

cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED DWELLING HOUSE
259 WEST WILCHARD RD, CASTLEREAGH

MAY 2016

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cityscape planning + projects, 2016

This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged by the owner of the subject site to prepare a Statement of Environmental Effects to accompany a Development Application to be lodged on the subject site.

The report has been compiled, through on ground investigations, research, analysis and discussions with planning officers from *Penrith City Council* and is to be read in conjunction with the accompanying plans and reports.

2.0 THE SUBJECT SITE

The subject site is a large irregular shaped parcel of land located on the southern eastern side of West Wilchard Rd and Castlereagh Rd, Castlereagh. A plan showing the locality of the site is provided at Figure 1.

The site has historically formed part of the Penrith Lakes Scheme and represents the northern western corner of the Lakes Scheme Lands.

The site is known as 259 West Wilchard Rd, Castlereagh, but has the following real property description:

Lots: 1 DP: 1181666

Figure 2 and 3 provide a cadastral plan and aerial photo of the site.

FIGURE 1: LOCATION OF SITE

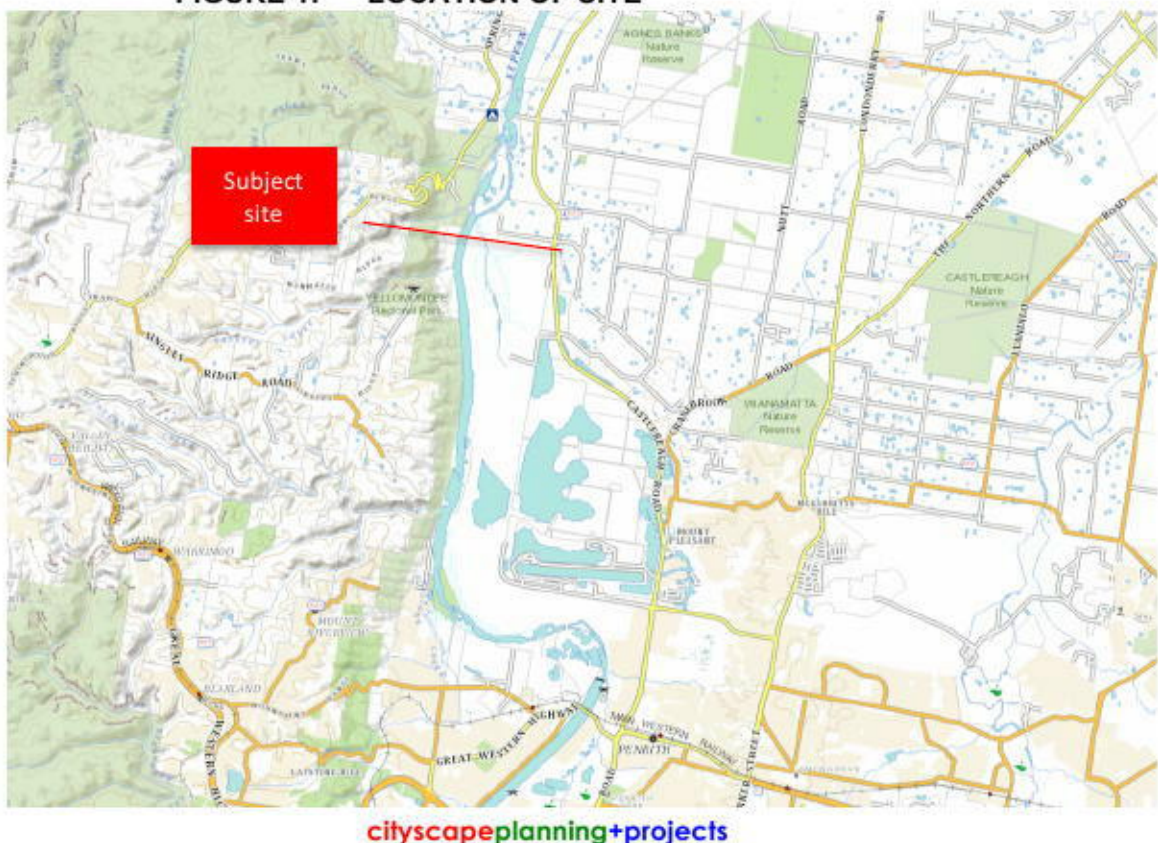


FIGURE 2: CADASTRAL + TOPOGRAPHIC PLAN



FIGURE 3: AERIAL PHOTO



3.0 DEVELOPMENT PROPOSAL

3.1 OBJECTIVES OF THE PROPOSED DEVELOPMENT

The development seeks to achieve the following objectives:

- To promote the orderly and economic use and development of the subject land
- To facilitate future development outcomes identified under the Penrith Lakes Structure Plan that are currently permissible under the existing statutory planning framework
- To provide a scale and form of development that is within the environmental capacity of the subject land and its environs

3.2 DESCRIPTION OF PROPOSED DEVELOPMENT

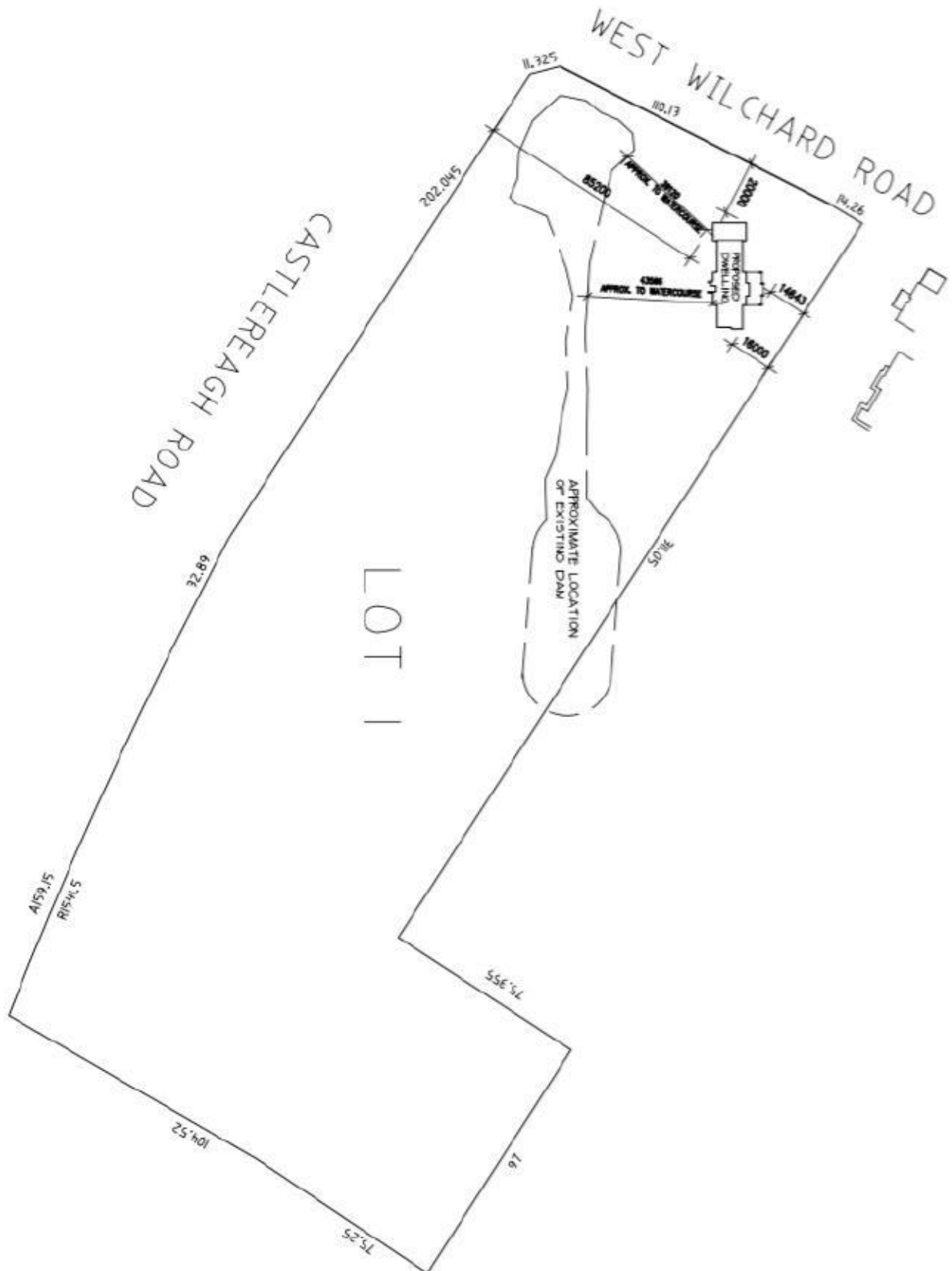
The applicant seeks Council consent for the erection of dwelling house at the north eastern corner of the site on lands located above the relevant flood level.

The proposed dwelling is single storey structure that provides 4 x bedrooms together with living areas and garage and workshop. It is proposed to be finished in a mix of materials and finishes but primarily a mix of brickwork, rendered painted finishes and a tiled roof.

Vehicle access to the site is proposed via a driveway provide off West Wilchard Rd and the dwelling will also be accompanied by a concept stormwater plan and On Site Waste Water Management System

Detailed architectural plans accompany the Development Application however a site plan of the development is provided at Figure 4.

FIGURE 4: PROPOSED SITE PLAN



3.3 FEASIBLE ALTERNATIVES

Given the site is identified as being within a 'future urban area' of the Penrith Lakes Scheme, a feasible development alternative would be for the entire site to be subdivided and developed for smaller scaled residential purposes as part of the broader and longer term planning and development of the Lakes Scheme.

However, the subject lands is located on the very perimeter of the Lakes Scheme and on the eastern side of the alignment of Castlereagh Rd corridor, which now represents the commonly understood boundary of the Penrith Lakes Scheme. As such, this location does not enjoy the proximity or locational advantages to the Lakes Scheme that may warrant or justify more intensive forms of residential development.

Further, the subject site directly adjoins an established rural environment. Accordingly, the development of these more intensive housing forms would be both out of character with the established rural environment and landscape.

In addition, the site is not readily serviced by infrastructure such as reticulated sewer networks, and the costs of delivery of such infrastructure would have limited feasibility.

There may also be some community expectation that the entire site is delivered as an open space area, however the Penrith Lakes Scheme will deliver approximately 1500 ha of quality open spaces and therefore in this context the dedication of additional lands, which have long been zoned and planned for both rural and urban purposes would be unnecessary burden or impost of the land owner and therefore is considered to have limited feasibility.

Such an outcome would also create an open space of limited utility, particularly when this is considered within the context of open spaces to be provided as part of the broader scheme.

3.4 CONSEQUENCES OF NOT CARRYING OUT PROPOSED DEVELOPMENT

The subject lands possess an ongoing maintenance expense to the owner.

As the extractive industry phase of the Lakes Scheme is completed an alternative land use and management outcome is therefore needed for this site to allow for its proper management in the future absence of management by PLDC.

PLDC has the obligation under the Deed to maximise development outcomes for 'future urban areas' and not developing the subject land could be a breach of that obligation.

The sale of this lands to an individual for rural scaled dwelling represents the most appropriate and economically feasible management response.

Should the dwelling not proceed then the site would eventually represent an unmanaged parcel of land and could provide weed, bushfire, vermin or waste dumping hazards to the local environment.

4.0 STATUTORY SITUATION

4.1 ZONING

The subject site is zoned No.1 Rural 1(a2) subject to the provisions of *Interim Development Order (IDO) No.93 – Penrith*. An extract of that zoning map is provided at Figure 5.

4.2 PERMISSIBILITY OF DWELLING

Clause 3 of the IDO provides a land use table, which identifies what interim development can be undertaken with the consent of Council.

The land use table for the relevant zone identifies a *dwelling-house* as a land use for which interim development may be carried out with the consent of Council. An extract of that land use table is provided at Figure 6.

Further, clause 6(1)(b) of the IDO states that a dwelling house may be erected on an allotment of land within land zoned 1(a2) where the area of the allotment is not less than 2 hectares.

The subject site has an area of 5.791ha.

Council can therefore approve the development proposal.

FIGURE 5: PENRITH ZONING MAP



FIGURE 6: IDO 93 – LAND USE TABLE

(a2) Rural "A2". Light brown with dark red edging and lettered 1 (a2).	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; <u>dwelling-houses</u> ; educational establishments; extractive industries; home occupations; open space; roads; sand and gravel processing; utility installations.
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5.0 SITE ANALYSIS

5.1 SITE DIMENSIONS

The site is a large 'L' shaped parcel with a total area of 5.791 ha.

It has a frontage of 110m to West Wilchard Rd and a depth of approximately 408m.

5.2 TOPOGRAPHY

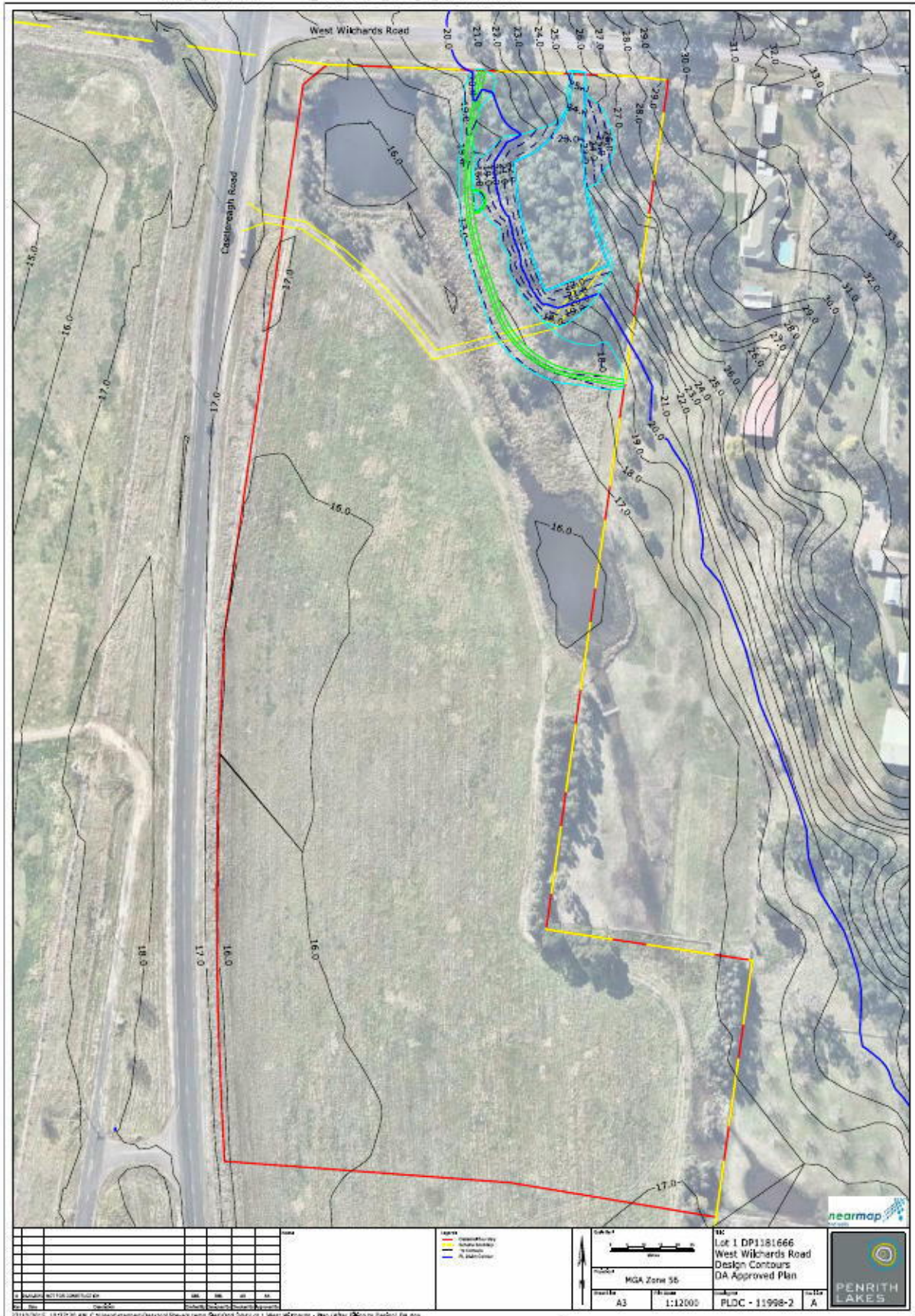
The site provides flood plain type topography at its western and southern sections before rising up steeply in its north-eastern section. A level platform area has been provided in that section. The topography of the site is represented at Figure 7. It is on this platform area in the raised section of the site where the dwelling house is proposed to be sited.

5.3 DRAINAGE & FLOODING

The site provides a drainage line at the northern section, which is represented as lower order stream and two rural type dams. The location of these drainage features are represented at the topographic plan provided at Figure 7.

This watercourse and the broader site drains southwards where it initially enters the Lewis Lagoon and then the Wildlife Lake stormwater treatment trains regime currently provided at the north eastern extent of the Lakes Scheme.

FIGURE 7: SITE TOPOGRAPHY



Written advice from Penrith Council (See Annexure A) identifies a mainstream 1% Annual Exceedence Probability (AEP) flood level for the site of 20.6m AHD. The topographic plan provided at Figure 7 demonstrates that the platform area provided in the north-eastern section of the site is approximately 23m AHD, which is well above that flood level.

5.4 FLORA + FAUNA

The site has largely been cleared of vegetation, however does contain contains a sparse covering of vegetation in the lower sections of the site and a larger copse of trees at the higher sections. The extent of vegetation coverage can be seen in the aerial photos provided at Figures 3 and 7. Further images are provided at Figures 8-9.

Vegetation in the lower sections of the site is dominated by exotic grasses as well as some native grass (*Carex appressa*). Vegetation on the hillside is consistent with that found in alluvial woodland and Castlereagh Ironbark forest.

A detailed flora and fauna review accompanies the Development Application.

5.5 ABORIGINAL & EUROPEAN HERITAGE

A search of Council and NSW databases has confirmed that neither the subject site nor lands within the immediate vicinity of the site are identified as containing any identified items of Aboriginal or European heritage. Written confirmation of the absence of Aboriginal heritage is provided at Annexure B.

FIGURE 8: VIEW OF SITE FROM CASTLEREAGH ST



FIGURE 9: VEGETATION AT NORTH EASTERN CORNER



5.6 SERVICES & INFRASTRUCTURE

The site enjoys access to *Sydney Waters* reticulated water but not sewer services. Power and communication services are also available to the site.

5.7 PREVIOUS DEVELOPMENT

The site has formerly been part of the Penrith Lakes Scheme as experienced sand and gravel extraction pursuant to DA4 of The lakes Scheme, which was issued on 9 September 1988.

All subsequent earthworks, land forming and rehabilitation activities, including the recent creation of the level platform area, which is proposed to accommodate the proposed dwelling, have occurred as part of conditions of that development approval.

5.8 ADJACENT DEVELOPMENT

Lands to the west of the subject site accommodate the Penrith Lakes Scheme. Adjoining lands to the north, south and east provide rural scaled lots and development of a similar scale and type to that proposed as part of the subject development proposal. This development land fragmentation pattern is evident at the cadastral plan provided at Figure 10.

5.9 HAZARDS & NUISANCE

Only the lower sections of the site are identified as being flood prone as previously discussed at section 5.3 of this report.

The site is also identified as being bushfire prone land on the relevant Council map. An extract of that map is provided at Figure 11.

Accordingly a bushfire assessment accompanies the development proposal and demonstrates it achieves the requirements of *Planning for Bushfire Protection 2006*.

FIGURE 10: PREVAILING LAND FRAGMENTATION PATTERN

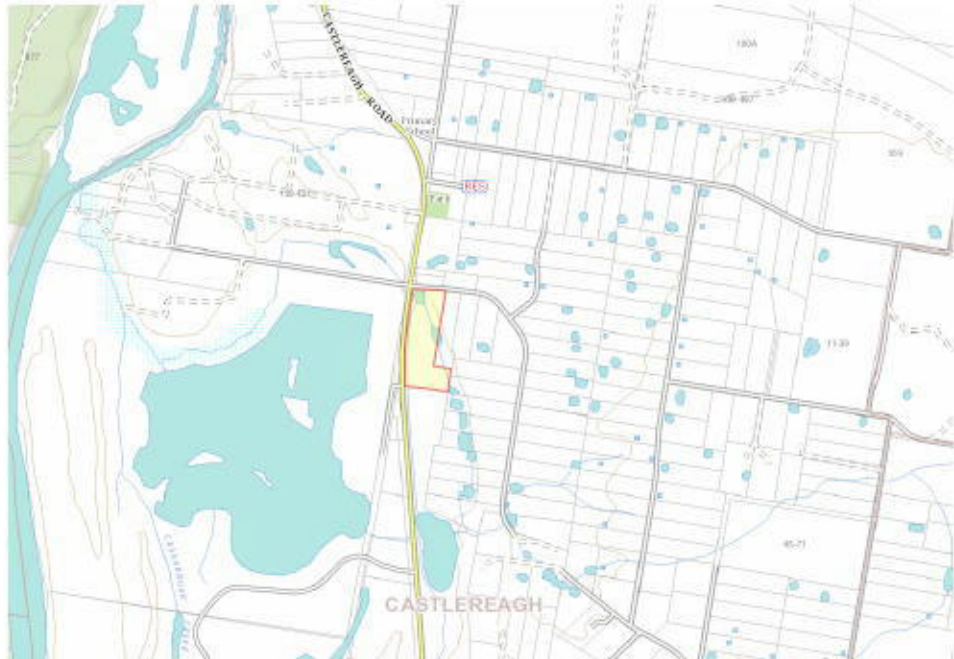
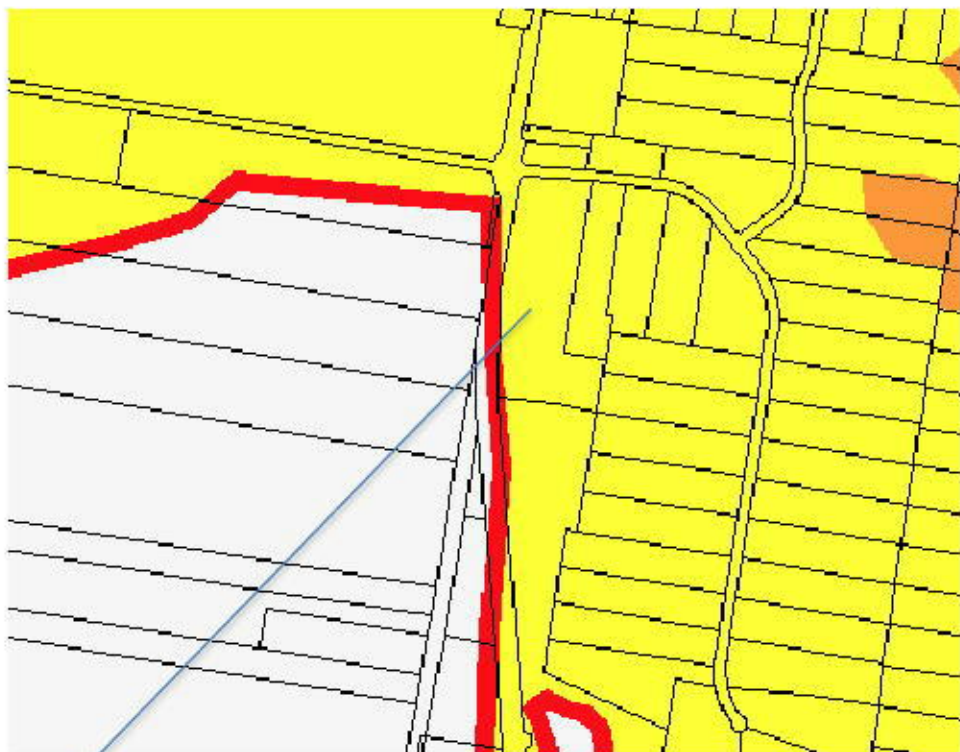


FIGURE 11: COUNCIL BUSHFIRE MAP



Subject site

6.0 PLANNING ASSESSMENT

6.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1 SEPP No 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements

A Site Audit Statement and Final Validation Report have been taken for the site and adjacent Lakes Scheme lands. The site audit concludes that remediation and validation works have been appropriately implemented and in conjunction with the investigation works that were previously conducted. The auditor also considers that the Site is suitable for residential land use with access to soil, including less sensitive land uses such as recreational, park and open space.

6.1.2 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

This SEPP aims to identify state and regionally significant development and the development assessment process for such development. Schedule 2 to the SEPP identifies certain sites that have been declared to provide state significant development. This schedule references the Penrith Lakes and an extract is provided below:

8 Development at Penrith Lakes Site

Development on land identified as being within the Penrith Lakes Site on the State Significant Development Sites Map if the development is for the purposes of extraction, rehabilitation or lake formation (including for the purposes of associated infrastructure on land located within or outside that Site).

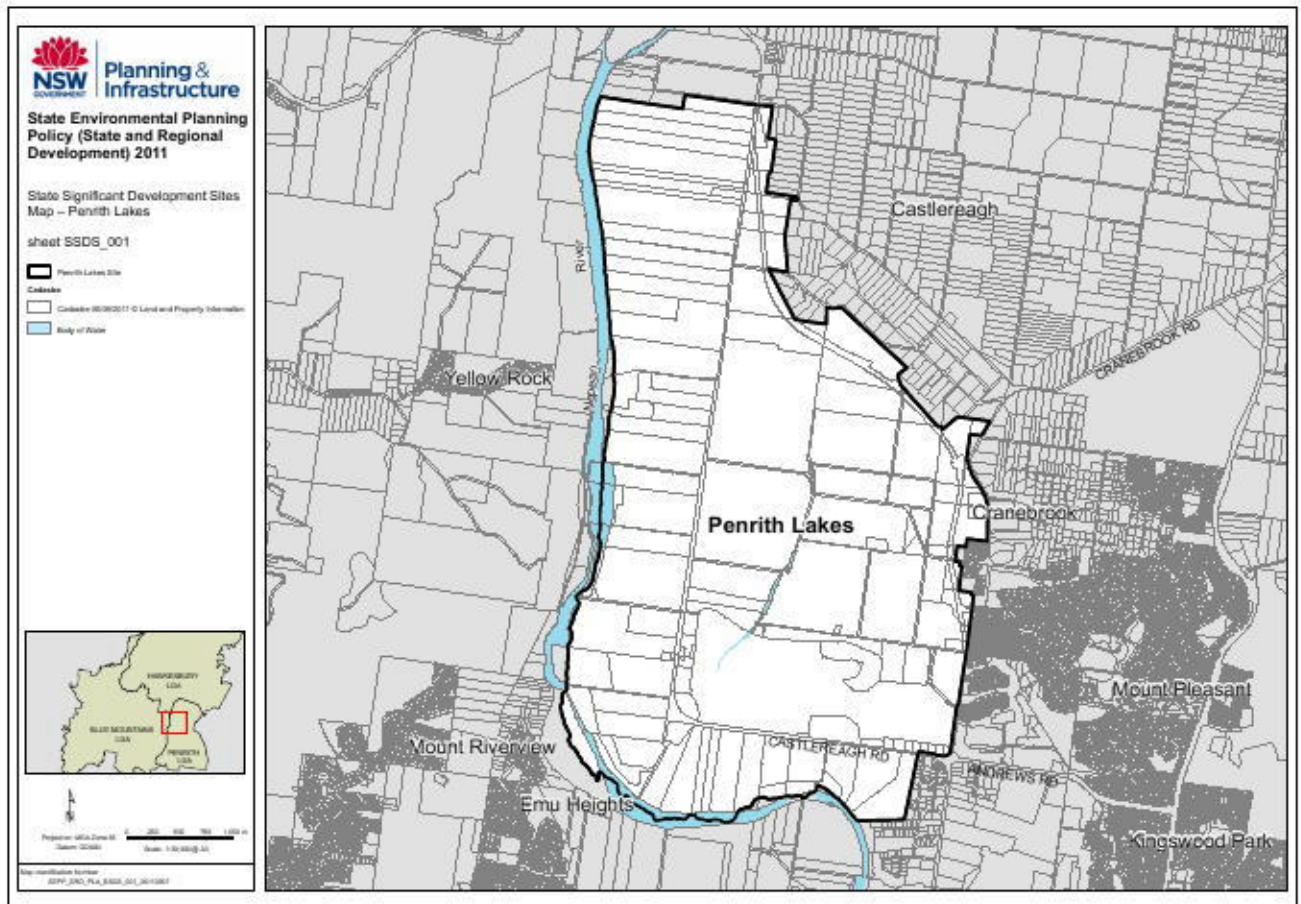
A copy of the relevant map is provided at Figure 12.

The site is located with the identified Penrith Lakes, however the development is not for the purposes of extraction, rehabilitation or lake formation and therefore the SEPP is not relevant to this development proposal.

6.1.3 SEPP (PENRITH LAKES) 1989

This SEPP is the primary planning instrument applying to the Penrith Lake Scheme and provides a framework to facilitate development that implements the Penrith Lakes Scheme.

FIGURE 12: SEPP SITES MAP



The aims of this policy are:

- (a) to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment,*
- (b) to identify and protect items of the environmental heritage,*
- (c) to identify land which may be rezoned for urban purposes,*
and

(d) to permit interim development in order to prevent the sterilization of land to which this Policy applies during implementation of the Penrith Lakes Scheme.

Part 1 of the SEPP defines the extent of the Lakes Scheme and its future use through the formal introduction of a Structure Plan. A copy of that Structure Plan is provided at Figure 13. This plan shows the subject site as being designated as a 'Future Urban Area'.

The key provisions of the SEPP are addressed below:

4 Inconsistency between environmental planning instruments

In the event of an inconsistency between this Policy and any other environmental planning instrument (whether made before, on or after the day on which this Policy is made), this Policy shall prevail to the extent of the inconsistency.

Although the site is identified as a 'future urban area', site constraints related to flooding, bushland, bushfire, heritage and slope and lack of urban infrastructure significantly limit any realistic expectation of an urban outcome for the site. Therefore the single dwelling house outcome as proposed by the development can be considered to be the most suitable development response for the site and therefore is '*generally in accordance with the Structure Plan*'.

The development is therefore considered to cause no inconsistency between this planning instrument and other relevant planning instruments identified in this report. The

consistency with other planning instruments is further demonstrated below and in other sections of this report.

7 Development generally

A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.

The development does not seek to rely upon the SEPP for its approval.

8 Development for the purposes of implementing the Penrith Lakes Scheme

(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.

Although the site is identified as a 'future urban area', site constraints related to flooding, bushland, bushfire, slope and lack of urban infrastructure significantly limit any realistic expectation of an urban outcome for the site. Therefore the single dwelling house outcome as proposed by the development can be considered to be the most suitable development response for the site and therefore is '*generally in accordance with the Structure Plan*'.

As such the development can be considered to implement the Lakes Scheme.

(b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that:

(i) development should not be carried out until other land to which this Policy applies is developed for purposes which include an extractive industry,

(ii) the land, the subject of the application, will not be rehabilitated and reconstructed:

(A) generally in accordance with the structure plan, or

(B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or

Not relevant as the subject development does not seek to undertake extractive industry on the site.

(iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Policy applies.

The western or lower sections of the site have previously undergone extraction. This occurred as part of previous development approvals and all condition of consent related to that approval have been complied with Penrith Lakes DA 4.

(3) The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters

specified in clause 1 of Schedule 2 and addressing the matters specified in clause 2 of that Schedule.

This report addresses each of the matters identified at Schedule 2.

9 Interim development

Development may be carried out on any part of the land to which this Policy applies:

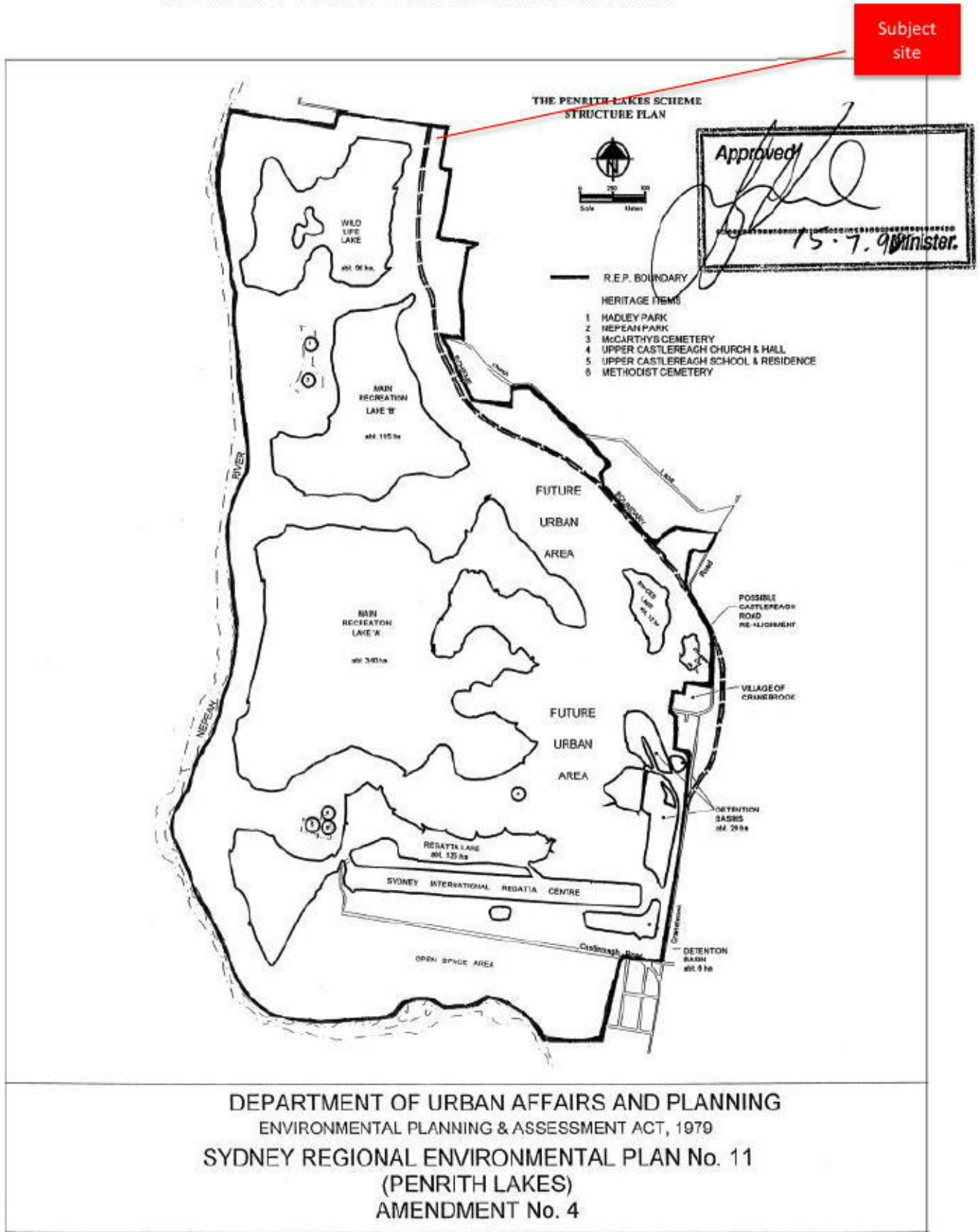
(a) for the purpose of agriculture, without the necessity for development consent, or

(b) for any other purpose, with development consent, if the consent authority is satisfied that the carrying out of development for that purpose will not adversely affect the implementation of the Penrith Lakes Scheme, pending the completion of the Penrith Lakes Scheme in, and the use as a public recreational lake system of, that part of the land.

The subject development can be considered to represent Interim Development it will certainly not adversely affect the implementation of the Penrith Lakes Scheme as:

- All lakes scheme related works have now been completed on the site.
- The development of a dwelling house is consistent with the designated future use of the site as an urban area.

FIGURE 13: LAKES SCHEME STRUCTURE PLAN



6.1.4 INTERIM DEVELOPMENT ORDER No.93

Matters of permissibility were addressed at section 4 of this report.

The only other relevant clauses of the IDO are provided below:

Setbacks

9. A building shall not be erected on any land having a frontage to a designated road if the distance between that building and the nearest alignment of that road is less than 30 metres.

The subject site has a frontage to Castlereagh Rd, however proposed dwelling has a setback of over 80m to that road and therefore complies with the relevant development control.

Consents

16. 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;

The site has a frontage to Castlereagh Rd and parts of the site will enjoy views to the Penrith lakes water bodies.

However, the dwelling is site mid slope, amongst existing vegetation and back-dropped by other dwellings, outbuildings and tall mature vegetation. This ensures that the dwelling will have limited visibility from Castlereagh Rd.

Views from the road to the site which demonstrate the screening effect of that topography is provided at Figure 8.

(b) to the erection or use of an amusement park, cemetery, club, drive-in theatre, industry, place of assembly, plant nursery or recreation establishment or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the council shall take into consideration whether -

(i) adequate vehicular entrances to and exits from the site have been provided so that vehicles using those entrances and exits will not endanger persons and vehicles using that road;

The development will provide limited additional traffic volumes. Nevertheless, the subject site provides a driveway with opportunity for safe vehicular access to the subject site. An image of the proposed driveways intersection with West Wilchard Rd is provided at Figure 14

(ii) space, sufficient to provide for the parking or standing of so many vehicles as the council may determine, is provided on the site or on land adjoining the site (other than a public road); and

(iii) Omitted.

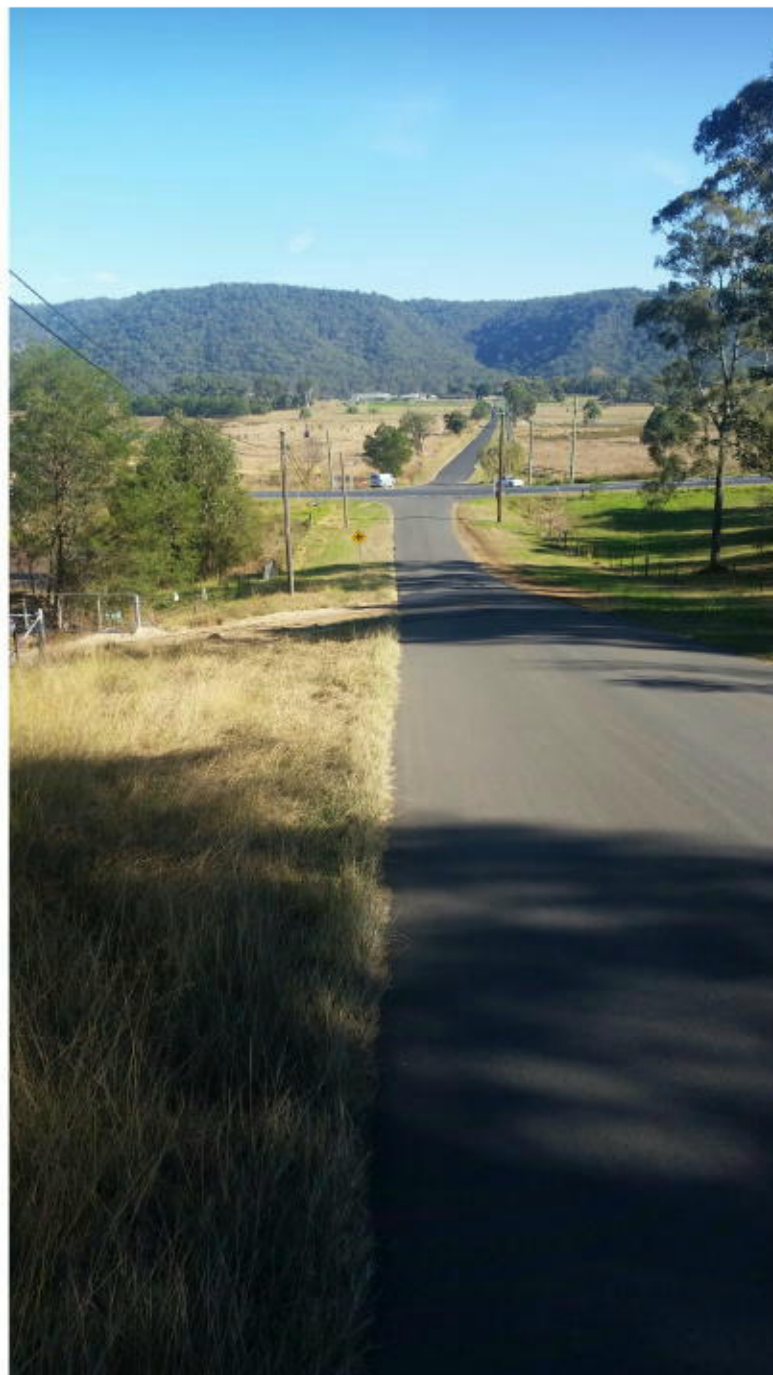
(iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers; or

The proposed dwelling provides a large garage under the main roof of the building and will therefore be able to suitably accommodate all vehicles and their movement on site.

(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.

The dwelling and waste-water disposal areas are provided above the adopted flood level.

FIGURE 14: LOCATION OF SITE DRIVEWAY



6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

Penrith City Council exhibited Draft LEP 2010 – Stage 2 (DLEP) on 13 May 2013. The exhibited Draft includes the entire Penrith Lakes Lands inclusive of the subject site.

However, the Lakes Scheme were subsequently excluded from that Draft LEP and therefore there are no Draft LEP's relevant to the subject site or its development.

6.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2014

PART C – SITE PLANNING AND ENVIRONMENTAL MANAGEMENT

All matters pertaining to site constraints, environmental planning matters have been addressed as part of previous sections of this report.

Importantly, the development proposes a finished Floor Level of 22.88m AHD, which is well above the 1% AEP flood level of 20.6m AHD and the required 500mm freeboard.

Further, the following detailed reports accompany the Development Application and address relevant environmental issues:

- Detailed flora and fauna review
- Landform Appraisal – Geotechnical

- Site Audit Report
- Final Validation Report
- On-Site Waste Water Management Report

D1 RURAL LAND USES

1.1 Rural Character

General Objectives

- To preserve the rural character of the City of Penrith, including its scenic and landscape qualities;*
- To retain and protect each of the elements that make up the rural character of Penrith; and*
- To address the visual impact assessment requirements for major applications, as required.*

Comment:

The subject development is a relatively modest scale form and provides a land use and building type that is already well represented in the local area. Accordingly, the development can be expected to readily absorbed into the rural landscape without adverse visual impact and actually contribute to and enhance the prevailing rural character of the site and local area.

1.2 Rural Dwellings and Outbuildings

1.2.1 Siting and Orientation

C. Controls

1. Site Planning

- Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:*

- i) Protecting the privacy of proposed and existing buildings;*
 - ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself;*
 - iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;*
 - iv) Maximising solar access;*
 - v) Retaining as much of the existing vegetation as possible; and*
 - vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).*
- b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.**
- c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.**

The site analysis undertaken at section 2 of this report reveals that the site is constrained by slope, bushfire, flood and ecological resources.

However, the proposed dwelling has been located in that part of the site that has the least exposure to these constraints (i.e. a cleared level platform located above the flood level) and also incorporates design features and measures (Asset Protection Zones and On-Site Waste Water Management System) that serve to mitigate against any adverse environmental impact.

No outbuildings are proposed as part of the development.

2. Landscape / Scenic Character

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

e) Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change.

f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.

C. Controls

The development is sited mid slope on a cleared and level platform area. This siting serves to reduce the dwelling visual presence when viewed from Castlereagh Rd and the broader flood plain environs.

The dwelling proposes a simple, traditional pitched and hipped roof form, which reflects the prevailing built character of the local area. The proposed roof ridge has a height of 28.532m AHD.

The adjacent dwelling to the east has a floor level of approximately 32m AHD. Therefore residents of this existing dwelling will look out over the proposed dwelling house and therefore continue to enjoy unobstructed views to the Penrith Lakes and Blue Mountains.

1.2.2 Setbacks And Building Separation

C. Controls

1. Setbacks from Roads

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.

b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.

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.

d) A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).

The subject site has a frontage to Castlreagh Rd, however proposed dwelling has a setback of over 80m to that road. It also has a setback of 20m to West Wilchard Rd and therefore complies with the relevant development control.

2. Setbacks from Watercourses

a) A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.

b) A minimum setback of 75 metres is required from South Creek for all dwellings and outbuildings.

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.

The development is set back approximately 40m from the watercourse. However, the site is located well above that watercourse and as such should have no adverse impact upon that watercourse.

3. Building Separations and Side Boundary Setbacks

a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.

b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.

c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.

d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings.

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

The proposed buildings have a minimum side setback of 15m to the eastern boundary, which well exceeds the minimum requirement.

The new dwelling is also well removed from any adjacent farm buildings or activity that is likely to cause any disturbance or loss of amenity.

1.2.3 SITE COVERAGE, BULK AND MASSING

C. Controls

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

The proposed dwelling has a gross floor area of 529.6m².

2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.

The dwelling has a total length of 38.75m, with a maximum length of 11.41m at any one point

3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.

No second storey component is proposed for the development.

4) 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.

The development provides a 2 x space garage with an address to West Wilchard Rd.

5) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in other parts of this chapter.

No additional structure or buildings are proposed or currently exist on site.

1.2.4 HEIGHT SCALE AND DESIGN

C. Controls

1. Height and Scale

a) Dwellings shall be no more than two storeys in height, including garage and storage areas.

b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.

c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8 metres above natural ground level.

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.

The proposed dwelling has a single storey scale and appearance with a maximum height of 6.032m above the Finished Ground level.

No cut or fill is required as part of the development.

2. Design and Quality

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

The proposed dwelling seeks to utilise a design theme that is reflective of traditional rural Australian homesteads. This includes the use of a low horizontal emphasis built forms, shallow sloping pitched roof and generous wide eaves and shaded verandas.

The development also proposes contemporary rural type materials inclusive of roof tiles and a mix of brick and rendered masonry wall finishes.

6.4 IMPACTS OF DEVELOPMENT

6.4.1 NATURAL ENVIRONMENT

The site accommodates significant topographic features inclusive of flood prone lands, a watercourse, slopes, and native vegetation.

However, the development seeks to site the proposed building in a cleared and level platform part of the site that is well above the flood level.

Some limited clearing of undergrowth vegetation at the eastern section of the site is required to provide an Asset Protection Zone (APZ) for the proposed dwelling. However, this vegetation in this area is of limited value and the selective clearing will not cause any significantly adverse impacts.

The development is also accompanied by a waste-water report that demonstrates that all waste water can be suitably managed on site without adverse impact upon the local environment.

Further, the development will drain stormwaters to the Penrith lakes Scheme, which has been designed to accommodate and manage stormwaters inclusive of water quality and quantity, from both the site and the surrounding area.

As a consequence, it can be ultimately concluded that the development will not cause adverse impact upon the natural environment.

6.4.2 BUILT ENVIRONMENT

The local character of the area is represented as a rural type environment that provides 2ha scaled lots of varying shapes however presents a predominance of long narrow lots.

The proposed development seeks to reflect this prevailing settlement pattern with a rural styles built form that will comfortably sit within the character of that rural landscape.

The RTA document, *Guide to Traffic Generating Developments (2002)*, states that a single dwelling house is likely to generate an average of 9 vehicle trips per day.

These vehicles trips will access the local road network at West Wichard Rd and the access point provides lengthy and clear site lines to ensure a safe road traffic environment is maintained.

The volume of additional traffic generated by the development is limited and well within both the design and operating capacity of the local road network.

The dwelling is located over 80m from Castlereagh Rd and this distance will adequately mitigate any adverse acoustic or visual impacts from Castlereagh Rd.

The siting of the development also allows for maintenance of views from neighbouring lots to the Penrith Lakes and Blue Mountains.

Accordingly, it can be concluded that the development will not cause adverse impact upon the built environment.

6.4.3 SOCIAL IMPACT

The proposed development will create an additional housing opportunities in the local area. This is considered to be a positive social impact.

6.4.4 ECONOMIC IMPACT

The proposed subdivision is not of a scale that will cause any economic impacts to the local or broader area.

6.5 SUITABILITY OF THE SITE

The subject site is appropriately zoned and serviced to accommodate the proposed development and will cause no adverse impacts to the built or natural environment.

The subject site is therefore ideally suited to the proposed development.

6.6 THE PUBLIC INTEREST

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed subdivision has no significantly adverse negative outcomes and hence the public interest is best served by approval of the development.

6.7 BUSHFIRE ASSESSMENT

Section 79BA of the EP& A Act requires that development for a dwelling on bushfire prone land must conform to the specifications and requirements of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service.

A bushfire assessment has been undertaken which accompanies this report and demonstrates that the development is able satisfy the requirements of *Planning for Bushfire Protection 2006*.

7.0 PROPOSED MITIGATION MEASURES

The proposed development has been demonstrated to cause no adverse environmental impact. Nevertheless, the following mitigation measures are provided as part of the development to mitigate environmental impact:

- Dwelling sited well above 1%AEP flood level and freeboard
- Dwelling able to achieve requirements of *Planning for Bushfire Protection 2006*.
- Single storey scale and mid slope siting ensures views from neighbouring properties over and to the Penrith Lakes and Blue Mountains are maintained.
- Development is accompanied by an On-Site Waste Water Management System that will suitably manage all wastes on site without adverse impact upon local and regional water quality.
- Stormwaters are diverted to the water quality treatment chain provided by the Lakes Scheme and will therefore ensure appropriate water quality standards are achieved.
- Development is a type and form that is consistent with that of the prevailing settlement pattern in the local area.

8.0 JUSTIFICATION OF DEVELOPMENT

The site is zoned to accommodate a dwelling house and the site has long been identified as a future urban area as part of the Penrith Lakes Scheme SEPP.

Prevailing site constraints and the adjacent rural character values are considered to lend the site to be considered more suited to rural type development.

The application seeks approval to the erection of single storey dwelling located above the relevant flood level and is therefore considered to be consistent with adopted longer term planning outcomes for the site.

An assessment of the development has been made against the relevant provision of all relevant planning instruments and demonstrates no inconsistencies with those plans.

The development will also implement several measures that will mitigate against any adverse environmental impacts.

Therefore, we can see no reason why Council should not approve the proposed development.

ANNEXURE A: COUNCIL FLOOD ADVICE



Our reference: ECM7003542
Contact: Ratnam Thilliyar
Telephone: 4732 7988

15 September 2015

Mr Vince Hardy
Cityscape
PO Box 127
GLENBROOK NSW 2773

Dear Mr Hardy

Flood Level Enquiry
Lot 1 DP 1181666 No. 259 West Wilchard Road Castlreagh

I refer to your Flood Information Application dated 3 September 2015, please find below the flood information for the above site.

The mainstream 1% AEP (*Annual Exceedance Probability – The chance of a flood of this size occurring in any one year*) flood level in the vicinity of the above property was previously estimated to be 20.6m AHD (*Australian Height Datum – A standard level datum used throughout Australia, approximately equivalent to mean sea level*) based on the information contained within the Nepean River RUBICON flood model (Water Board Study 1994). Please note however since 1994, the floodplain characteristics have changed and as such you should make your enquiries as to the present level of flooding relevant to this site.

The property is located in the close proximity of the Penrith Lakes Scheme and hence the flood behaviour (including the flood levels) in the vicinity of the subject site is predominantly influenced by the Lakes Scheme design. Accordingly, Council is aware that the Department of Planning are considering substantial amendment to the previously approved Penrith Lakes Scheme. Until such time as this is resolved, Council is not in a position to confirm the flood information relevant to your land.

I would also like to inform you that Council is currently reviewing this flood information and is subject to change.

Should you require any further information please do not hesitate to contact me on 4732 7988.

Yours sincerely

Ratnam Thilliyar
Engineering Stormwater Co-ordinator

Penrith City Council
PO Box 60, Penrith
NSW 2751 Australia
T 4732 7777
F 4732 7958
penrithcity.nsw.gov.au

ANNEXURE B: AHIMS SEARCH



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : west wilchard

Client Service ID : 222499

Vince Hardy
16 Alexandra Cres
GLENBROOK New South Wales 2773
Attention: Vince Hardy
Email: vhardy@cityscape.net.au

Date: 26 April 2016

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 1, DP:DP1181666 with a Buffer of 50 meters, conducted by Vince Hardy on 26 April 2016.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0 Aboriginal sites are recorded in or near the above location.
0 Aboriginal places have been declared in or near the above location. *