

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED

Construction of Front Fence and Filling works



At

41 Jolly Rd Castlereagh

November 2013

Prepared by

Urban City Planning

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1. INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development application seeking approval for construction of a front fence and earthworks involving the filling of a portion of the site at 41 Jolly Rd Castlereagh.

1.1 Scope

The purpose of this statement is to indicate the following matters:

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

To discuss the relevant issues pertaining to the proposed development, the following matters will be raised;

1. The subject site and existing development
2. Describe the locality in which the proposed development is to be located,
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)

1.2 Background

The Council on the 20 February 2013 issued a Notice of Intention To Serve an Order in respect to earthworks and the construction of a second driveway that have been partly undertaken without approval.

A Development Application DA13/0354 was lodged on the 22 April 2013 seeking approval for a rural shed, front fence, earthworks (filling) and retrospective approval for the second driveway and turning area.

This application was refused on the 3rd October 2013.

This application is seeking approval for the front fence and filling of the front portion of the site only.

2. DESCRIPTION

2.1 Legal Description

The site is legally described as Lot 122 in Deposited Plan 709303 Number 41- 47 Jolly Rd Castlereagh.

2.2 Site Location

The site is located at 41-47 Jolly Rd and is within the Penrith City Council Local Government Area. The site has a frontage to Jolly Rd and is located on the northern side of Jolly Rd to the east of the intersection with Sherendana Rd and to the west of Church St.

The location of the site is shown on the aerial photo below.



2.3 Zoning

The site is within an area that was excluded from stage 1 of the Council's LEP template process and will be considered in stage 2.

The subject property is zoned 1(b) (**Rural B zone small holdings**) under Penrith Local Environmental Plan 201 as amended.

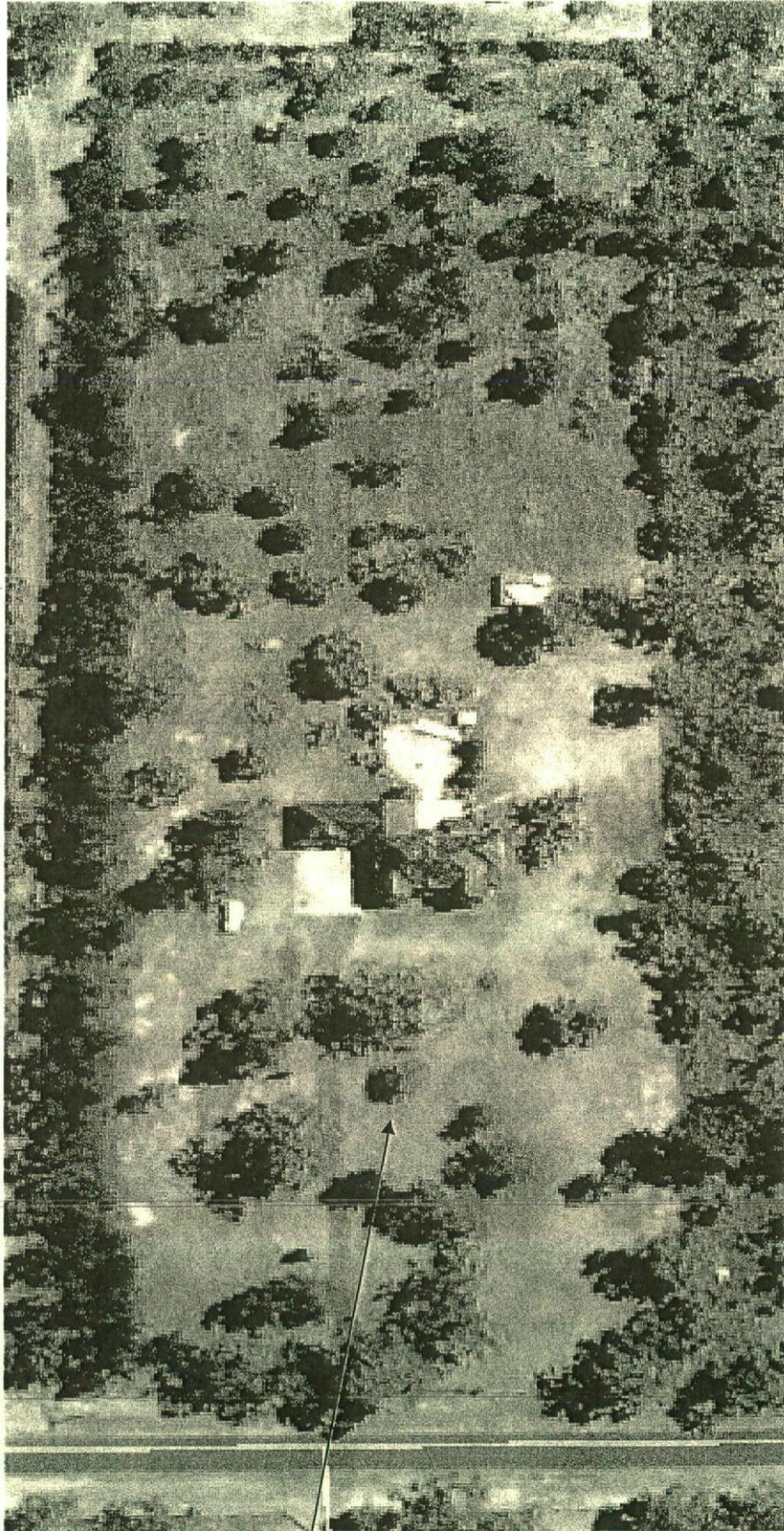
2.4 Physical Description

The site is regular in shape and has a road frontage of 88.49m to Jolly Rd.

The topography of the site is flat. The site has an area of 2.3ha

The site contains a number scatted trees and native vegetated areas generally located towards the rear of the site.

The aerial photo and photos below show the sites features.



Subject Site



Entry to property and feature fence



Existing trees in the front of the property



Existing trees along eastern property boundary



Existing trees along western property boundary



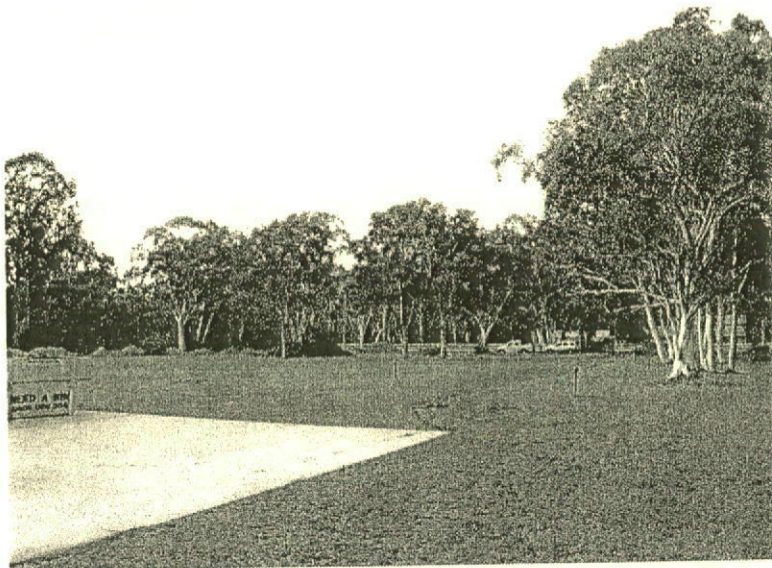
Existing trees along western property boundary and front of the site



Existing trees along rear of property boundary



Existing trees along western property boundary



Existing trees in the front of the site



Existing trees in the rear of the property



Existing trees in the rear of the property



Existing trees in the rear of the property



Existing trees in the rear of the property

3.0 EXISTING DEVELOPMENT

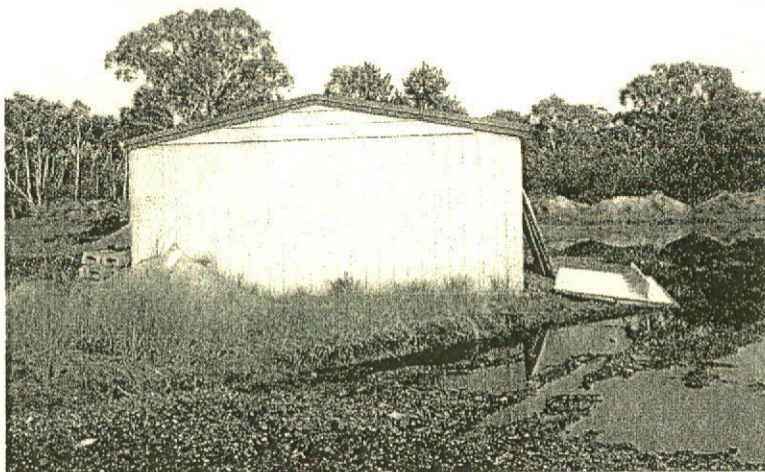
3.1 On the site.

The site currently contains a dwelling and small garage.

The photos below show these structures.



Dwelling house and garage



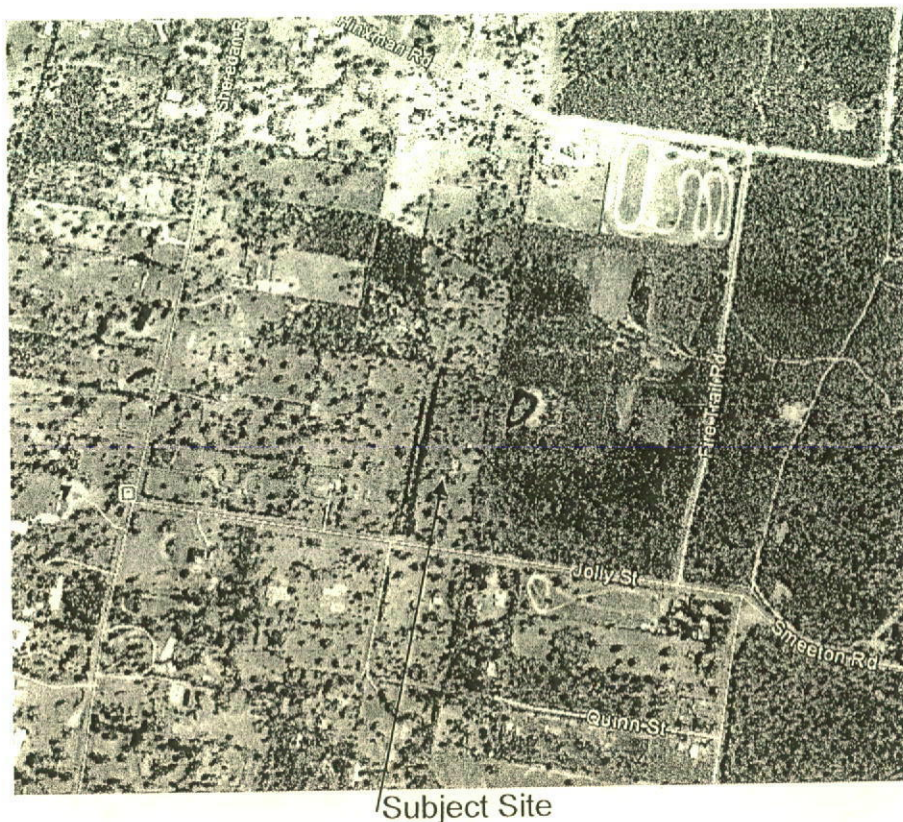
Existing garage

3.2 NEIGHBOURHOOD CHARACTER

The surrounding neighborhood character is predominately rural and rural residential uses.

A reserve adjoins the site to the east.

Aerial photo below shows the neighborhood character



Subject Site

4.0 PROPOSED DEVELOPMENT

41. Details of the Proposed Development

The proposed development involves the following;

- Construction of a new front entry feature fence to the second entry point and front fencing.
- Earth works involving the top dressing of the front portion of the site.

Construction of a new front entry feature fence to the second driveway and front fencing.

The new front entry feature fence to the second entry will be the same as the existing feature fence of the current driveway to the dwelling.
A photo of this feature fence is below.

The proposed front fence is open in nature and will comprise of 1.5m brick piers with a 3m open metal panel fencing between the brick piers.
The external metal panels will be painted black to further ensure the fence is not visually dominant in the streetscape.

Refer to details attached to the statement.

Details of the fencing are attached to the statement.



Existing front feature entry fence



The second entry from Jolly Rd

Earth works involving the top dressing of the front portion of the site

The proposed earthworks involves the use of the existing material excavated from the site to top soil the area adjacent to the dwelling and the front portion of the site.

The filling works are to fill in some low parts of the site and create a level area.

The filling will involve a maximum of 150mm of material

No additional material will be brought onto the site and the material used will be sourced from the site only.

The plans attached to the statement shows the location of the area that will be top soiled and photos below shows the existing material that will be used.



Natural excavated material from the site to be used for top soiling of property



Natural excavated material from the site to be used for top soiling of property



Natural excavated material from the site to be used for top soiling of property



Natural excavated material from the site to be used for top soiling of property



Natural excavated material from the site to be used for top soiling of property

5.0 ENVIRONMENTAL CONSIDERATIONS

The following planning legislation and development controls apply to the subject site;

Penrith City Council Local Environmental Plan 201
Regional Environmental Plan 20 (Hawkesbury Nepean)
Penrith City Council Development Control Plan. 2006 (DCP)
Environmental Planning & Assessment Act. 1979 & Regulation 2000.

5.1 Planning Legislation and Development Controls

Penrith Local Environmental Plan 201

This plan was gazetted on 12 July 1991.

The proposed development is defined as Rural Shed and works associated with the use of the property for residential purposes

The subject application for a front fence and earthworks which is associated with the current residential use of the property is permissible in the zone with the consent of Council.

The following clauses are relevant to the proposed development.

CI 9 Zone Objectives and development control table

(3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the plan and the zone within which the development is proposed to be carried out.

Plan and Zone objectives

The property is Zoned as Zone No 1 (b) (Rural “B” Zone—Smallholdings)

Primary Matters	Comment
<p><i>The objectives are:</i> <i>(a) to protect and enhance the scenic quality and rural character of the locality, and</i></p>	<p>The proposed development involves the construction of a front fence and filling works. The proposed front fence is consistent with other similar fences in the locality and will have no impact on the current rural character of the area. The filling works are minor and will not impact on the existing rural character of the locality.</p>
<p><i>(b) to assist in meeting the demand for hobby farms and rural/residential development in Penrith where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities, and</i></p>	<p>The proposed development does not involve any agriculture activity. The proposed development being associated with rural/residential use of the property is consistent with the conservation of the rural and natural landscape qualities of the locality.</p>
<p><i>(c) to provide land for intensive agricultural and horticultural activities which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect the amenity of the area, and</i></p>	<p>The development does not prevent the use of the property for intensive agriculture in the future.</p>
<p><i>(d) to ensure that development does not create unreasonable demands, now or in the future, for provision or extension of public amenities or services, and</i></p>	<p>The proposed development does not require any additional of public amenities or services.</p>
<p><i>(e) to ensure that traffic generating</i></p>	<p>The proposed development does not involve</p>

Primary Matters	Comment
developments are suitably located so as not to adversely affect the safety and efficiency of roads, and	any increase in traffic generation and will not impact on the current road network or road safety in the locality.
(f) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities, and	The proposed design and location of the front fence will compliment the existing natural and scenic qualities for the locality.
(g) to ensure that where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality, and	The development is not located on or near a ridge top
(h) to ensure that views from main roads and the rural character of the area will not be adversely affected, and	The rural character of the locality will not be affected.
(i) to ensure that development will not lead to excessive soil erosion or run-off.	The development will not lead to excessive soil erosion or runoff. The filling area is away from adjoining property boundaries and the nature of the works is considered minor. (Maximum of 150mm depth)
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Provision of services

Clause 21. The council shall not grant consent to the carrying out of development on land to which this plan applies unless:

Comment

The existing services available to the site are adequate for the proposed development

Regional Environmental Plan 20

The aim of the SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of the future land uses are considered in a regional context.

The proposed development will have no impact on the Hawkesbury Nepean River system and the proposal is consistent the plan.

Penrith Development Control Plan 2006

The following sections are applicable to the proposed development

- Part 4 Section 4.9 Rural Development.

Rural Development

DCP Requirements	Comments
<p>Aims, Objectives, etc <i>The specific aim of this section is to protect, enhance or conserve:</i></p> <p>(a) <i>the rural character and setting of the City of Penrith;</i></p> <p>(b)</p> <p>(c) <i>the scenic quality and valuable landscape features of the rural areas;</i></p> <p>(d) <i>productive agricultural and horticultural areas;</i></p> <p>(e) <i>areas of significance for nature conservation;</i></p> <p>(f) <i>minerals, soils, water, creek systems and other natural resources;</i></p> <p>(g) <i>areas needed to accommodate Sydney's future growth; and</i></p> <p>(h) <i>areas needed to accommodate special uses such as public utilities.</i></p>	<p>The proposed front fence and filling works will conserve the rural character and setting of the locality.</p> <p>The proposed development will retain the existing native vegetation. The retaining of the vegetation on site will protect the scenic quality of the locality.</p> <p>The development will not impact any agricultural area and the site can still be used for future agricultural activities.</p> <p>The site has scattered tree cover The rear portion of the site has a more dense covering of native vegetation which is being retained.</p> <p>All the native vegetation will be retained.</p> <p>The proposed development will have no impact as the site does not contain any natural resources.</p> <p>This site is not part of any future residential release area.</p> <p>The site has not been identified for any special uses.</p>
<p>Setbacks Aims <input type="checkbox"/> <i>Maintain sight distance for vehicular safety.</i></p>	<p>The proposed fence is open in nature and the entry fence will maintain the existing site distance and safety of vehicles.</p>

<input type="checkbox"/> Provide adequate areas for landscaping and tree preservation.	Adequate opportunity for landscaping and preserving the existing trees on the property is proposed by the development.
<input type="checkbox"/> Minimise the impact of built forms on the rural landscape particularly in scenic areas.	The design of the front fence in terms of scale and openness will assist in reducing the impact on the streetscape and scenic quality of the locality. The fence design is consistent with similar other fencing in the immediate locality
<input type="checkbox"/> Provide separation between residential uses and noise generating sources such as main roads for noise attenuation, i.e. the reduction of noise inside the dwelling.	Not applicable.
Policies	Not applicable.
<input type="checkbox"/> Generally, a setback minimum of 15 metres from public roads is required. Parking areas are not permitted within the setback. Consideration will be given to requests to vary the setback for intensive market garden sites.	Not applicable
<input type="checkbox"/> A variety of setbacks will be encouraged to prevent rigidity in the streetscape.	Not applicable
Services	The proposed development will not place any pressure on the existing utilities in the locality.
Aims	The development complies with the aim.
<input type="checkbox"/> That development will not place unreasonable pressure on servicing authorities for timing and extent of supply.	The proposed development will not place any pressure on the existing utilities in the locality.
<input type="checkbox"/> That development will take place only where satisfactory arrangements are made with the servicing authorities.	The development complies with the aim.
<input type="checkbox"/> Ensure that adequate consultation is carried out with the relevant authority during the formulation of development proposals.	Not required the existing services on site are adequate.
Policies	The proposed development will generate the need for water. The site has a single dwelling. Water is currently available and provided to the site.
Water	The proposed development will generate the need for water. The site has a single dwelling. Water is currently available and provided to the site.
<input type="checkbox"/> Consultation with Sydney Water. Sydney Water should be contacted regarding their requirements in conjunction with discussions with Council about development, subdivision and building applications. For some developments it will be necessary to provide evidence to Council that consultation has been carried out when building and development applications are submitted. For most developments provision of evidence that	The proposed development will generate the need for water. The site has a single dwelling. Water is currently available and provided to the site.

<p>consultation with Sydney Water has been carried out will be a condition of consent.</p> <p><input type="checkbox"/> <i>Development ,Subdivision and Building Applications.</i> Council is unlikely to grant consent to applications for developments which place unreasonable pressure on Sydney Water's supply capacity.</p> <p><input type="checkbox"/> <i>Funding and Construction of Amplification.</i> It will generally be the applicant's responsibility to pay for or construct any increase in capacity of services.</p> <p>Effluent Disposal</p> <p><input type="checkbox"/> <i>The rural area is not serviced with reticulated sewer and therefore an alternative means of effluent disposal needs to be considered.</i></p> <p><input type="checkbox"/> <i>Aerated septic systems are the preferred method of effluent disposal.</i> <i>However, trench disposal or a combined trench/transpiration bed proposal may be considered if the applicant can demonstrate that the proposed system will work effectively.</i></p> <p><input type="checkbox"/> <i>All on site effluent disposal systems should be located clear of flood prone land in order that this type of service can operate effectively.</i></p> <p>Electricity</p> <p><input type="checkbox"/> <i>Applicants are required to make satisfactory arrangements with Integral Energy for the provision of low voltage electricity and/or lighting to the site.</i></p> <p>Access</p> <p>Driveways</p> <p><input type="checkbox"/> <i>Natural contours should be followed when designing and constructing driveways. Driveways should be located to retain as much of the property's vegetation as practicable</i></p> <p>Tree Preservation</p> <p>Aims</p> <p><input type="checkbox"/> <i>Protect and preserve existing trees and vegetation, excluding weeds, on all land.</i></p> <p><input type="checkbox"/> <i>Encourage the retention of native vegetation on rural properties.</i></p>	<p>See comment above</p> <p>Noted</p> <p>Not required with the proposed development.</p> <p>See comments above</p> <p>The proposed development will not generate the need for a electricity service.</p> <p>The proposed development does not involve a new additional driveway.</p> <p>The proposed development will not involve the removal of trees.</p> <p>See above comment.</p>
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Development and Subdivision

Development and subdivision applications should illustrate all existing vegetation. Buildings and access areas should be sited to minimise the removal of trees.

Car Parking

For any proposed development, council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development.

Drainage

Aims

Ensure adequate drainage is provided for the proposed development.

Ensure adjoining properties are not significantly affected by drainage from the proposed development.

Policies

The development of any lot should take into account the existing drainage patterns of the area including any localised ponding and whether the proposed development is likely to affect:

- (a) access to the site
- (b) drainage on adjoining properties
- (c) localised nuisance flooding on adjoining properties.

Dwellings and Outbuildings

Aims

Encourage the construction of dwellings where the siting and design respects the rural character of the locality.

Ensure that external finishes used have minimal detrimental impact on the visual amenity of an area.

Encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development.

Not applicable

The development provides adequate parking opportunity.

The proposed development does not require a storm water drainage system on site. The land will be shaped so any runoff is diverted to Jolly Road.

The proposed area of filling and the setback from the adjoining properties will ensure any runoff is diverted away from the adjoining properties and will have no impact.

The current runoff from the property will not be altered by the proposed filling. The filling will resolve some of the ponding areas in section of the site in the vicinity of the dwelling due to low points

Not applicable.

See above comment

See above comment

<p><input type="checkbox"/> Encourage a diversity of interesting rural homes and buildings.</p>	<p>Not applicable</p>
<p>Policies <input type="checkbox"/> A dwelling house may be erected on vacant land zoned 1(a), 1(b), 1(c), 5(d), and 7 with the consent of Council subject to the minimum area and other requirements in Penrith Local Environmental Plan No. 201 (Rural Lands) and subject to the submission of a satisfactory application.</p>	<p>Not applicable</p>
<p><input type="checkbox"/> Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</p>	<p>Not applicable</p>
<p><i>o</i> the privacy of the proposed and existing buildings;</p>	<p>Not applicable</p>
<p><i>o</i> providing flood-free access to the dwelling and a flood-free location for the dwelling itself;</p>	<p>Not applicable</p>
<p><i>o</i> ensuring that solar access is maximised;</p>	<p>Not applicable</p>
<p><i>o</i> retaining as much as possible of the existing vegetation; and <i>o</i> minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).</p>	<p>Not trees to be removed and minor excavation.</p>
<p><input type="checkbox"/> All components of development including fencing, outbuildings, driveways and landscaping, should be considered in the design of proposed development.</p>	<p>The proposed components of the development are considered to be consistent with the existing rural character of the locality.</p>
<p><input type="checkbox"/> Only rural style fencing will be allowed i.e. of an open rural nature in character with that normally found in rural areas. No objections are raised to internal courtyard fencing, or entry fencing, provided such fencing is sensitive to the rural environment.</p>	<p>The proposed front fencing is consistent with rural style fencing in the locality .</p>
<p><input type="checkbox"/> Buildings on sloping land should be sited (where natural features permit) so that they do not intrude into the skyline.</p>	<p>The site is flat and the proposed fence will not intrude into the skyline.</p>
<p><input type="checkbox"/> Dwellings shall be no more than two storeys in height, including garage and storage areas. On sloping sites split level development is preferred.</p>	<p>Not applicable</p>

<p><input type="checkbox"/> Sheds and outbuildings should be clustered in one location on properties and should be of similar colours to the dwelling house and surrounding environment.</p> <p><input type="checkbox"/> Colours of external finishes should be in keeping with the natural surroundings. Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided.</p>	<p>Not applicable</p> <p>The external finishes and colors are consistent with the rural area</p>
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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>	<p>The impact of the proposal on the surrounding natural and built environment will be minimal. The proposal does not adversely affect the natural topography of the site as the development involves the use of a flat portion of the site that will require minimal disturbance. There will be no removal of the existing vegetation.</p> <p>The proposed development is consistent with the existing context and setting in the locality which is rural and rural/residential in nature.</p>
<i>Character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the development</i>	<p>The proposed fence is consistent with other similar front fences in the locality. The retention of all the existing native vegetation on the site will assist in reducing any potential impact on the rural character of the location.</p>
<i>Access, Transport and Traffic</i>	<p>The proposal will not adversely affect the surrounding road network and existing traffic conditions. The proposed fence will not generate any additional traffic volumes.</p>
<i>Landscaping</i>	<p>The retention of all other vegetation on site will not have a significant impact on the existing vegetation community on the site. Additional landscape planting can be undertaken within the site .</p>

<i>Acoustic Impacts</i>	The proposed development will have no impact on the current acoustic environment.
<i>Other amenity impacts</i>	There will be no loss of privacy to local properties due to the existing vegetation. Overall the impact of the proposal on the amenity of adjoining properties will be minimal if any at all.
<i>Storm water, drainage, construction, and utilities</i>	The proposed works will not impact on the existing drainage patterns on the site and will not divert any runoff onto adjoining properties.

The suitability of the site for the development is considered here:

<i>Primary Matters</i>	Comment
<i>Does the proposal fit into the locality?</i>	The proposed fence and minor filling is considered to be of a rural and rural residential character and consistent with the surrounding locality.
<i>Are the site attributes conducive to development?</i>	The site has no constraints that would impact on the proposed development.

6.0 CONCLUSION

The aim of this statement 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

The proposed development is consistent with the aims and objectives of the Penrith LEP 201 (Rural Lands) and the requirements of the relevant chapters of the Penrith DCP 2006.

The development will have no significant environmental impact on the surrounding properties or the natural features on the site and the locality. The front fence and second entry is consistent with other properties in the locality.

Attachments