

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Dwelling, Pool, Use of Existing Stables as
a Secondary Dwelling (Retrospective) and
Demolition of Existing Outbuilding



42-48 St Marys Road, Berkshire Park

Job Reference 180161

Document Control

Document: 42-48 St Marys Road, Berkshire Park
Statement of Environmental Effects

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Revision History

VERSION	DATE	DETAILS	AUTHOR	AUTHORISATION
1	July 2018	Final	Mitch Brown	Greg Hall

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 construction of a dwelling, pool, proposed use of the existing stable as a Secondary Dwelling (retrospective) and demolition of existing outbuilding to Penrith City Council.

1.1 Scope

The purpose of this report to address the following matters:

1. The environmental impacts of the proposed dwelling;
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;
2. Describe the locality in which the proposed development is to be situated;
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 site has previously been subject to a number of previous applications, outlined below:

- DA002635/01 – Single Storey Dwelling and Farm Shed – Approved
- DA002635.276 – Modification to Existing Dwelling
- DA09/0155 – Dwelling House/Dual Occupancy – Single Storey Dwelling - Approved
- DA09/0155 01 – Modifications (S96) – Modification to Dwelling – First Floor Addition - Approved

This application is accompanied by a S96 (2) modification to Development Consent DA00/2635 which involves the removal of the dwelling as part of the consent.

2.0 DESCRIPTION

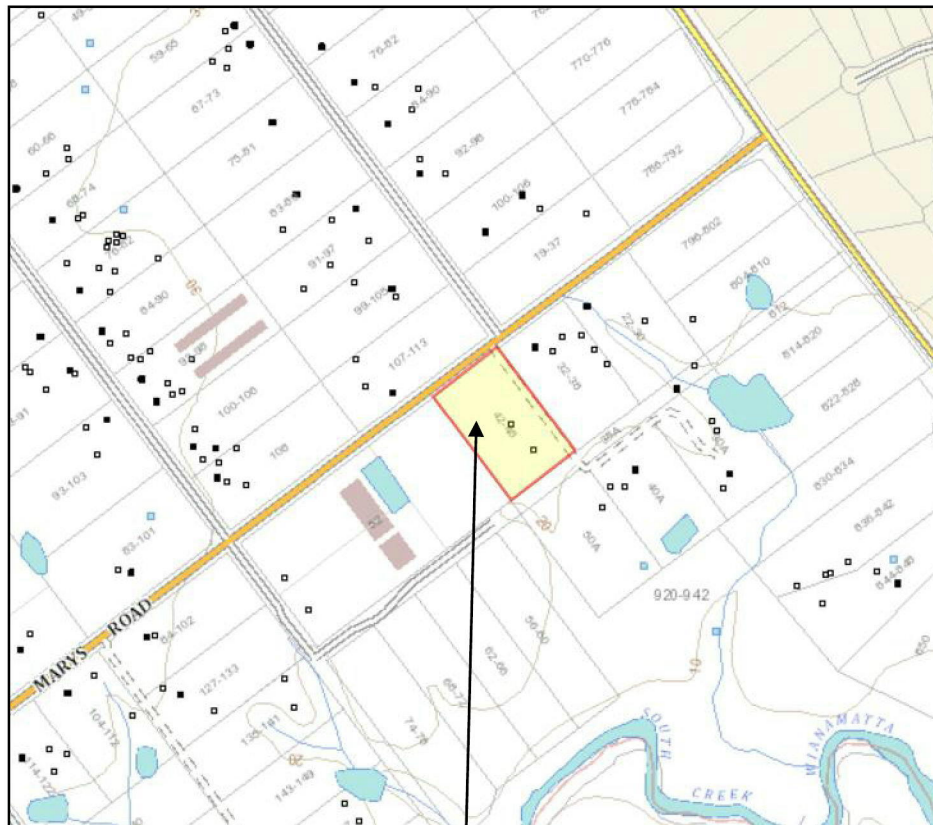
2.1 Legal Description

The site is legally described as Lot 59 in Deposited Plan 983814, No. 42-48 St Marys Road, Berkshire Park.

2.2 Site Location

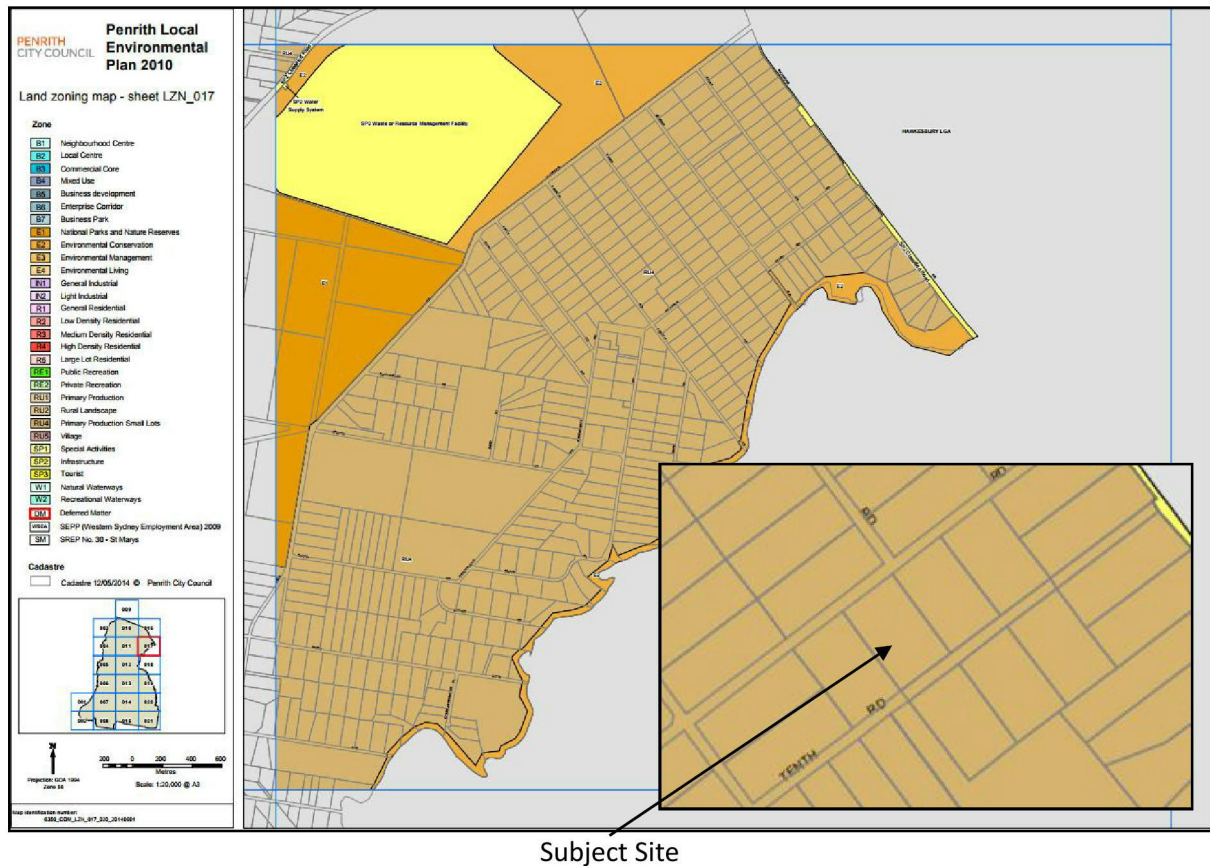
The site is located on the eastern side of St Marys Road, south of First Road.

Refer to the locality map below.



Subject Site

The both sites are zoned ***RU4 - Primary Production Small Lots*** under the Penrith Local Environmental Plan 2010.



3.0 EXISTING DEVELOPMENT

3.1 Subject Site and Characteristics

The site is regular in shape and has an area of approximately 16,181m².

The site slopes slightly to the south east. The site contains minimal vegetation.

The site currently contains an approved stable building used as a dwelling, outbuilding, tilt panel shed, footings and foundations for the approved dwelling.

The aerial photo and photos below show the existing development on the site.



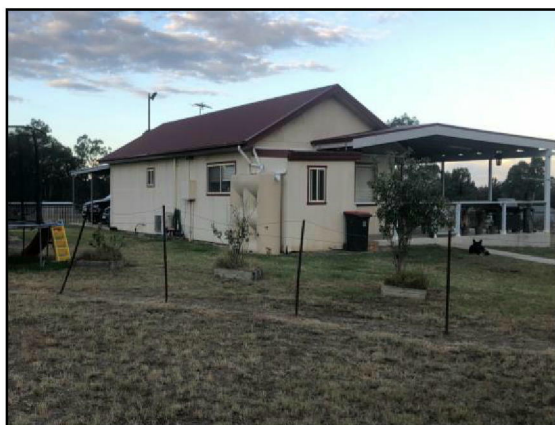
Subject Site



Outbuilding (to be removed)



Shed



Stables (Proposed Secondary Dwelling)



Foundations of Approved Dwelling

3.2 Neighborhood Character

The surrounding development is characterized by rural residential uses, involving dwellings and outbuildings with a number of agricultural activities in the area. Refer to the aerial photo and other photos below.



Subject Site



St Marys Rd Streetscape – North East



St Marys Rd Streetscape – South West



Adjoining Development

4.0 PROPOSED DEVELOPMENT

4.1 Details of the Proposed Development

The development entails:

- Demolition of Outbuilding
- Proposed Dwelling
- Proposed Pool
- Proposed use of Former Stables to a Secondary Dwelling (retrospective)

Demolition of Outbuilding

The development includes the demolition of an outbuilding located behind the proposed Secondary Dwelling.

The outbuilding has dimensions of 13m x 7m and a floor area of 91m².

The outbuilding is constructed of fibre cement wall cladding and steel roof on a concrete slab.

The shed will be demolished by a liscenced contractor and material be disposed of at appropriate facilities.

Refer photo below.



Existing Outbuilding to be Demolished

Proposed Dwelling

The development includes a proposed single storey dwelling.

The dwelling will be located towards the front of the site on a concrete slab. The dwelling will have the following setbacks:

- Front: 18m
- Side: 20m
- Rear: 119m (approx.)

The dwelling will contain the following areas:

- | | | |
|--|--------------------|------------------|
| • Verandah | • Study | • Laundry |
| • Double Garage | • Kitchen w/Pantry | • W.C. |
| • Entry | • Lounge/Media | • Bathroom |
| • Bedroom x4 w/1x
W.I.R and 1x
Ensuite | • Dining | • Outdoor Living |
| | • Family | |
| | • Activity | |

The dwelling will have a floor area of 272.7m², height ranging from 2.59m to 5.349m with a roof pitch of 20°.

The dwelling will be of timber frame, brick veneer construction with steel roof sheeting. Refer to the external colours and finishes schedule accompanying the application.

Minimal earthworks are proposed for the construction of the dwelling. A total cut of 0.24m and a total fill of 0.14m is proposed to create a level building pad.

The site is located on bushfire prone land – vegetation category 2. The accompanying bushfire report has calculated the Bushfire Attack Level of the proposed dwelling to be BAL 19 to the West and BAL 12.5 to the South-West.

No trees are proposed to be removed as part of this application.

The dwelling will connect to the existing septic system currently on site. The wastewater report that accompanies the application concludes that the existing effluent management system is sufficient for the proposed development, with the provision of recommendations.

The dwelling will be serviced by the proposed driveway.

Electricity currently services the site which the dwelling will connect to. The development proposes a 5000 litre steel water tank, overflow will be connected to stormwater.

Refer to photos below.



Proposed Location of Dwelling



Proposed Location of Dwelling

Proposed Pool

The development includes a proposed pool and spa.

The proposed pool will be located behind the proposed dwelling.

The pool will have dimensions of 12.3m length by 4.2m width and depths ranging from 1.2m (shallow end) and 1.99m (deep end).

The spa will have dimensions of 2.2m by 2.6m.

The pool provides an area of non-slip tile coping and will have a compliant pool fence around the area.

The filter will be contained in a sound proof enclosure.

Refer to plans accompanying application.

Proposed Use of Existing Stables as a Secondary Dwelling with attached Carport (retrospective)

The site contains an existing structure, previously used for horse stables.

The application proposes the use of the former stables as a Secondary Dwelling with an attached carport. The Secondary Dwelling conversion has already taken place and is currently being used.

The Secondary Dwelling is located behind the proposed dwelling in the middle portion of the site on a concrete slab.

The secondary dwelling has the following setbacks:

- Front: 80m (approx.)
- Side: 32m (approx.)
- Rear: 66m (approx.)

The proposed Secondary Dwelling contains the following areas:

- Living
- Dining
- Kitchen
- Bedroom
- Bathroom
- Laundry
- Covered Outdoor Living Area
- Carport (attached)

The Secondary Dwelling includes two (2) separate store areas within the building footprint which are not included in the total floor area, of the secondary dwelling as they are externally accessed

The Secondary Dwelling has a total floor area of 58.58m², an overall height ranging from 2.6m to 4.65m, with a roof pitch of 27°.

The Secondary Dwelling is of timber frame, fibre-cement cladded construction with steel roof sheeting. Refer to the external colours and finishes schedule accompanying the application

No earthworks are proposed for the proposed secondary dwelling

The site is located on bushfire prone land – vegetation category 2. The accompanying bushfire report has calculated the Bushfire Attack Level of the secondary dwelling to be BAL 12.5.

No trees are proposed to be removed as part of this application.

The secondary dwelling connects to the existing septic system currently on site. The wastewater report that accompanies the application concludes that the existing effluent management system is sufficient for the proposed development, with the provision of recommendations.

The secondary dwelling will be serviced by the existing driveway.

Electricity currently services the site which the dwelling will connect to. The development connects to a 5000 litre water tank, overflow connects to stormwater.

The proposed secondary dwelling includes an attached 2-space carport on the north-eastern elevation.

Refer to photos below.



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 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.
<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.
<i>To maintain the rural landscape character of the land.</i>	The proposed development is consistent with the rural character of the land.
<i>To ensure that development does not unreasonably increase the demand for public services or facilities.</i>	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 dwelling will have a maximum height of 5.349m. The proposed secondary dwelling will have a maximum height of 4.65m.
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>	The development includes a provision identified in the prescribed uses. The development includes the use of the existing stable structure as a secondary dwelling. Secondary Dwelling Total Floor Area: 58.58m ² , the total floor area does not exceed 60m ² .
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.
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 are proposed for removal.
5.10	<i>Heritage</i>	There are no heritage items on the subject property
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>	Minimal Earthworks are proposed as part of this application for the construction of the proposed dwelling only. A total cut of 0.24m is proposed and a total fill of 0.14m is proposed to create a level building pad.
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.
7.7	<i>Servicing</i>	The proposed development will be connected to the existing reticulated water supply and existing sewerage systems on site.
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 16,181m².</p> <p>The proposed Secondary Dwelling is located on land zoned RU4 – Primary Production Small Lots.</p> <p>The proposed development will not result in there being more than two (2) primary dwellings on the lot.</p> <p>The proposed development does not involve subdivision.</p>
7.11 – 7.25		Not Applicable.

5.2 Penrith Development Control Plan 2014

The following sections are applicable to the proposed development:

Part B – Development Control Plan Principles

Part C – Controls applying to all Land Uses

Part D – Specific Land Uses / Activities (Rural land uses)

A review of the proposal against the relevant provisions of Penrith DCP 2014 is provided as follows.

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 dwelling and 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.	The small-scale nature of the dwelling and secondary dwelling will not impact on biodiversity or natural systems.

Provision	Comment
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	
<i>1.1.2 Key Areas with Scenic and Landscape Values.</i>	The site has not been identified on the Penrith LEP 2014 Scenic and Landscape Values Map.
1.2 Design Principles	
<i>1.2.1. Application of Certification System</i>	Not applicable.
<i>1.2.2. Built Form - Energy Efficiency and Conservation</i>	A BASIX certificate accompanies this application.
<i>1.2.3. Building Form - Height, Bulk and Scale</i>	The proposed dwelling ranges from 2.59m to 5.349m in height.

Provision	Comment
	<p>The proposed secondary dwelling is 4.65m in height.</p> <p>There is no height of buildings restriction on the site.</p> <p>The development is consistent with the adjoining developments in the locality. The bulk and scale is of rural residential nature. The colours and finishes are consistent with the rural landscape.</p>
1.2.4. Responding to the Site's Topography and Landform	The proposed development has been located, oriented and designed to minimise excavation, cut and fill and the potential for drainage issues.
1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)	The proposed dwelling and secondary dwelling will incorporate safety and security measures.
1.2.6 Maximising Access and Adaptability	Both the proposed dwelling and secondary dwelling will be serviced by the proposed access driveway.
C2 Vegetation Management	
	No vegetation is proposed for removal as part of the application.
C3 Water Management	
3.1 The Water Cycle/ Water Conservation	<p>Rain water will be directed to the proposed water tanks.</p> <p>The proposed 5000L water tank associated with the proposed dwelling will have the overflow directed to the stormwater system.</p>
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
3.6 Storm water Management and Drainage	<p>Rain water will be directed to the proposed water tanks.</p> <p>The proposed 5000L water tank associated with the proposed dwelling will have the overflow directed to the stormwater system.</p>

Provision	Comment
<i>3.8 Rainwater / Storage Tanks</i>	The rainwater will be stored in the proposed and existing water storage systems on site (10,000L total, 2x 5,000L water tanks).
C4 Land Management	
	No removal of vegetation is proposed.
C5 Waste Management	
	A waste management plan accompanies this application.
C6 Landscape Design	
	Minimal earthworks are proposed. 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	
<i>C10.5 parking, access and driveways</i>	<p>The site contains proposed and existing car parking and a proposed access driveway that will be utilized.</p> <p>The proposed dwelling will include a 2-space garage.</p> <p>The proposed secondary dwelling includes an attached 2-space carport.</p>
C11 Subdivision	
	None proposed.
C12 Noise and Vibration	
	No impact on noise or vibration will occur from this proposed development.
C13 Infrastructure and Services	
	The site contains existing provisions for electricity which will be utilised by the proposed development.

Provision	Comment
	<p>Storm water disposal is connected to the proposed water tanks.</p> <p>Effluent disposal for the proposed development will be connected to the existing system on site.</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 residential 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>iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</p> <p>iv) Maximising solar access;</p> <p>v) Retaining as much of the existing vegetation as possible; and</p>	<p>The proposed dwelling and secondary dwelling is located in close proximity to the existing development on site.</p> <p>The development will undertake safety and security measures.</p> <p>The proposed development is consistent with the level of the existing buildings. No flood planning controls apply to the site.</p> <p>The bushfire risk for the proposed development has been assessed as being BAL 19 for the proposed dwelling, a bushfire report accompanies this application.</p> <p>The proposed development includes windows that allow for maximized solar access.</p> <p>The existing vegetation will be retained on the site.</p>

Provision	Comment
<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>The development requires minimal earthworks as detailed above.</p> <p>The development will be accessed from the proposed driveway. No additional fencing or landscaping is proposed.</p> <p>The proposed development is in close proximity to the existing development 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><i>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.</i></p> <p><i>d) Roads should be designed and located to run with the contours of the land.</i></p> <p><i>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.</i></p> <p><i>f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</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> <p>No screening is proposed. All existing vegetation is retained.</p> <p>No new roads are proposed.</p> <p>The roofline of the proposed dwelling and secondary dwelling is simple with provisions to drain stormwater.</p> <p>A simple roofline has been proposed for the dwelling, which is consistent with the roofline of developments surrounding.</p>

Provision	Comment
1.2.2. Setbacks and Building Separations	
<p>Setbacks from Roads</p> <p><i>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.</i></p> <p><i>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</i></p> <p><i>c) A minimum setback of 30 metres is required to all classified roads (except Mulgoa Road), Luddennam Road, Greendale Road and Park Road. In some cases, larger setbacks may be required. Please contact Council to discuss.</i></p> <p><i>d) A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</i></p>	<p>The dwelling is proposed to be setback 18m from the front boundary.</p> <p>The development location complies with this requirement.</p> <p>St Marys Road is not a classified road.</p> <p>The site does not adjoin Mulgoa Road.</p>
<p>Setbacks from Watercourses</p> <p><i>a) A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank.</i></p> <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 site is not located in the vicinity of a watercourse.</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</i></p>	<p>The proposed secondary dwelling has a 37.75m separation (approx.) from the proposed dwelling.</p>

Provision	Comment
<p><i>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>Not Applicable.</p> <p>The site is 1618m². The proposed dwelling will have a side setback of 20m and the proposed secondary dwelling has a side setback of 32m.</p> <p>The proposed development is well removed from the existing shed and other developments on adjoining sites.</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><i>b) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</i></p> <p><i>c) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</i></p> <p><i>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.</i></p>	<p>The total ground floor footprint of the proposed dwelling = 272.7m².</p> <p>The proposed secondary dwelling has a total ground floor footprint of 207.6m²</p> <p>The total ground floor footprint for the dwelling and secondary dwelling is 480.4m².</p> <p>The dwelling has a maximum dimension of 12.5m at any one point.</p> <p>The proposed secondary dwelling has a maximum dimension of 12.12m at any one point.</p> <p>No second storey proposed.</p> <p>The proposed dwelling includes a 2-car garage.</p> <p>The proposed secondary dwelling has a 2-car carport (attached).</p> <p>There is also existing car parking on site no additional parking proposed.</p>

Provision	Comment	
e) A maximum ground floor footprint of 600m ² 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.	Existing Ground Floor Footprint	Proposed Ground Floor Footprint
	Approved Dwelling – 135.72m ² Stables – 170m ² Farm Shed – 254m ² Outbuilding – 91m ² <u>Total Existing Ground Floor Footprint = 650.72m²</u>	Dwelling – 272.7m ² Secondary Dwelling – 207.6m ² Farm Shed – 254m ² <u>Total Proposed Ground Floor Footprint = 734.3m²</u>
Refer to request for variation below.		
1.2.4 Height, Scale and Design		
Height and Scale		
a) Dwellings shall be no more than two storeys in height, including garage and storage areas.	The proposed dwelling and secondary dwelling are single storey only.	
b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.	As Above.	
c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.	The proposed dwelling and secondary dwelling do not exceed 8m above natural ground level.	
Design and Quality		
a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.	The design of the development has been considered in the context of existing development on the site and the surrounding rural residential context.	
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.	No additional fencing is proposed.	
1.2.5. Dual Occupancy Dwellings		
	Not Applicable.	

Provision	Comment
1.2.6. Secondary Dwellings	
<p><i>These controls apply to dual occupancies in the RU1, RU2, RU4, E3 and E4 zones only.</i></p> <p><i>As a general rule, secondary dwellings must comply with the requirements for rural dwellings and dual occupancy development.</i></p> <p><u>Dual Occupancy</u></p> <p>1) Design</p> <p><i>a) Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design.</i></p> <p><i>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.</i></p> <p><i>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).</i></p> <p><i>d) The second dwelling must be located behind the building line of the existing dwelling house.</i></p> <p><i>e) The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m.</i></p> <p><i>f) If the dwellings are attached then the second dwelling should be located behind the existing dwelling and should adopt an 'L' shape.</i></p> <p><i>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.</i></p>	<p>The proposed development, including a proposed secondary dwelling.</p> <p>Noted.</p> <p>Noted. The proposed secondary dwelling complies with this DCP's policies.</p> <p>Noted. As Above.</p> <p>The proposed secondary dwelling is located within the curtilage of the proposed dwelling.</p> <p>The proposed secondary dwelling is located behind the building line of the proposed dwelling.</p> <p>The proposed secondary dwelling will be detached from the proposed dwelling and will have a 37.75m (approx..) separation.</p> <p>Not Applicable.</p> <p>The proposed primary dwelling will have a floor area of 272.7m².</p> <p>The proposed secondary dwelling will have a floor area of 58.58m².</p> <p>The secondary dwelling will be significantly smaller than the proposed dwelling, approximately 78.5%.</p>

Provision	Comment
<p><i>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.</i></p> <p>2) Access, Parking and Services</p> <p><i>a) Access to dual occupancies is to be via a common driveway to both dwellings.</i></p> <p><i>b) At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling.</i></p> <p><i>c) There should only be one electricity line and meter on the property servicing both dwellings.</i></p> <p><u>Secondary Dwellings</u></p> <p><i>1) With the exception of floor area, the controls applying to dual occupancy development apply to secondary dwellings.</i></p> <p><i>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.</i></p> <p><i>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</i></p> <p><i>4) Secondary dwellings shall have a maximum of two bedrooms.</i></p>	<p>The proposed dwelling and secondary dwelling will be of similar character to each other and other development on and surrounding the site.</p> <p>The proposed secondary dwelling will be accessed via the existing access driveway.</p> <p>The development includes provisions for off-street covered parking for both the proposed dwelling and secondary dwelling.</p> <p>The proposed secondary dwelling will utilise the existing electricity supply servicing the site.</p> <p>Noted. Refer Above.</p> <p>Secondary Dwelling Total Floor Area: 58.58m², the total floor area does not exceed 60m².</p> <p>The site is 16,181m². The existing effluent disposal on site is considered sufficient for the proposed development.</p> <p>The proposed development includes only one (1) bedroom.</p>
1.2.7. Materials and Colours	
<p><i>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.</i></p>	<p>The dual occupancy has external finishes that are consistent with natural surroundings and are non-reflective.</p> <p>Refer colors and finishes schedule accompanying application.</p>

Provision	Comment
<p><i>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.</i></p> <p><i>c) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</i></p>	<p>Not Applicable. No reflective surfaced materials have been used.</p> <p>Refer colors and finishes schedule accompanying application.</p> <p>Not Applicable</p>
1.2.8. Land in the Vicinity of Proposed Second Sydney Airport	Not Applicable.

5.3 Justification of Variation to the Penrith DCP Provisions

Part D – 1.2.3 Ground Floor Footprint – Rural Land Uses

The variation relates to the provisions for **Maximum Ground Floor Footprint**.

The proposed development involves the construction of a dwelling and use of the existing stable building as a secondary dwelling.

The existing Ground Floor Footprint of the site is 650.72m².

The proposed Ground Floor Footprint is 734.3m².

The development includes demolishing the existing foundations of the approved dwelling and the existing dwelling foundations.

The objectives of the Control are to:

- a) To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and*

Comment: The proposed development is considered to be of a consistent size and character, being rural residential, to surrounding developments in the locality.

- b) To ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.*

Comment: The site contains buildings that are of a rural residential nature and the proposed development is consistent with this.

- c) *In areas where there are prior developments, the established setback is to be regarded as the standard setback.*

Comment: No changes to setbacks are proposed.

It is considered that the proposed development's maximum ground floor footprint, while not meeting the numerical requirements of the provision, still achieves the objectives planning control of the is appropriate given the size of the site.

It is submitted that the departure from DCP requirement is justified and worthy of Councils support.

5.3 Sydney Regional Environmental Plan 20 (Hawkesbury-Nepean)

The site is located within the area of the SREP 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 due to the minor nature and location of the proposed development.

The proposal is consistent with the plan.

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 erection of a dwelling, proposed pool, proposed use of a secondary dwelling and demolition of an outbuilding on an appropriate lot in a rural residential area, is an appropriate context for the proposal.
<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 will be sited to have minimal impact on the streetscape.</p> <p>The appearance will be compatible with the existing development on site.</p> <p>The locality has a rural residential character appropriate for the proposed development.</p>
<i>Access, Transport and Traffic</i>	Access will be via the existing driveway from St Marys Road.

	<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 or additional landscaping.
<i>Acoustic Impacts</i>	<p>The proposed development is consistent with surrounding rural residential uses.</p> <p>The activity and occupancy associated with a rural residential use will not have any acoustic impact.</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>
<i>Storm water, drainage, construction, and utilities</i>	The proposed development will not increase demand on the existing utilities and will be provided with appropriate drainage to Council requirements

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

<i>Primary Matters</i>	<i>Comment</i>
<i>Does the proposal fit into the locality?</i>	The proposed development is of a rural residential character and consistent with adjoining developments.
<i>Are the site attributes conducive to development?</i>	The allotment has an area of 16,181m ² , is relatively flat and clear, and suitable for the dwelling and secondary dwelling development.

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 S79C 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 generally complies therewith.

A variation regarding the maximum ground floor footprint has been requested and subsequently justified.

The application is submitted for Council approval.