



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Development:

Double Storey Dwelling

Site:

Lot 3 DP 1181666

No.148-150 West Wilchard Road

Castlereagh NSW 2749

November 2016 – REV A

Report Documentation Control

<i>Title</i>	Lot 3 DP 1181666 No.148-150 West Wilchard Road, CASTLEREAGH NSW 2749
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<i>The Client</i>	Unicus Homes
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1.0 APPLICATION

Builder

Unicus Homes

PO BOX 21 Glenbrook NSW 2773

Ph: 1300 305 443

Subject Site

Lot 3 DP 1181666 No.148-150 West Wilchard Road CASTLEREAGH NSW 2749

Proposal

Development Type – New Double Storey Residential Dwelling

Project Brief

Red Road Engineers has been engaged by the Unicus Homes to prepare a Statement of Environmental Effects for the subject site to accompany a Development Application. The following statement has been prepared in accordance with Penrith City Councils Interim Development Order No.93 and the Penrith City Councils LEP.

The Statement of Environmental Effects is to be read in conjunction with the accompanying plans and reports.

2.0 SUBJECT SITE

The subject site is known as Lot 3 DP 1181666 No.148-150 West Wilchard Road CASTLEREAGH NSW 2749.

The subject site is approximately 2.445 Ha in size. The site is an irregular shape with a narrow parcel fronting West Wilchard Road and then fanning out to the rear of the property. Refer to Figure 1 showing the location of the subject site and Figure 2 showing an aerial view of the subject site.

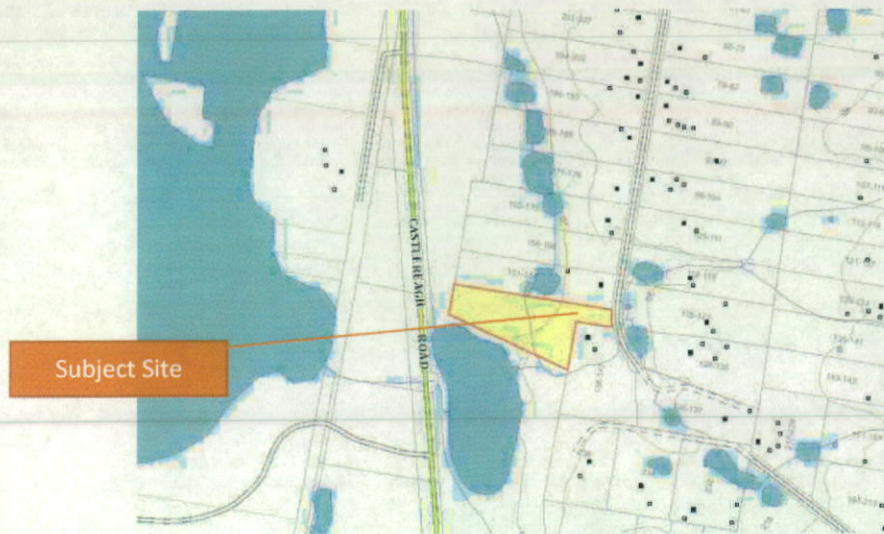


Figure 1 – Location Subject Site

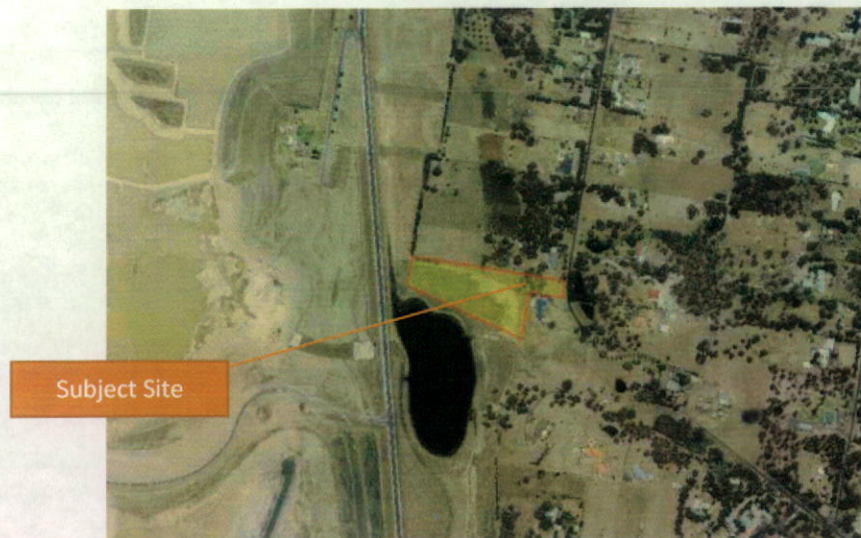


Figure 2 – Aerial View Subject Site

3.0 PROPOSED DEVELOPMENT

The applicant is seeking Council approval for the construction of a new double storey residential dwelling on the narrow parcel at the front of the subject site fronting West Wilchard Road.

The proposal consists of a triple garage, five bedrooms, five bathrooms, an open style kitchen, living and dining, a theatre, study and a games room. The dwelling façade is proposed to be finished in a mix of materials but primarily rendered painted finish with a colorbond roof.

Refer Figure 3 for a detailed site plan of the proposed development.

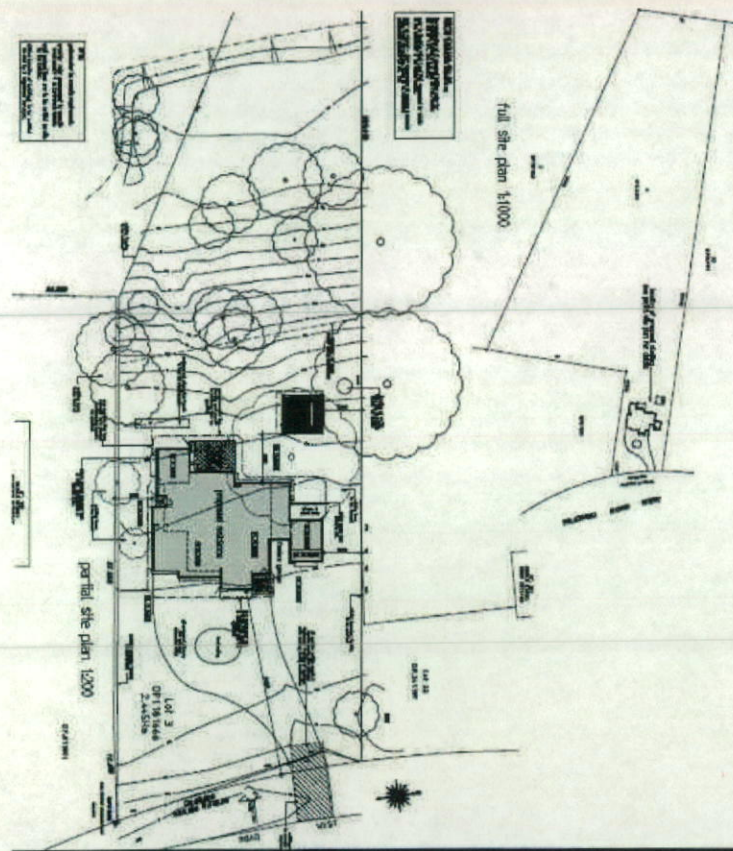


Figure 3 – Proposed Site Plan

4.0 PERMISSIBILITY OF DWELLING

4.1 Interim Development Order (IDO) No. 93 – Penrith

The site is zoned No. 1 Rural 1(a2) subject to the provisions of Interim Development Order (IDO) No. 93 – Penrith.

The Interim Development Order (IDO) No. 93 identifies ‘dwelling houses’ as a land use for which development may be carried out with council consent. Refer Figure 4 for an extract of the IDO.

Clause 6(1)(b) of the IDO states that a ‘dwelling house’ may be constructed on an allotment of land within land zoned 1(a2) where the area of the allotment is not less than 2 hectares refer Figure 4. The subject site is 2.445 Ha in size and as such complies with the minimum lot size required to construct a dwelling under the IDO.

TABLE

Column I Zone and colour or indication on I.D.O. Map	Column II Purposes for which interim development may be carried out without the consent of the council	Column III Purposes for which interim development may be carried out only with the consent of the council
1. RURAL (a1) Rural 'A1' Light brown	Agriculture (other than pig keeping or poultry farming establishments), forestry.	Advertising structures; amusement parks; animal boarding, breeding and training establishments; car repair stations; caravan parks; cemeteries; clubs; development referred to in Schedule 3; drive-in theatres; dwelling houses; educational establishments; extractive industries; home industries; home occupations; institutions; offensive or hazardous industries; open space; places of assembly; places of public worship; pig keeping establishments; plant nurseries; poultry farming establishments; recreation establishments; research establishments; roads; rural industries; stables; stock and saleyards; utility installations; veterinary establishments; waste disposal.
(a2) Rural 'A2' Light brown with dark red edging and reserved 1 (a2)	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; dwelling houses; educational establishments; extractive industries; home occupations; open space; roads; sand and gravel operations; utility installations.
(a) Rural 'D' (Future Urban) Light brown with dark red edging and reserved 1 (a)		Agriculture (other than pig keeping or poultry farming establishments); advertising structures; dwelling houses; educational establishments; home occupations; open space; roads; utility installations.

(i) the area of the allotment is not less than 40 hectares;
(ii) in the case of land not included in Schedule 1 or Schedule 2, the allotment was in existence as a separate allotment, lot or portion of land as at the appointed day;
(iii) in the case of land included in Schedule 1, the area of the allotment is not less than 2 hectares; or
(iv) in the case of land included in Schedule 2, the area of the allotment is not less than 10 hectares.

(iv) within Zone No. 1 (a2) or 1 (a3), where the area of the allotment is not less than 2 hectares.

(2) The council shall not grant consent to the erection of a dwelling-house on land included in Schedule 1 or Schedule 2 unless it imposes as a condition of its consent a requirement that the allotment of land upon which the dwelling-house is to be erected is a single allotment or shall be amalgamated into a single allotment.

(3) A second dwelling-house may be erected and used on any land within Zone No. 1 (a1) or 1 (a2) where -

(a) the area of that land is not less than 10 hectares; and
(b) that dwelling-house will only be used to accommodate a person employed or engaged by the owner of that land in the use of that land or adjacent or adjoining land for the purposes of agriculture.

Dual Occupancy

6A. The council may grant consent to an application to erect a dual occupancy on an allotment of land within Zone No. 1 (a1), 1(a2) or 1(a) only if:

(a) development for the purpose of a dwelling-house may be carried out on that allotment in accordance with clause 6; and
(b) no more than two dwellings will be on that allotment as a result of the development being carried out.

Original Clause 6A added G.G. No. 193 of 18/12/81 and printed G.G. No. 194 of 19/9/87. New Clause 6A added G.G. No. 25 of 25/2/90 (LEP 250).

6B. Nothing in this order prevents a person from carrying out development on that part of lot 6 in D.P. 242430 created as a separate allotment pursuant to a subdivision under clause 40, and having an area of approximately 2.093 hectares, so that there will exist on the land 2 dwelling-houses.

Clause 6B added G.G. No. 137 of 30/9/83 (LEP 37).

Figure 4 – Land Use (IDO No.93)

4.2 State Environmental Planning Policy (Penrith Lakes Scheme) 1989

The Penrith Lakes Scheme is the creation of a regional recreational lake system as shown on the structure plan for the benefit of the public as a result of:

- (a) the staged optimum extraction of sand and gravel reserves,*
- (b) the staged rehabilitation, reconstruction and landscaping of the land, and*
- (c) the staged formation of a series of interconnected lakes,*

and includes the identification of land for possible future urban purposes as a result of the work referred to in paragraphs (a) and (b).

The aims of this Policy are as follows:

- (a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,*
- (b) to identify and protect items of the environmental heritage,*
- (c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,*
- (d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,*
- (e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium*
- (f)*

Relationship with other State environmental planning policies

If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

IDO 93 allows a dwelling house as a permissible use. SEPP Penrith Lakes identifies the site as future urban area, however the site is constrained by flooding, bushfire, slope and a lack of urban infrastructure and is surrounded by existing rural development off West Wilchard

Road. As such the proposed development being a single dwelling house is the most suitable development for the subject site and is generally in accordance with the Structure Plan.

Given the proposed development is consistent with adjacent existing uses of West Wilchard Road it is considered that there is no inconsistency between the SEPP and any other EPI.

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 proposal does not rely on the SEPP for its approval rather relies upon the IDO

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.

IDO 93 allows a dwelling house as a permissible use. SEPP Penrith Lakes identifies the site as future urban area, however the site is constrained by flooding, bushfire, slope and a lack of urban infrastructure and is surrounded by existing rural development off West Wilchard Road. As such the proposed development being a single dwelling house is the most suitable development for the subject site and is generally in accordance with the Structure Plan.

Given the proposed development is consistent with adjacent existing uses of West Wilchard Road it is considered that there is no inconsistency between the SEPP and any other EPI.

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

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 Statement of Environmental Effects seeks to address the matters identified in clause 1 of Schedule 2 of the SEPP. The proposal does not seek to undertake any extractive industry on the subject site.

The proposed development is considered the most suitable development type for the subject site and is consistent with the surrounding used on West Wilchard Road. It is likely that should a single dwelling not be approved on the subject site there are limited other permissible uses for the land.

The environmental impacts of the proposed development will be minimised during construction as required by the builder.

Interim development on unzoned land

(1) Development may be carried out on unzoned land:

(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 proposed development being a single dwelling is seen to have no adverse impacts on the completion of the Penrith Lakes Scheme as the works relating to the scheme have been completed on the subject site. As such the proposed development is consistent with the use of the site as a future urban area.

5.0 SITE ANALYSIS

Site

The site is an irregular shape with a narrow parcel fronting West Wilchard Road and then fanning out to the rear of the property.

The subject site is approximately 2.445 Ha in size.

The subject site has a 33.8m wide frontage and a depth of 57.6m to the narrow parcel at the front of the lot and fans out to a width of 127.8m with a further 245m depth.

The subject site is relatively flat in the front narrow parcel and has a steep fall from front to rear in the middle of the subject site and flattens again at the rear. The land is zoned flood affected, with the area most at risk of flood is to the rear of the property. The proposed building area at the front of the property poses minimal flood risk.

Flora and Fauna

The proposed development site is mostly cleared of vegetation. To the south and west is predominantly managed grass at the street frontage and unmanaged grass at the rear. To the north and east are pockets of large trees and further to the east a large dam. The vegetation is consistent with woodland vegetation found in the Castlereagh area.

The aerial view in Figure 2 shows the pockets of vegetation on the subject site. Figures 5, 6, 7 and 8 show images of the vegetation.



Figure 5



Figure 6



Figure 7

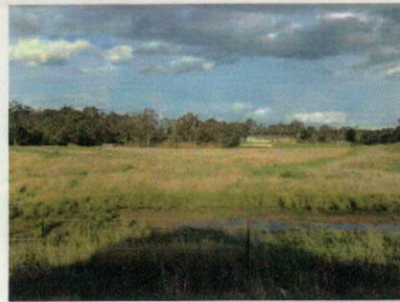


Figure 8

Services and Infrastructure

The subject site is serviced by Sydney Water reticulated water but not sewer services.

For sewer treatment an Aerated Wastewater Treatment System has been recommended in a report prepared by Envirotech Environmental and Engineering Consultancy services 'On-Site Wastewater Management Report' 12 October 2016

The subject site has power and communication services.

Adjacent Development

The subject site is surrounded to the north, south and east by existing dwellings. To the west is Penrith Lakes Scheme. The rural size lots along West Wilchard Road and the surrounding area are all of a similar scale and type as the proposed development. The allotments along West Wilchard Road are all generally developed with residential dwellings.

Hazards

The subject site is identified as flood prone land.

The subject site has been identified as Bushfire Prone Land by Penrith City Council. Refer Figure 9 Penrith City Council Bushfire Prone Land Map.

A Bushfire Threat Assessment has been prepared by Bushfire Management Consultants.



Figure 9 – Bushfire Prone Land Map

Waste Management

A waste management plan has been prepared by Red Road Engineers for both the construction stage and the on-going management of the property and are included as part of the application.

Energy Assessment

An energy assessment including both a NatHERS and BASIX assessment have been prepared by Red Road Engineers for the proposed development and are included as part of the application.

Access/Parking and Traffic

The proposed development will have minimal impact on West Wilchard Road and the intersection of West Wilchard Road and Castlereagh Road. The proposed development will provide adequate on-site parking.

6.0 PLANNING ASSESSMENT

SEPP No 55 – REMEDIATION OF LAND

The object of this policy is to provide for a statewide 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

No evidence has been provided that the land is contaminated.

SEPP (STATE AND REGIONAL DEVELOPMENT) 2011 –SCHEDULE 2

Schedule 2 identifies State significant development-identified sites, Penrith Lakes Scheme is identified as one of these sites. The relevant clause is extracted 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).

The proposed development site is within the Penrith Lakes area however the proposed development is not for *extraction, rehabilitation or lake formation*, therefore the SEPP does not apply to this development

INTERIM DEVELOPMENT ORDER NO.93

Additional IDO clauses:

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 meters.

The proposed development site has a street frontage to West Wilchard Road and is proposed 25 meters from West Wilchard Road with a setback of over 250m from Castlereagh Road, therefore the proposed development complies with development control.

The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger. The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.

The subject site is greater than 2 hectares in area and technically the setback required under DCP 2014 is 10m, however the development area on the site is limited to the West Wilchard frontage of the site due to flooding and topography to the rear. As such the development area available on the site is less than 2 hectares. In this case merit should be applied to allow a 5m setback given the constrained development area which is less than 2 hectares. The application proposes a 5.005m and 5.08m setback to the side boundaries.

In addition the development area is approximately 33m wide. If a 10m setback was applied to each side boundary a building width of 13m would remain. The construction of a 13m wide dwelling on the site would not be in character with surrounding dwellings which are generally wider homestead style dwellings. Council's endorsement of a 5.005m and 5.08m setback to the side boundaries allows the design flexibility and the design of a wider dwelling that suits the character of the area.

The setback of less than 10m has minimal impact upon privacy to existing adjoining dwellings. The existing dwelling to the north on adjoining land is setback some 18m from the boundary. In addition the proposed theatre which is the nearest room to the boundary in this direction does not propose windows to the north. As such the impact upon privacy is minimised. The second storey whilst having windows facing north, has minimal impact upon privacy as they are setback greater than 10m from the boundary.

The existing dwelling to the south is setback approximately 6.5m from the boundary. The proposed dwelling on the subject site proposes windows along the ground floor to a garage, laundry and powder room which face south. As such these rooms are not living areas and will have minimal impact upon privacy to the south. The second storey does not have windows that face south.

As such we recommend Council endorse the side setbacks as proposed.

Consent

16. In respect of any application for the consent of the council to the carrying out of the following development, namely –

a) any development in 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 purpose and viewed from the waterway or road;

The proposed development site has a street frontage to West Wilchard Road and is proposed closest to West Wilchard Road over 250m from Castlereagh Road and further to the Penrith Lakes.

Although the proposed development will have views of Penrith Lakes these will be obstructed by vegetation currently on the subject site which will ensure limited visibility from Castlereagh Road and Penrith Lakes.

7.0 CONCLUSION

The proposed development is permissible in the zone and is compatible with the adjoining land use to the North, South and East.