

10-18 Fourth Road Berkshire Park

Proposed Secondary Dwelling (Retrospective)

STATEMENT OF ENVIRONMENTAL EFFECTS

ADVICE | APPLICATIONS | APPEALS



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Document Control

Document: 10-18 Fourth Road Berkshire Park
Statement of Environmental Effects

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General Disclaimer

This report is based on one site inspection and a desktop assessment only. Details contained in this report only address issues of significance relevant to the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulations 2000 as well as the Environmental Planning Instruments applicable at the date of the assessment. The information contained in this document produced by Urban City Planning Pty Ltd is intended only for the use of the client for the purpose which it has been prepared.

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1.0 INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development Application seeking approval for the use of part of the existing shed as a Secondary Dwelling (Retrospective) to Penrith City Council.

1.1 Scope

The purpose of this report to address the following matters:

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

The following matters will be addressed and discussed.

1. The subject site and existing development. **(Section 3.1)**
2. Describe the locality in which the proposed development is to be situated. **(Section 3.2)**
3. Discuss Statutory Controls such as the Environmental Planning & Assessment Act 1979 and Regulation 2000, Environmental Planning Instruments (EPI's) and or Development Control Plans (DCP's). **(Section 5)**

1.2 Background

The site has been the subject of the following applications

- DA03/0025 Single storey dwelling, and aerated septic system Approved
- DA03/2268 and S6803/0141 Aerated septic tank (Econocycle model ENC 10-2) Approved

The Council compliance officer has inspected the site and observed that part of the existing shed has been converted and fitted out as a dwelling without any formal council approval.

This application is in response to the Council compliance officer inspection and findings.

2.0 DESCRIPTION

2.1 Legal Description

The site is legally described as Lot 165 in Deposited Plan 1039929 No. 10-18 Fourth Road Berkshire Park.

2.2 Site Location

The site is located on the north side of Fourth Road between Llandilo and St Marys Roads.

Refer to the locality map shown as Plate 1 of the attachments.

2.3 Zoning

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

Refer to plate 2 in the attachments

3.0 EXISTING DEVELOPMENT

3.1 Subject Site and Characteristics

The site is irregular in shape and has an area of approximately 2.43 ha.
The site has road frontage to both Reynolds and Clark Roads.
The site has scattered vegetation and gardens.

The site currently contains a dwelling and several outbuildings.

The site currently contains a single storey dwelling, shed, outbuildings and dam.
The site is used as a market garden.

The aerial photo and photos in *plates 3 -16 of the attachments* shows the existing development on the site.

3.2 Neighbourhood Character

The surrounding development is characterised as rural containing a range of agricultural and residential uses.

Refer to the aerial photo and photos *plates 17-19 of the attachments*.

4.0 PROPOSED DEVELOPMENT

4.1 Details of the Proposed Development

The development involves:

- Use of part of the existing shed as a secondary dwelling. (Retrospective)

Secondary Dwelling

The secondary dwelling is in the northeastern corner of the existing shed behind the existing dwelling on the site.

The proposed secondary dwelling has a floor area of 58,45m² and contains the following areas:

- Living/Dining
- Bathroom
- 2 Bedrooms
- Laundry

The site is identified as being bushfire prone land.

The Bushfire Assessment Report prepared by Control Line Consulting has assessed the development against Planning for Bushfire Protection 2019 and AS3959-2009 and a BAL rating is not applicable.

The Bushfire Assessment Report accompanies the application.

Water and Electricity currently services the site and the secondary dwelling.

Wastewater from the secondary dwelling will be treated in the proposed amended on site waste water system which has been assessed Wastewater Management Report prepared by Thomas Contractors P/L that accompanies the application.

The stormwater from the secondary dwelling will be captured in the existing stormwater drainage system for the existing dwelling.

The secondary will be serviced by the existing driveway and access point from Fourth Road.

A BCA assessment report prepared by Accurate fire and Building Consulting has assessed the existing secondary dwelling in the shed against the relevant provisions of the BCA Volume 2.

The works proposed in the recommendations of the BCA report are to be undertaken and shown on the submitted plans that accompany the application.

This report accompanies the application.

Plans of the secondary dwelling accompany the application.

5.0 DEVELOPMENT CONTROLS

The following development controls apply to the subject site;

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

5.1 Penrith Local Environmental Plan 2010

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

Permissibility – Secondary Dwellings are permissible with consent in the RU4 Zone under Penrith LEP 2010.

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

RU4 - Primary Production Small Lots

Primary Matters	Comment
<i>To enable sustainable primary industry and other compatible land uses.</i>	Not Applicable. Proposed development is not for primary industry.
<i>To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</i>	Not Applicable. As above.
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposed development will be consistent with the surrounding land uses, being rural and residential.
<i>To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.</i>	The proposed development is of a scale and nature that is compatible with environmental capabilities of the land, and this has been demonstrated by the reports that accompany the application.
<i>To preserve and improve natural resources through appropriate land management practices.</i>	Not Applicable. The natural resources on site will not be affected by the proposed development. The development will not impact on the natural resources.

Primary Matters	Comment
To maintain the rural landscape character of the land.	The proposed development is consistent with the rural character of the land. No existing tree on site are to be removed and all the other vegetation are to be retained.
To ensure that development does not unreasonably increase the demand for public services or facilities.	The proposed development will not increase any demand for public services or facilities.

Penrith Local Environmental Plan Table

Clause	Development Provision	Comment
Part 4 Principal Development Standards		
4.1 – 4.2	<i>Subdivision</i>	Not Applicable.
4.3	<i>Height of buildings</i>	No Maximum Height Specified. The proposed secondary dwelling uses part of the existing shed.
4.4 - 4.6	<i>Floor Space Ratio</i>	No FSR specified for the development site.
Part 5 Miscellaneous Provisions		
5.1-5.1A	<i>Relevant Acquisition Authority</i>	The land is not subject to any acquisition purpose.
5.2	<i>Classification and Reclassification of Public Land</i>	Not Applicable.
5.3	<i>Development Near Zone Boundaries</i>	The development does not seek any flexibility in zone boundaries.
5.4	<i>Controls relating to Miscellaneous Uses</i>	Not applicable
5.5	<i>Development within Coastal Zone</i>	The land is not located within coastal zone.
5.6	<i>Architectural Roof Features</i>	The structure does not contain any architectural roof features.

Clause	Development Provision	Comment
5.7	<i>Development Below Mean High Water Mark</i>	No works are proposed below the mean high-water mark.
5.8	<i>Conversion of Fire Alarms</i>	Not Applicable.
5.9	<i>Preservation of trees or vegetation</i>	No trees or existing vegetation to be removed as part of the proposed development.
5.10	<i>Heritage</i>	There are no heritage items on the subject property or adjoining or adjacent to the site.
5.11	<i>Bushfire Hazard Reduction</i>	The proposed development is located on bushfire prone land. A bushfire report accompanies this application.
5.12 – 5.15		Not Applicable.
Part 6 Urban Release Areas		
	<i>Urban release areas</i>	The land is not within an urban release area.
Part 7 Additional Local Provisions		
7.1	<i>Earthworks</i>	No earthworks proposed using part of the existing shed.
7.2	<i>Flood planning</i>	The site is not identified as 'Flood Planning Land' on the Clause Application Map of the PLEP.
7.3	<i>Development on natural resources sensitive land</i>	The site is not identified as 'Natural resources sensitive land' on the PLEP Natural Resources Sensitivity Land Map.
7.4	<i>Sustainable development</i>	The proposed development is considered to meet the principles of sustainable development.
7.5	<i>Protection of scenic character and landscape values</i>	The site is not identified as 'Land with scenic and landscape values' on the PLEP Scenic and Landscape Values Map.
7.6	<i>Salinity</i>	The proposed development does not involve any earthworks that will affect the water table, natural hydrological systems, or soil salinity.

Clause	Development Provision	Comment
7.7	<i>Servicing</i>	The proposed development will be connected to an amended on-site AWTS and disposal area and use the existing water and electricity supply for the site. The wastewater management report accompanies the application
7.8	<i>Active Street Frontages</i>	The site is not identified as 'Active Street Frontage' on the PLEP Active Street Frontages Map.
7.9	<i>Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport</i>	Not Applicable.
7.10	<i>Dual occupancies and secondary dwellings in certain rural and environmental zones</i>	<p>The proposed development is a secondary dwelling.</p> <p>The area of the site is approx. 2.023ha.</p> <p>The site has an area of more than 2 hectares and the waste-water management report that accompanies the application has demonstrated that the amended-on site wastewater system has the capacity to service the main and secondary dwelling.</p>

Penrith DCP Table

Provision	Comment
Part B Development Control Plan Principles	
<u>1.2 Principles</u>	
Principle 1: Provide a long-term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.	The development has considered sustainability and equity, integrating sustainable design principles in the design of the secondary dwelling.
Principle 2: Achieve long term economic and social security.	Not Applicable.
Principle 3: Recognise the intrinsic value of biodiversity and natural ecosystems and protect and restore them.	No trees or other existing vegetation to be removed.
Principle 4: Enable communities to minimise their ecological footprint.	The proposal involves no tree removal.
Principle 5: Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.	Not Applicable.
Principle 6: Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.	The site is not affected by heritage provisions and allows for continued housing through providing for the social needs of the occupants and it is considered the proposal is consistent with this principle.
Principle 7: Empower people and foster participation.	Not Applicable.
Principle 8: Expand and enable cooperative networks to work towards a common, sustainable future.	Not Applicable.
Principle 9: Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management.	Not Applicable.
Principle 10: Enable continual improvement, based on accountability, transparency and good governance.	The development does not prevent the achievement of this principle.

Provision	Comment
Part C – City Wide Controls	
C1 SITE PLANNING AND DESIGN PRINCIPLES	
C1.1 Site Planning	
1.1.2 Key Areas with Scenic and Landscape Values.	The site is not identified on the Penrith LEP 2010 Scenic and Landscape Values Map.
1.2 Design Principles	
1.2.1. Application of Certification System	Not applicable.
1.2.2. Built Form - Energy Efficiency and Conservation	A BASIX certificate accompanies the application.
1.2.3. Building Form - Height, Bulk and Scale	The proposed secondary dwelling is located within part of the existing shed . The development is consistent with the adjoining developments in the locality. The bulk and scale are of rural residential nature. The colours and finishes are consistent with the rural landscape.
1.2.4. Responding to the Site's Topography and Landform	The proposed development involves no earthworks or change to the site topography or landform.
1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)	The proposed secondary dwelling has incorporated safety and security measures.
1.2.6 Maximising Access and Adaptability	The proposed secondary dwelling will be serviced by the existing access driveway from Fourth Road.
C2 Vegetation Management	
	No existing tree is proposed for removal as part of the application. All trees and vegetation on the site are to be retained.
C3 Water Management	
3.1 The Water Cycle/ Water Conservation	Rainwater from the roof will be directed to the existing system for the shed.
3.3 Watercourses, Wetlands, and Riparian Corridors	The development will not impact on any watercourses.
3.5 Flood Planning	The site is not identified as 'Flood Planning Land' on the Clause Application Map of the PLEP.

Provision	Comment
3.6 Storm water Management and Drainage	Rainwater from the roof will be directed to the existing stormwater system.
3.8 Rainwater / Storage Tanks	Tank required by the BASIX commitments
C4 Land Management	
	No existing trees are proposed to be removed all other trees and vegetation will be retained.
C5 Waste Management	
	A waste management plan accompanies this application.
C6 Landscape Design	
	No earthworks proposed and no additional landscaping is proposed
C7 Culture and Heritage	
	The site is not identified as containing any heritage items nor is it within the vicinity of any heritage items or areas.
C8 Public Domain	
	There is no impact of the proposal on the public domain.
C9 Advertising and Signage	
	No signage is proposed.
C10 Transport, Access and Parking	
C10.5 parking, access and driveways	The site contains existing car parking and an existing access driveway on the site from Fourth Road will be used for the existing and secondary dwelling.
C11 Subdivision	
	Not applicable.
C12 Noise and Vibration	
	No impact on noise or vibration will occur from this proposed development.

Provision	Comment
C13 Infrastructure and Services	
	<p>The site contains existing provisions for electricity which will be utilised by the proposed development.</p> <p>The waste-water management report that accompanies the application has demonstrated that the amended-on site wastewater system has the capacity to service the main and secondary dwelling.</p>
Part D – Rural Land Uses	
D1 Rural Land Uses	
<i>The rural areas that are covered by this section of the DCP include land zoned RU1 (Primary Production), RU2 (Rural Landscape), RU4 (Primary Production Small Lots), RU5 (Village) and other zones where rural land uses may occur including the E3 (Environmental Management) and E4 (Environmental Living) zones.</i>	The site is zoned RU4 – Primary Production Small Lots, therefore this section of the Penrith DCP applies.
1.1 Rural Character	
<i>‘Rural character is primarily visual – it is the overall impression of our rural lands viewed by people visiting them or driving through them.’</i>	The proposal is considered consistent with the rural character of the area.
1.2 Rural Dwellings and Outbuildings	
1.2.1 Siting and Orientation of Dwellings	
<p>Site Planning</p> <p>a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</p> <p>i) Protecting the privacy of proposed and existing buildings;</p> <p>ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself;</p> <p>ii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</p>	<p>The secondary dwelling is located on site with adequate setbacks and protects the privacy of the existing dwelling on site and on the adjoining site.</p> <p>The development will undertake safety and security measures.</p> <p>The existing access and Fourth Road is not impacted by flooding.</p> <p>The bushfire risk for the proposed development has been assessed.</p> <p>The bushfire assessment report accompanies this application.</p>

Provision	Comment
<p><i>iv) Maximising solar access;</i></p> <p><i>v) Retaining as much of the existing vegetation as possible; and</i></p> <p><i>vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6)</i></p> <p><i>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</i></p> <p><i>c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.</i></p>	<p>Suitable solar access has been provided.</p> <p>All of the existing vegetation will be retained on the site.</p> <p>No earthworks proposed.</p> <p>The development will be accessed from the existing driveway from Fourth Road. No additional fencing is proposed. No additional plantings are proposed for the development.</p> <p>The secondary dwelling located on site adjacent to the main dwelling and is clustered in the one location on the site..</p>
<p>Landscape / Scenic Character</p> <p><i>a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</i></p> <p><i>b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</i></p>	<p>The proposed development will not intrude into the skyline.</p> <p>The proposed development has not been located on a ridgeline or peak.</p>

Provision	Comment
<p>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.</p> <p>d) Roads should be designed and located to run with the contours of the land.</p> <p>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.</p> <p>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</p>	<p>All the existing vegetation is retained and assists in providing a screen for the proposed development from the adjoining properties.</p> <p>No new roads are proposed.</p> <p>The existing roofline of the shed used for the secondary dwelling will not change and is simple with provisions to drain stormwater.</p> <p>The existing roof line for the shed is consistent with the roofline of developments surrounding.</p>
1.2.2. Setbacks and Building Separations	
Setbacks from Roads	
<p>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.</p> <p>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</p> <p>b) 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.</p> <p>d) A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</p>	<p>The Fourth Road is a local public road and the setback is well in excess of 15m.</p> <p>The development location complies with this requirement.</p> <p>Not applicable</p> <p>The site does not adjoin Mulgoa Road.</p>
Setbacks from Watercourses	
<p>a) A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank.</p>	<p>The site is not located in the vicinity of a watercourse.</p>

Provision	Comment
<p><i>The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the “bank” is difficult to define.</i></p> <p><i>b) A minimum setback of 75 metres is required from South Creek for all dwellings and outbuildings.</i></p> <p><i>c) A minimum setback of 40 metres is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.</i></p>	<p>The development is setback more than 75m from South Creek.</p> <p>The development is setback more than 40m from any watercourse.</p>
<p>Building Separations and Side Boundary Setbacks</p> <p><i>a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.</i></p> <p><i>b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.</i></p> <p><i>c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.</i></p> <p><i>d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings</i></p>	<p>The secondary dwelling is well setback from the dwellings on the adjoining properties and protects and maintains the amenity of the dwellings.</p> <p>Not Applicable.</p> <p>The secondary dwelling has a side setback of 32m and 39m.</p> <p>The secondary dwelling is removed from the any potential noise generating uses.</p>
1.2.3. Site Coverage, Bulk and Massing	
<p><i>a) Dwellings shall have a maximum ground floor footprint of 500m² (including any undercover car parking areas).</i></p>	<p>The total ground floor footprint of the existing dwelling is around 245m².</p> <p>The footprint of the secondary dwelling within the existing shed does not increase the footprint of the existing shed on the site.</p>

Provision	Comment		
<p>b) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</p> <p>c) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</p> <p>d) No more than three (3) undercover car parking spaces can face towards a public road or place. Any additional garages should be setback behind the building line and screened.</p> <p>e) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in sections 1.4 and 1.5 of this Chapter.</p>	<p>Not applicable</p> <p>Complies</p> <table><tr><th>Existing Ground Floor Footprint</th></tr><tr><td>Main Dwelling – 257m² outbuildings – 366m² Total Existing Ground Floor Footprint = 623m²</td></tr></table> <p>The development involves no additional floor area or building footprint. The shed is partly used in conjunction with the market garden and the floor area of farm buildings is not included in the calculations Th existing footprint would be less than 600m²</p>	Existing Ground Floor Footprint	Main Dwelling – 257m ² outbuildings – 366m ² Total Existing Ground Floor Footprint = 623m ²
Existing Ground Floor Footprint			
Main Dwelling – 257m ² outbuildings – 366m ² Total Existing Ground Floor Footprint = 623m ²			
1.2.4 Height, Scale and Design			
Height and Scale <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>Not applicable using existing shed building.</p> <p>As Above.</p> <p>As Above</p>		

Provision	Comment
<p>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 design of the development has been considered in the context of existing development on the site and the surrounding rural residential context.</p> <p>No additional fencing is proposed.</p>
1.2.5. Dual Occupancy Dwellings	
	Not Applicable.
1.2.6. Secondary Dwellings	
<p>These controls apply to dual occupancies in the RU1, RU2, RU4, E3 and E4 zones only.</p> <p>As a general rule, secondary dwellings must comply with the requirements for rural dwellings and dual occupancy development.</p> <p><u>Dual Occupancy</u></p> <p>1) Design</p> <p>a) Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design.</p> <p>b) The second dwelling should take into account the principles in the sections on 'Site Planning and Design Principles', 'Vegetation Management' and 'Landscape Design' (with particular attention to protecting existing trees and vegetation on the site) of this DCP.</p> <p>c) The second dwelling should be located within the curtilage (proximity) of the existing dwelling house on the same lot (and preferably within its garden area).</p>	<p>The proposed development, including a proposed secondary dwelling.</p> <p>Complies</p> <p>Noted. The proposed secondary dwelling complies with this DCP's policies.</p> <p>Noted. As Above.</p> <p>The secondary dwelling is located on the same site.</p>

Provision	Comment
<p>d) The second dwelling must be located behind the building line of the existing dwelling house.</p> <p>e) The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m.</p> <p>f) If the dwellings are attached then the second dwelling should be located behind the existing dwelling and should adopt an 'L' shape.</p> <p>g) The second dwelling must be significantly smaller than the existing dwelling house (approximately 50% in floor area). Consideration, however, will be given to varying this control where the existing house has a floor area of less than 200m².</p> <p>h) The development should be designed so that the dwellings complement each other and the rural character. In this regard, external finishes should be similar or compatible. Council may require upgrading of the existing dwelling where considered necessary.</p> <p>2) Access, Parking and Services</p> <p>a) Access to dual occupancies is to be via a common driveway to both dwellings.</p> <p>b) At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling.</p> <p>c) There should only be one electricity line and meter on the property servicing both dwellings.</p>	<p>The secondary dwelling is located behind the existing main dwelling.</p> <p>The proposed secondary dwelling will be detached from the main dwelling and will have a separation of over 10m.</p> <p>Not Applicable.</p> <p>The secondary dwelling has a floor area of 58.45m².</p> <p>The existing main dwelling has a floor area of 257m².</p> <p>The secondary dwelling will be of similar character to each other and other development on and surrounding the site.</p> <p>The secondary dwelling will be accessed via the existing driveway from Fourth Road.</p> <p>The development includes provisions for off-street covered parking for the secondary dwelling.</p> <p>The secondary dwelling will utilise the existing electricity supply servicing the site.</p>

Provision	Comment
<p><u>Secondary Dwellings</u></p> <p>1) With the exception of floor area, the controls applying to dual occupancy development apply to secondary dwellings.</p> <p>2) Clause 5.4 of Penrith LEP 2010 sets the maximum floor space of secondary dwellings at 60 m² or 10% of the total floor area of the principal or main dwelling, whichever is the greater.</p> <p>3) Secondary dwellings may be located on a lot of less than 2 hectares in size, where it can be demonstrated that the effluent disposal system has sufficient capacity for both dwellings</p> <p>4) Secondary dwellings shall have a maximum of two bedrooms.</p>	<p>Floor area 58.45m²</p> <p>2 bedrooms proposed</p> <p>Complies</p>
1.2.7. Materials and Colours	
<p>a) Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.</p> <p>b) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.</p> <p>c) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</p>	<p>The secondary dwelling has external finishes that are consistent with natural surroundings and are non-reflective. (Existing shed)</p> <p>Not Applicable. No reflective surfaced materials have been used.</p> <p>Not Applicable</p>
1.2.8. Land in the Vicinity of Proposed Second Sydney Airport	Not Applicable.

5.4 Environmental Planning & Assessment Act. 1979

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

Primary Matters	Comment
<i>Context & Setting</i>	The secondary dwelling is appropriate for the existing context and setting of the locality that is rural in character.
<i>Character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the development</i>	<p>The development is of a size and scale which is appropriate for the site and has minimal impact on the streetscape and the locality.</p> <p>The appearance will be compatible with the existing development on site and surrounding the site.</p>
<i>Access, Transport and Traffic</i>	<p>The proposal will not adversely affect the surrounding road network and existing traffic conditions.</p> <p>The proposal will not generate significant additional traffic volumes.</p>
<i>Landscaping</i>	The development involves no tree removal. All existing trees and vegetation on site will be retained.
<i>Acoustic Impacts</i>	<p>The proposed development is consistent with surrounding rural residential uses.</p> <p>The secondary dwelling will not have any acoustic impact on the locality given the proposed side boundary setbacks.</p>
<i>Other amenity impacts</i>	<p>There will be no loss of privacy of local properties due to the size of the land and setbacks from the side property boundaries.</p> <p>Overall, the impact of the proposal on the amenity of adjoining properties will be minimal, if any at all.</p>

Storm water, drainage, construction, and utilities	<p>The proposed development will not increase demand on the existing utilities and will be provided with appropriate drainage to Council requirements.</p> <p>The site has the capacity for the installation of an amended AWTs and disposal area for both the main dwelling and the secondary dwelling. The Wastewater Management Report accompanies the application.</p>
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The suitability of the site for the development is considered here:

Primary Matters	Comment
Does the proposal fit into the locality?	The proposed development is of a rural residential character and consistent with adjoining developments.
Are the site attributes conducive to development?	The development has considered the attributes of the site.

6.0 CONCLUSION

The aim of this report has been:

- ❑ To describe the proposal
- ❑ To discuss compliance of the proposed development with relevant statutory considerations;
and
- ❑ To provide an assessment of the likely environmental effects of the proposal
- ❑ Provide information to permit Council to undertake an assessment under 4.15 of the EPA Act.

The proposal is consistent with the provisions of the Environmental Planning and Assessment Act and Penrith Local Environmental Plan 2010.

An assessment of the proposals against Penrith City Council's Development Control Plan is included in this report and the development complies with the relevant provisions.

The proposed development will have no impact on the environment or the locality and is recommended for council approval.

7.0 ATTACHMENTS

Plate 1 locality Map

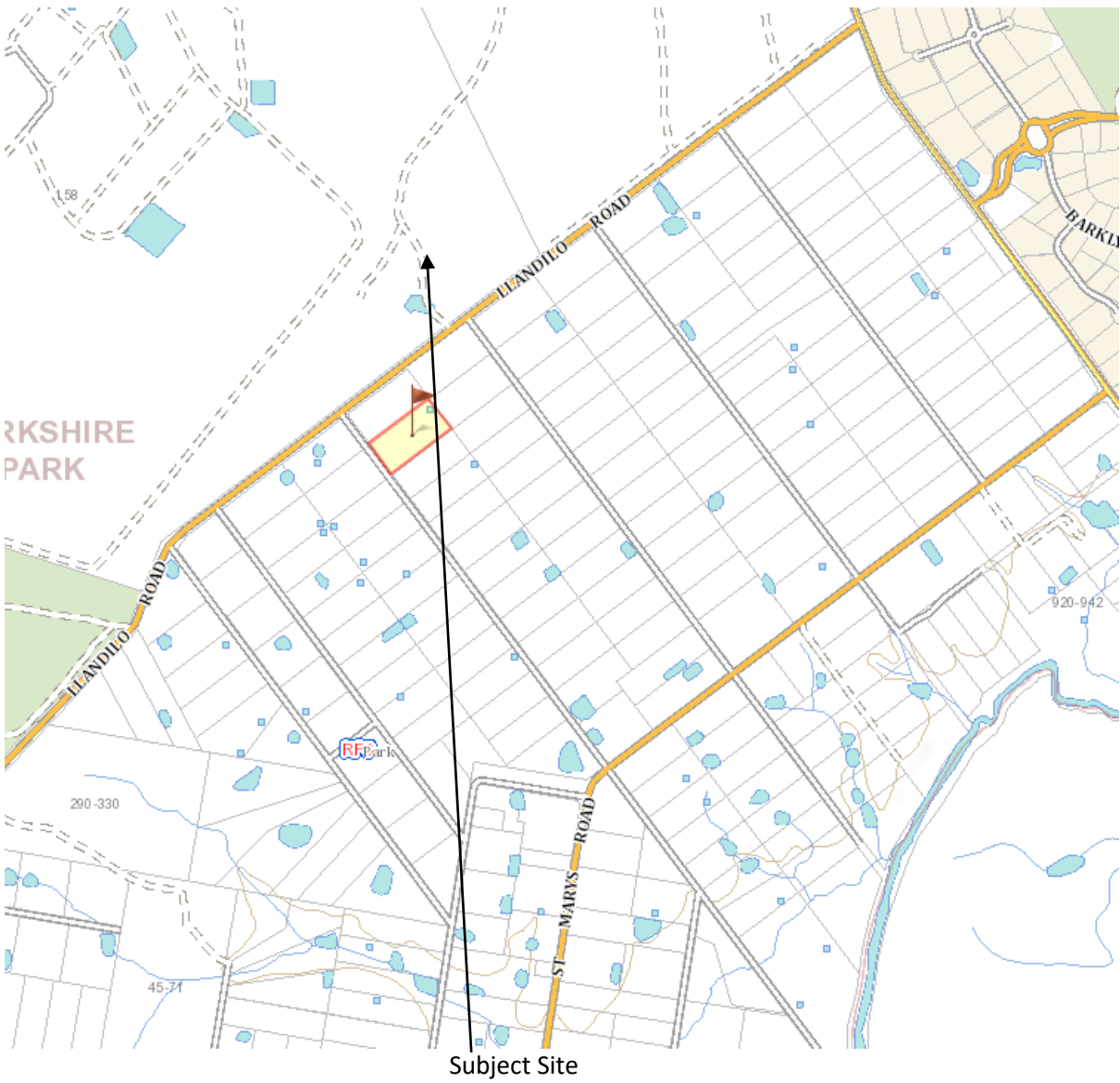


Plate 2 Extract from Penrith LEP 2010 Zoning Map



Plates 3 -16 Aerial Photo and Photos of the site



Subject Site





Cleared area on the eastern side of the site.
Area used for amended waste water disposal area



Existing dwelling



Existing market garden growing area



Existing market garden growing area and existing trees



Exsiting shed showing the eastern portion use for the secondary dwelling



Exisitng shed at rear of dwelling



Existing shed at rear of dwelling



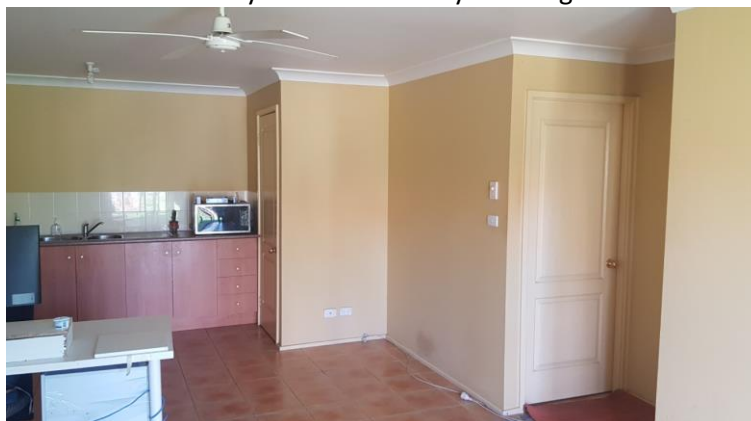
Existing outbuilding



Adjoining dwelling to the east



Entry to the secondary dwelling



Kitchen and living/dining area



Kitchen



Existing landscaping in front of the site

Plates 17-19 Surrounding Development



Subject Site



Looking west along Fourth Road towards Llandilo Road



Looking east along Fourth Road towards St Marys Road