

Statement of Environmental Effects for the Farm Building & Workers Amenities

931 Mamre Road, Kemps Creek

This application seeks approval for the continued use of a Farm Building and Workers Amenities at 931-947 Mamre Road, Kemps Creek, the structure has already been constructed with this Development Application being lodged concurrently with a Building Certificate. The lot is formally known as Lot 36 of DP 258414 and is zoned RU2 with a partial zoning of E2. If Council is favourable to this development, a separate application for the Waste water System under Section 68 of the Local Government Act 1993 will be made to Council. Section 4.15 of the Environmental Planning and Assessment Act 1979 states that a consent authority must consider the following factors when determining whether to give consent to a development;

(1)(a) the provisions of

(i) any environmental planning instrument, and

Deemed SEPP No. 20 – Hawkesbury-Nepean River

The proposal is consistent with the aims and objectives of this policy and will not cause any detrimental effect to Sydney's waterways, drinking water quality or impact upon any downstream properties.

Penrith Local Environmental Plan 2010

Definitions

The Penrith LEP defines a farm building as "a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling."

The proposal is for a farm building which will be used for the storage of agricultural tools, machinery and vegetables. The farm building will also have workers amenities, being a shower, kitchenette, bathroom and day bed to assist in the daily operations of the farm.

Land Use Table

The subject property is zoned RU2 Rural Landscapes and partly zoned E2 Environmental living. The proposal is located within the RU2 zoning portion of the lot and has subsequently been assessed against the objectives and controls of that zoning. The objectives of the RU2 Rural Landscape zone is;

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To preserve and improve natural resources through appropriate land management practices.

- 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.

The proposal will uphold these objectives as the farm building and workers amenities is ancillary to the primary production that is currently occurring at the premises. It satisfies the objectives of the zoning by;

- The Farm building and associated workers amenities is ancillary to the primary production that is occurring on the farm, the building has been sited to be located to existing outbuildings to maintain the natural resource base.
- The rural landscape has been maintained as the farm building has been sited so to be not seen from the street and located near existing outbuildings to minimise the visual effects of the outbuilding.
- There is minimal conflict between land uses as the site is being used for primary production.
- The proposed farm building will not increase the demand for public services or public facilities as it is ancillary to the primary production of the farm.

Clause 4.2 – Rural Subdivision

Clause 4.2 of the Penrith LEP is irrelevant to this application as a legal dwelling already exists on the lot and the proposal is not for a dwelling or any habitable rooms

Clause 4.3 – Height of Buildings

Clause 4.3 of the Penrith LEP sets a maximum height of buildings to 9.5m, at 5.4m high above Natural Ground Level the Farm Building does not exceed the Maximum Height of Buildings.

Clause 4.4 – Floor Space Ratio

Clause 4.4 of the Penrith LEP is irrelevant to this application as it is for a rural property and subject to site coverage controls and not Floor Space Ratio.

Clause 4.5 – Calculation of Floor Space ration and Site Area

Clause 4.5 of the Penrith LEP is irrelevant to this application as it is for a rural property and subject to site coverage controls and not Floor Space Ratio.

Clause 4.6 – Exceptions to Development Standards

Clause 4.6 of the Penrith LEO is irrelevant to this application as no development standards specified by an Environmental Planning Instrument is being contravened.

Clause 7.2 Flood Planning

The subject lot is partially Flood Prone Land, however, it is only a small portion of the lot and the Farm building is located wholly outside of the Flood Planning Level.

(ii) any proposed instrument that is or has been the subject of public consultant under this Act and has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

The Draft Environment SEPP has finished exhibition. The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

As it is still in draft the Draft Environment SEPP is considered not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.

(iii) any Development Control Plan, and

The proposed development has been assessed for compliance against the Penrith Development Control Plan 2014, with the relevant Part's of the DCP detailed below;

Part D1 – Rural Lands

1.3 Farm Buildings

1.3.1 Siting and Orientation

1) Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflict.

The Farm Building has been located so that it is clustered with the other existing farm buildings on the lot, which is close in location to the dwelling. This has also meant that there is no land use conflict as there is a distinction between farmland for primary production and dwelling houses / farm buildings and ancillary structures.

2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment

The Farm Building has a complimentary colour to the dwelling house and the surrounding environment as blends into the rural setting.

3) Farm buildings should not be erected on land having a slope in excess of 15%. Cut and fill for farm buildings should be limited to 1m of cut and 1m of fill as shown in Figure D1.11.

The Farm building is located in a position that was already pre benched, accordingly minimal site scraping was required to construct the slab of the Farm Building, meaning the cut and fill is within the requirements of the DCP.

4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.

No significant trees or vegetation was removed to construct the Farm Building.

5) The narrowest elevation of farm buildings should face the road.

The narrow elevation of the Farm Building faces Mamre Road, however, this control is irrelevant as the building has been sited in a way that it is hidden from the street.

6) Farm buildings shall be set back a minimum of 40m from any watercourse.

The Farm building is located over 40m away from the banks of Kemps Creek.

7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.

The Farm Building has been located behind the existing dwelling on the property.

8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.

Over 10 metres of separation has been provided between the Farm Building and the existing Dwelling House.

9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.

There is no dwelling located within the vicinity of the Farm Building in the adjoining property.

10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.

Landscape buffers would be impractical for this property and there is sufficient separation between the dwelling and Farm Building.

11) Farm buildings should be a minimum distance of 5m from the side boundaries.

The Farm Building has a side setback of 2.6m from the boundary fence, which is consistent with the existing setbacks, please see variation request below.

1.3.2. Floor Space, Height and Design

3) For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m².

The Accumulative Building Footprint for the property is approximately 1000m², see variation request below.

4) Intensive agricultural uses may require larger accumulated building footprints than those specified above. Variation will be considered but must be justified in the application.

Variation to the accumulative building footprint has been requested below.

5) A farm building should not be more than 8m high.

The ridge height of the Farm Building is 5.4m above Natural ground Level.

6) The maximum external wall height of a farm building shall be 5m. External wall height means the distance from the natural ground level to the underside of the eaves.

The maximum height of a wall is only 4.2m.

7) Where a farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation (or similar).

The Farm Building is lower than the existing dwelling on the property, therefore no vegetation is required.

8) The design of farm buildings should comprise traditional roof shapes to provide visual relief to the building, reduce the buildings dominance over its setting and to provide interest and character to the locality.

A Gable Roof Form has been selected for this Farm building which is sympathetic to the existing character of the land.

9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.

The walls of the Farm Building are articulated through the use of windows, doors and roller doors, however one side elevation has no articulation in the external wall for a distance of 18m.

10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.

The roof pitch of the Farm Building is 11°

11) All elevations of farm buildings that face the street are to present a suitable level of detailing to minimize their visual bulk. Features which can be used include windows, awnings and verandahs.

The front elevation of the Farm Building has a roller door which provides a focal point within the Building and minimises the visual bulk of the Farm Building.

1.3.3 Materials and Colours

1) The colour of farm buildings shall complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green.

The Farm Building is a Mountain Blue colour, which is a deep tone of blue, this colour does not dominate the rural setting, but rather compliments the existing setting.

2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.

The building has been constructed from pre-fabricated corrugated iron sheeting in a Mountain Blue colour, which does not prominent within the rural setting.

3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.

A range of materials have been used to create articulation in the Farm Building, these include windows, doors and roller doors, all of which contribute to reducing the appearance of blank excessive walls.

4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.

The Farm Building is located outside of the 1:100 year flood level, accordingly this control is irrelevant.

E. Lifting the Bar – Variation Request

This application is seeking variation to two controls within the Development Control Plan on the basis that the development complies with the objectives relevant to the subsection rather than the controls.

Variation to Control 11 Under D1.3.1

The required 5m setback for Farm Buildings to side setbacks has been varied due to multiply reasons, those being;

- The 2.6m side setback adopted for this Farm Building is consistent with the setbacks for the existing Farm Buildings on the property, which has prior consent from Council in this location and has no detrimental impact upon the streetscape or neighbouring properties.
- Control 1 of this subsection states “that Farm Buildings shall be clustered to avoid land use conflict”, this control is contradictory to Control 11. As such, preference has been given to complying with Control 1 as it ensures a practical design outcome and Control 1 has more weight than Control 11.
- The Farm Building was located in this position to comply with other key controls within the Development Control Plan, as such no major earthworks/cut/fill was undertaken to form a building platform and no significant trees or vegetation were removed to form the building platform. If the shed was relocated to the required 5m it would have resulted in extensive earthworks to create a platform.

The objectives for this relevant subsection are, with comments provided below;

a) To integrate farm buildings with the landscape so they complement the rural character of an area and are not visually dominant;

The farm building has been integrated with the landscape, via no trees being removed or any alterations made to natural ground level. The Farm Building complements the existing rural character and is not a negative design outcome. Further, the variation to the 5m side setback ensures that the Farm Buildings are clustered and subsequently not visually dominant within the Rural Setting.

b) To ensure that farm buildings are located to have minimum adverse impact on the environment and on the potential use of the land for agriculture;

The Farm Building’s location has minimal impact upon the surrounding environment, with no earthworks or vegetation removed to form a building platform. Also, by being clustered with the existing outbuildings it ensures that the area of the property used for outbuildings has the smallest possible footprint and that the potential agricultural use of the property is maximised.

c) To provide separation between potential noise generating sources; and

The Farm Building is ancillary to the agricultural use which is occurring on the property, as such there is no significant noise generating source which has to be considered.

d) To provide areas for landscaping between buildings.

There is still sufficient areas for landscaping between the Farm Buildings.

Variation to Control 3 Under D1.3.2

The accumulative building footprint total of 600m² for lots 10 hectares and above has been varied to 1000m² for multiply reasons, those being;

- The accumulative building footprint of 600m² has been varied in this instance as adjoining properties with a similar size lot have exceeded the 600m².
- It is noted that in the Code SEPP there is no maximum floor area for outbuildings when it is for an agricultural purpose, which this Farm Building is for and comparison with the Code SEPP is not unreasonable in this instance.
- The accumulative floor area for outbuildings is exceeded by 400m², which is a variation of 66% to the Penrith DCP control. However, when the 400m² variation is assessed against the lot size, which is 100,000 m², this represents a 0.4% increase in floor area, which is minimal in comparison to the lot size. Due to the large lot size and agricultural use occurring on the property, the 400m² variation is deemed to be minor.

The objectives for the relevant subsection are, with comments provided below;

- a) **To control the size and height of farm buildings to minimize their visual impact on the landscape;**

The height of the Farm Building is well below the permissible 8m at 5.2m, and the shed is small in bulk, which minimizes the visual impacts upon the landscape, particularly when viewed from the street.

- b) **To ensure that the size of farm buildings is consistent with the intended use and the size of the property;**

The Farm Building is consistent in size with the landholding which has an agricultural use on the property, as the property size is 100,000m² a cumulative total of 1000m² for outbuildings only represents 1% of the lot that is used for Farm Buildings, this is a minor variation and is integral to the agricultural use occurring on the property.

- c) **To encourage improved design of farm buildings so they enhance the rural landscape and character of an area; and**

The design of the Farm Building is complimentary to the existing structures on the land and it has enhanced the character of the rural landscape.

- d) **To ensure that farm buildings use a range of design measures to suit individual circumstance.**

Not Applicable.

(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No Planning Agreements under Section 7.4 have been entered into.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

It is expected that conditions will be imposed in accordance with the regulations.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

There are no significant detrimental impacts on both the natural and built environments, and social and economic impacts with the locality.

(c) the suitability of the site for the development,

The site is suitable for the development as the portion of the lot that is being constructed upon is not flood prone land, not Bush Fire Prone Land, has no easements / restrictions / covenants on the land and is of sufficient size to facilitate the construction of the Farm Building.

(d) any submissions made in accordance with this Act or the regulations,

If the proposed application is neighbour notified it is expected that Council will mediate with the Submitters to resolve the disagreement or that the submissions will be addressed in Council's assessment of the proposed.

(e) the public interest.

The development is deemed to be within the Public Interest.

It is considered that Council will be favourable upon this application and approve the subject application with conditions recommended where necessary.