is within Zone E3 – Environmental Management under Penrith Local Environmental Plan 2010 (LEP). The proposed development falls within the definition of ‘*dual occupancy*’ development and is permissible with the consent of Council, viz:

***dual occupancy*** means a dual occupancy (attached) or a dual occupancy (detached).

***dual occupancy (detached)*** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of ***dual occupancy***—see the definition of that term in this Dictionary.

### 3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; **Dual occupancies**; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals

**NOTE: ‘Dual Occupancies’ are permitted with the consent of Council.**

The objectives of the zone are -

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.
- To preserve and improve natural resources through appropriate land management practices.

To satisfy the objectives of the zone, development will generally be “consistent with” the objectives if it is not opposed to them. In *New Century Developments Pty Limited v Baulkham Hills Shire Council* [2003] NSWLEC 154 (30 July 2003), the court clarified “that it is not necessary to demonstrate that a development promotes or is ancillary to these objectives, nor even that it is compatible with them (*Coffs Harbour Environment Centre Inc v Coffs Harbour City Council* (1991) 74 LGRA 185 at 192 per Clarke JA, *Schaffer Ltd v Hawkesbury City Council* (1992) 77 LGRA 21 at 27 per Pearlman J)”. As such, the criteria is to demonstrate that the proposed use is not **antipathetic** to the objectives.

It is difficult to argue that dual occupancy development is not compatible with the amenity of the locality which comprises predominately rural land uses, with homestead style dwellings and rural sheds. It provides accommodation for an extended family situation and given that land holdings associated with rural living are large by nature, visual impacts can easily be mitigated. Likewise, the environmental constraints of the site (i.e., bushfire hazard) were taken into account in the design. The requirements of the Planning for Bushfire Protection 2006 and other legislation can be satisfied.

The current zoning provisions allow a variety of land uses including dual occupancy development and there are several other notable land uses in the general locality which are unrelated to agriculture. As such, Council has acknowledged through the land use management plan (EPI), that such uses are not antipathetic to the objectives of the zone.

In terms of the ecological attributes of the area, the proposed development will be located generally on cleared land, and there will be sufficient measures in place to protect any identified ecological attributes of the site and locality in general.

It is considered that the proposed development meets all of the objectives stipulated in this clause. The agricultural potential of the holding will not be compromised by fragmentation of the land (subdivision is not proposed) and the development will not generate an unreasonable demand for public services.

The design of the dwelling will be compatible with the existing amenity of the locality.

#### **Exceptions to development standards (Clause 4.6)**

Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. In this regard, **no** variation requests are required as the proposal complies with all development standards contained in PLEP 2010.

#### **Preservation of trees and vegetation (Clause 5.9)**

The proposal involves the removal of trees as indicated on the Architectural and Landscape Plans which are within or in close proximity to the building footprint of the proposed dwelling.

Regardless of the species classification, removal of the limited number of trees will not have a significant impact on ecological communities.

#### **Heritage Conservation (Clause 5.10)**

The subject site is not listed as a heritage item or located in the immediate vicinity of any heritage-listed items.

### **Flood Planning (Clause 6.3)**

The subject site is not within an identified flood planning area on the Flood Planning Land Map and the Hydraulics Detail Plan takes into account the drainage issues affecting the site, and nominates appropriate measures to drain water from the site.

### **Protection of scenic character and landscape values (Clause 7.5)**

The subject site is identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.

The objectives of this clause are as follows:

- (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*
- (b) to ensure development in these areas is located and designed to minimise its visual impact.*

Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.

The proposed single storey dwelling will fall away from the road level and will not obstruct any backdrop views of the mountains.

### **Dual occupancies and secondary dwellings in certain rural and environmental zones (Clause 7.10)**

The objective of this clause is to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots.

In this regard, the subject site, comprising an area of 2.037HA, satisfies the numeric requirements of the clause, viz:

- (3) Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.*

A suitable on-site effluent disposal system which satisfies the NSW Health accreditation criteria will be provided as a separate application (**Note: an On-Site Effluent Management Report has been prepared by Harris Environmental Consulting**).

Stormwater will be disposed of in a controlled manner (i.e., directed through grated and silt arrestor pits).



### 5.3 Penrith DCP 2014

Penrith DCP 2014 covers 'dual occupancy' development in rural zones and other zones where rural land uses may occur including the E3 (Environmental Management) and E4 (Environmental Living) zones, with specific controls contained in Part D1 – Rural Land Uses. The relevant planning principles outlined in the plan have been incorporated into the design of the proposed development, resulting in an appropriate outcome for the site, having minimal impact on adjoining and nearby development.

All relevant numeric DCP requirements have been tabulated in the Control Table provided as **Attachment 1** with additional comments provided below:

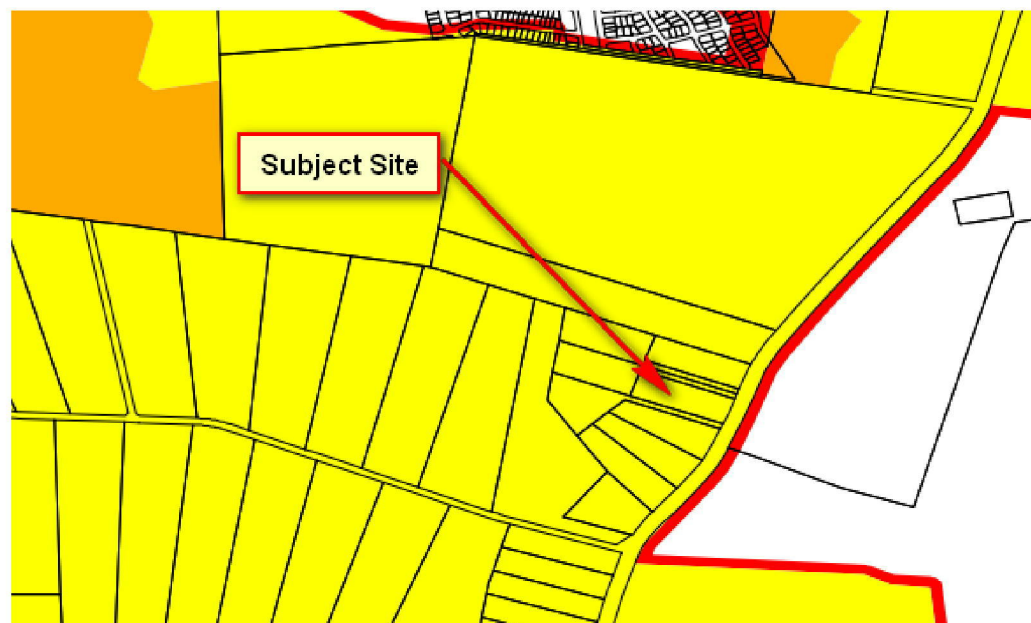
#### Part C – Controls applying to all landuses

##### **Site Analysis**

A site analysis has been carried out and an appraisal of how the design of the development has regard to the site analysis forms part of the Architectural Plans.

##### **Vegetation Management**

- **Preservation of trees and vegetation** – the proposal involves the removal of a limited number of trees as indicated on the plans.
- **Bushfire management** – the subject site is identified as being in a bushfire prone area (see Map below).



**Bushfire Prone Land Map**

As such, the NSW Rural Fire Service guide “*Planning for Bushfire Protection*” (PBP 2006) was considered in a Bushfire Report prepared by Bushfire Consulting Services Pty Ltd which accompanies the application. The assessment and report concludes:

*“... The report concludes that the proposed development is on land assessed as BAL Low and there are no specific construction requirements.”*

## **Water Management**

- **Stormwater Management and Drainage** – Council’s goal is to develop long term improvements to the health of waterways, which in turn enhances the ecological integrity of the system, whilst balancing the need to manage flooding, waste water and stormwater. To achieve this goal the proposed development provides the following:
  - A Hydraulic Detail Plan, demonstrates that stormwater can be collected, stored and discharged towards an existing dam, ensuring that there will be no adverse impact on the development itself or adjoining properties;
  - The storage capacity of the rainwater harvesting tanks caters for the required storm event, which ensures that there will be no additional impact on natural watercourses;
  - Soft soil areas within the site and rainwater harvesting also assist in reducing runoff from the site; and
  - Erosion and sedimentation control measures will be implemented during construction.

The development proposal does not necessitate excessive site works that may affect natural drainage patterns in the locality.

## **Land Management**

- **Erosion and sedimentation** - the Plans demonstrate the measures to be implemented during construction to control erosion and sedimentation from leaving the site.

## **Waste Management**

- **On-site Sewerage Management** – as mentioned earlier, a suitable on-site effluent disposal system, which satisfies the NSW Health accreditation criteria, will be provided as a separate application (***Note: an On-Site Effluent Management Report has been prepared by Harris Environmental Consulting***).



## **Landscape Design**

- **Neighbourhood Amenity & Character** – the proposed development will not significantly alter the rural and scenic character of the locality. It will not place any significant demands for the provision of public amenities or services.

Consideration has been given to the siting, finished surface materials and landscaping to ensure that the development is consistent with the scenic qualities and rural character of the locality.

In this regard, the proposed dwelling will be located a considerable distance from The Northern Road and is of single storey construction. Furthermore, the site falls away from the street. The low scale nature of the proposed buildings is characteristic of a rural setting. The selection of finished surface materials can incorporate the use of earthy colours and tones to ensure that the building blends in with the surrounding landscape.

- **Transport, Access and Parking**
  - **Parking** – there is sufficient space on site to accommodate the required number of vehicles and given the distance of the dwellings from The Northern Road the garage doors do not dominate the streetscape.
  - **Access & Driveways** – separate existing driveway entry points will be utilised off The Northern Road.

## **Part D – Controls Applying to Specific Landuses/Activities**

### **Rural Landuses**

- **Rural Character** – the proposed development is sympathetic to the existing landscape quality and rural character of the locality as low scale building forms will result in development which is subservient to the rural activities carried out on surrounding sites and to surrounding building structures.
- **Rural Dwellings & Outbuildings**
  - **Siting & Orientation of Dwellings & Outbuildings** – the proposed dwelling is sited approximately 30.8m (min) from The Northern Road boundary and is not highly visible from the public domain.
  - **Setbacks and building separation** – the proposed dwelling complies with all setback and separation requirements (*see Attachment 1 – Control Table*).
  - **Site Coverage, bulk and massing** – the plans indicate that the proposal does not result in the maximum site coverage requirement of 600m<sup>2</sup> being exceeded (i.e., 486.59m<sup>2</sup>).
  - **Height, scale and design** – the proposed single storey dwelling is well below the maximum height requirement.
  - **Dual occupancy dwellings** – the size and location of the proposed dual occupancy is consistent with the character of buildings in the locality.
  - **Materials and colours** – a suitable non-intrusive colour will be selected to the satisfaction of Council.
  - **Land in the vicinity of proposed second Sydney Airport** – the subject site is located outside of the Airport Noise Contours.

## **5.4 Other Requirements**

### **BASIX**

Habitable rooms and outdoor living spaces of the proposed dwelling have been appropriately orientated to receive access to natural sunlight.

There are two major components to consider when thinking about energy efficient building design. Firstly, the impacts of the building design on the indoor temperature, natural light levels and ventilation, and secondly, the fixtures used in the building and their energy consumption or influence on household efficiency.

The BASIX Certificate demonstrates that the energy efficiency and thermal comfort levels within the proposed dwelling achieve the desired outcome.

As such, it is considered that the design is sustainable and incorporates efficient use of natural resources, energy and water, thus satisfying the intents of the principle.

### **Waste Disposal**

A Waste Management Plan will be submitted as a separate document to accompany the demolition application. The plan adopts the principles of **A**void **R**euse **R**ecycle and **D**ispose to minimise landfill waste.

## **5.5 Non-Compliances**

The proposal complies with all the requirements of the LEP and DCP.

## 6.0 CONCLUSION

It is considered that the proposed development achieves the objectives of the Penrith Local Environmental Plan 2010 and land Zone E3 – Environmental Management under the LEP.

The proposal complies with the development standards and controls contained in the LEP and DCP. Good planning principles have also been incorporated in the design, which has resulted in a high quality development that will not detract from the visual amenity of the locality.

Consideration has been given to matters listed in Section 79C of the Environmental Planning and Assessment Act 1979, concluding that the development warrants approval.

# ATTACHMENT 1

## PENRITH COUNCIL CONTROL TABLE – DUAL OCCUPANCY (ZONE E3) DEVELOPMENT

Control	DCP Requirement	Development Proposal	Complies
Site Area	2HA	2.037HA	Yes
Frontage	N/A	81.035m	N/A
Floor Space Ratio	N/A	N/A	N/A
Building Height	2-Storeys permitted 8.0m (max ceiling)	One storey 3.86m	Yes Yes
<b><u>Setbacks</u></b>			
Front	30m (min)	30.8m	Yes
Side	10m (min)	17.83m	Yes
Separation between buildings	10m (min)	28.4m	Yes
Site Coverage (Ground Floor)	600m <sup>2</sup> (max)	486.59m <sup>2</sup>	Yes
Building Length	45m (max)	23.72m	Yes
Cut/Fill	1m (max)	< 1m	Yes
Parking	2 spaces per dwelling	2 spaces per dwelling	Yes