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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Use of Existing Building as a Dwelling (retrospective)



120 – 134 Farm Road, Mulgoa

Job Reference: 180346

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Document Control

Document: 120 -134 Farm Road, Mulgoa
Statement of Environmental Effects

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General Disclaimer

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

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1.0 INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development Application seeking approval for the proposed use of an existing structure as a Dwelling with attached carport (retrospective) and the Demolition of the existing dwelling and outbuildings 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 Councils Compliance section has issued correspondence to the owners concerning the use of the structure as a dwelling.

This application is in response to the correspondence issued by Council to the property owner.

2.0 DESCRIPTION

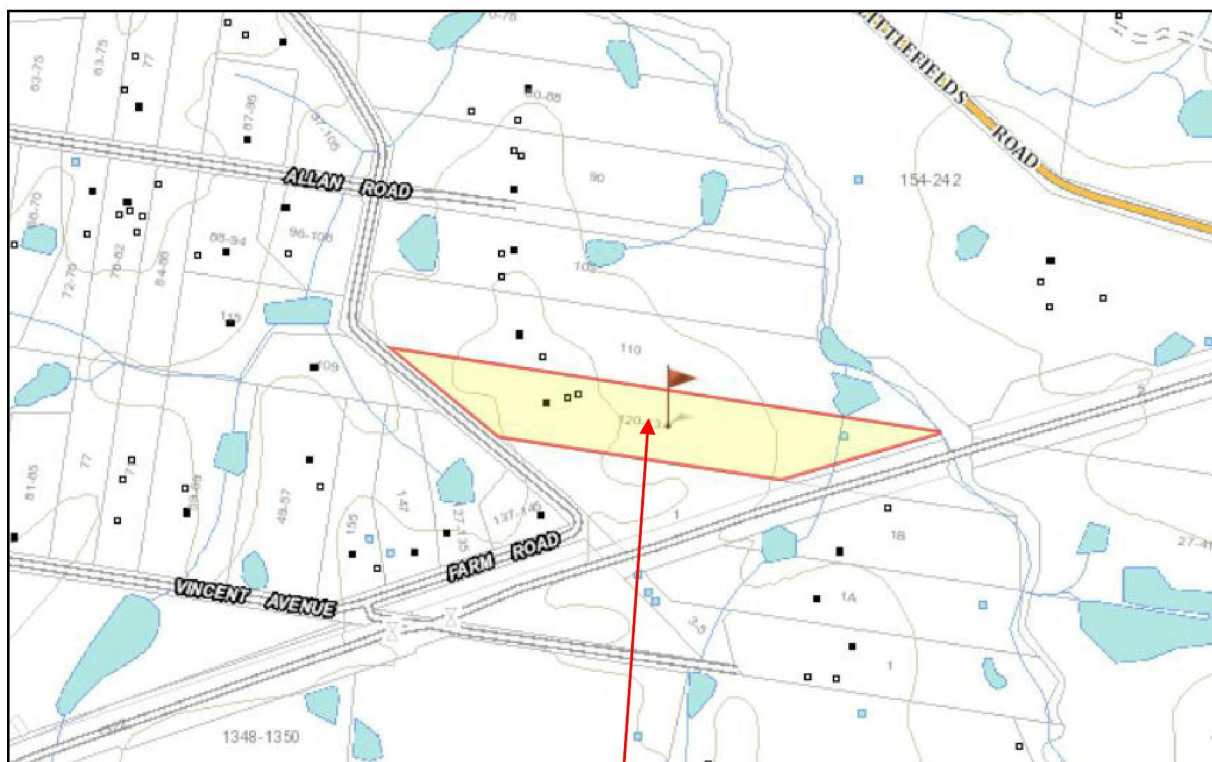
2.1 Legal Description

The site is legally described as Lot 8 in Deposited Plan 229785, No. 120-134 Farm Road, Mulgoa.

2.2 Site Location

The site is located on the eastern side of Farm Road, south of Allan Road and adjoins the Sydney Water pipeline.

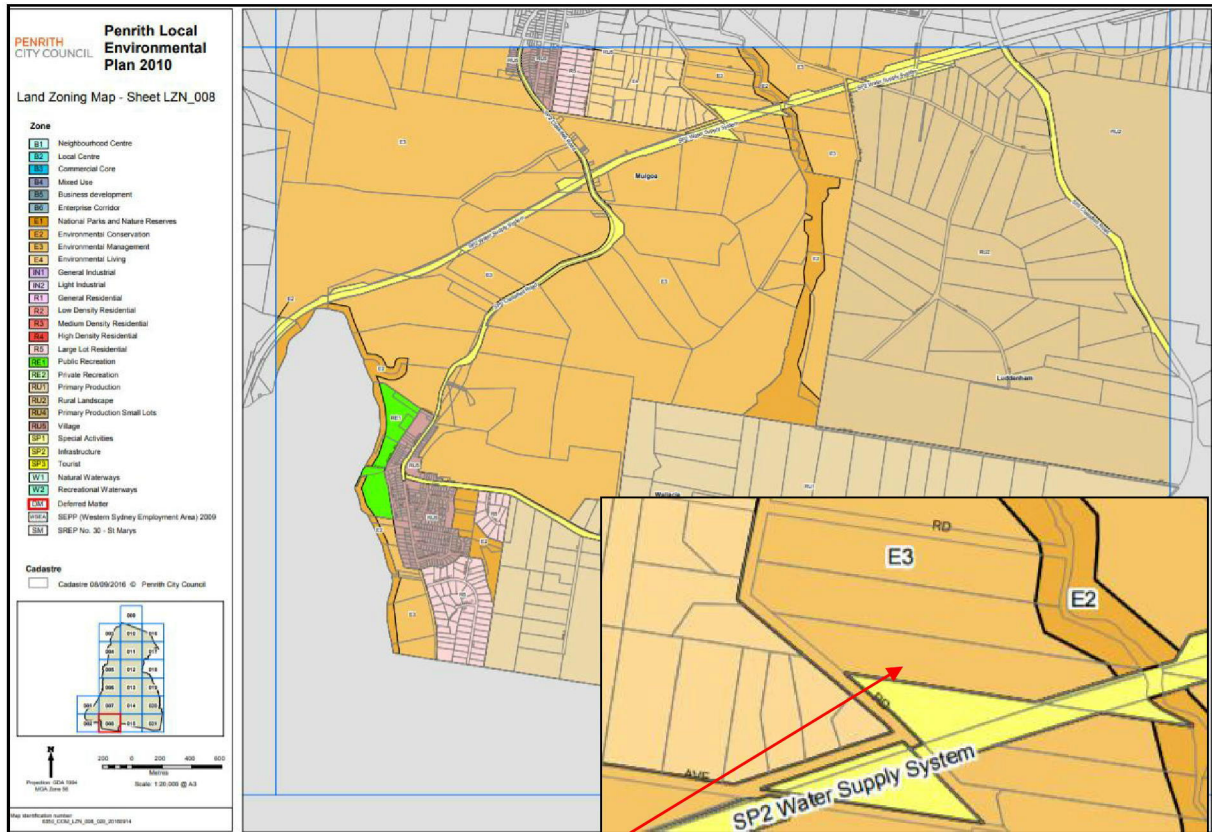
Refer to the locality map below.



Subject Site

2.3 Zoning

The site is zoned **E2 – Environmental Conservation** and **E3 – Environmental Management** under the Penrith Local Environmental Plan 2010.



Subject Site

3.0 EXISTING DEVELOPMENT

3.1 Subject Site and Characteristics

The site is regular in shape and has an area of approximately 3.844 ha.

Most of the site is slopes towards the south east, and the watercourse at the rear of the property. The site contains minimal vegetation.

The front section slopes towards Farm Road.

The site currently contains a manufactured style building which is used as a dwelling, and the former dwelling and older outbuildings located at the front of the site.

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



Subject Site



Existing Structure (proposed Dwelling, subject to application)



Dilapidated former dwelling and Outbuildings, to be demolished



Dilapidated Outbuilding, to be demolished



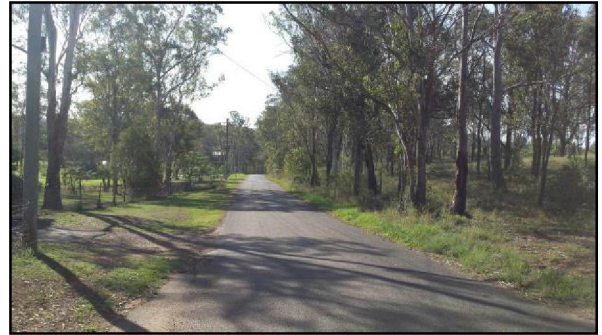
Access Driveway from Farm Rd

3.2 Neighborhood Character

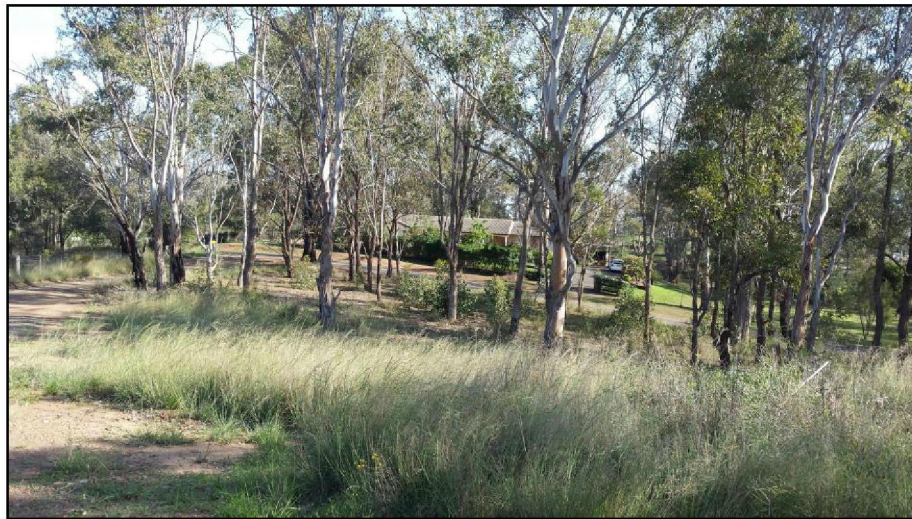
The surrounding development is characterized by rural residential uses, involving dwellings and outbuildings. Refer to the photos below.



Farm Rd Streetscape – South-East



Farm Rd Streetscape – North West



Adjoining Development Opposite

4.0 PROPOSED DEVELOPMENT

4.1 Details of the Proposed Development

The development entails:

- Demolition of Existing Dilapidated former dwelling and Outbuildings
- Use of the Existing Structure as Proposed Dwelling (retrospective)

Demolition of Existing Outbuilding

The development includes the demolition of the existing dilapidated former dwelling and outbuildings located in the front portion of the site.

The structure was previously used as a dwelling, with associated outbuildings in proximity. These buildings are in disrepair and are no longer habitable or useable.

The structure is constructed of fibre cement wall cladding and tiled roof on a concrete slab. The outbuildings are constructed of steel cladding and roofing.

The structure has an area of approximately 120m².

The buildings will be demolished by a licensed contractor and material be disposed of at appropriate facilities.

Refer to photos in Section 3.1.

Proposed Use of Existing Structure Dwelling

The development includes the use of the existing structure (Manufactured Home) as a dwelling with an attached carport. The structure is defined as a dwelling.

The proposed dwelling is located in the middle of the site adjacent to the southern property boundary.

The proposed dwelling will retain the following setbacks:

- Front: 180m
- Side: 8m
- Rear: 144m (approx.)

The proposed dwelling contains the following areas:

- Verandah
- Bedroom x3
- Kitchen
- Living
- Laundry
- Bathroom
- Store

The dwelling has a floor area of 120m² and a height of 2.8m from natural ground.

The dwelling has a mixture of timber and steel frame construction, Mini-Orb Colorbond steel cladding and Colorbond roof sheeting.

No trees are proposed to be removed.

The dwelling is connected to the existing aeriated waste water system currently on site.

The dwelling is serviced by the existing access driveway from Farm Road.

The dwelling is connected to the existing electricity supply for the site.

The proposed dwelling is a manufactured home and does not require a BASIX certificate.

Refer to photos below.



Existing Dwelling and car port



Location of Dwelling

The application is accompanied by the following documents and report:

- Plans of the dwelling and carport
- On site Wastewater Management Report
- Structural Engineers Report
- Bushfire Assessment Report
- Waste Management Plan

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 **E2 – Environmental Conservation** and **E3 – Environmental Management** under the Penrith LEP and the following provisions of the plan apply.

Permissibility –Dwellings are permissible with consent in the E2 and E3 Zone under Penrith LEP 2010.

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The dwelling is located on the part of the site that is zoned E3.

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.*

E3 – Environmental Management

Primary Matters	Comment
<ul style="list-style-type: none"> <li data-bbox="197 674 740 775">• <i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values</i> <li data-bbox="197 958 724 1059">• <i>To provide for a limited range of development that does not have an adverse effect on those values.</i> <li data-bbox="197 1137 751 1238">• <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i> <li data-bbox="197 1279 751 1417">• <i>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.</i> <li data-bbox="197 1458 740 1559">• <i>To preserve and improve natural resources through appropriate land management practices.</i> 	<p data-bbox="791 674 1378 775">The location of the dwelling is on a cleared area of the site with no special ecological, scientific or cultural or aesthetic values.</p> <p data-bbox="791 781 1378 920">The proposed development will not destroy or damage any special ecological, scientific or cultural or aesthetic values on the site which are located along the creek.</p> <p data-bbox="791 958 1378 1059">The proposed residential use does not impact on the special ecological, scientific or cultural or aesthetic values of the site and area.</p> <p data-bbox="791 1137 1378 1238">The proposed development is consistent with surrounding land uses being mainly dwellings and outbuildings.</p> <p data-bbox="791 1279 1378 1417">The development is considered compatible with the environmental capabilities of the land and will not increase demand for public services or facilities.</p> <p data-bbox="791 1458 1378 1671">The proposed development will preserve and improve natural resources through utilising the existing structure as a dwelling as well as demolishing and removing the existing dilapidated structure and outbuildings currently on site.</p>

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 dwelling has a height of 2.8m.
4.4 - 4.6	<i>Floor Space Ratio</i>	No FSR specified for the development site.
Part 5 Miscellaneous Provisions		
5.1-5.1A	<i>Relevant Acquisition Authority</i>	The land is not subject to any acquisition purpose.
5.2	<i>Classification and Reclassification of Public Land</i>	Not Applicable.
5.3	<i>Development Near Zone Boundaries</i>	The development does not seek any flexibility in zone boundaries.
5.4	<i>Controls relating to Miscellaneous Uses</i>	Not Applicable.
5.5	<i>Development within Coastal Zone</i>	(Repealed)
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 or surrounding the subject property.
5.11	<i>Bushfire Hazard Reduction</i>	The proposed development is located on bushfire prone land – Vegetation Category 2. A bushfire assessment accompanies this application. The assessment concludes that there is no hazard to the proposed dwelling due to its location being well removed from the surrounding vegetation.
5.12 – 5.15		Not Applicable.
Part 6 Urban Release Areas		
	<i>Urban release areas</i>	The land is not within an urban release area.
Part 7 Additional Local Provisions		
7.1	<i>Earthworks</i>	No Earthworks proposed as part of this application.
7.2	<i>Flood planning</i>	The site is not identified as ‘Flood Planning Land’ on the Clause Application Map of the PLEP. The land is identified as being affected by Flood Flows under the Penrith Overland Flow Flood “Overview Study” However, the above Flood Flows are shown to be located at the rear of the site, well removed from the location of the dwelling. The proposed development is not considered to be affected by flooding due to its location on site which is above the area affected by flooding. Refer extract from the Penrith Overland Flow Flood “Overview Study” below.
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 meets the principles of sustainable development.
7.5	<i>Protection of scenic character and landscape values</i>	The site is identified as ‘Land with scenic and landscape values’ on the PLEP Scenic and Landscape Values Map. The Land is identified as being Scenic and Landscape Values. The proposed development will not negatively impact on the scenic character or landscape value of the land given the small scale of the building and the location away from

		any main ridge or high point of the site.
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 services available to the site and existing sewerage system 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>	Not Applicable. The proposed development is for the use of the existing structure as a dwelling and demolition of the existing dilapidated structure and outbuildings.
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 proposed development and the use of the existing structure as a dwelling.

Provision	Comment
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 proposed use of the existing structure as a dwelling will not impact on biodiversity or natural systems.
Principle 4: Enable communities to minimise their ecological footprint.	The proposal involves no tree removal or additional construction.
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	
<i>C1.1 Site Planning</i>	
<i>1.1.2 Key Areas with Scenic and Landscape Values.</i>	The site has been identified on the Penrith LEP 2010 Scenic and Landscape Values Map. The proposed development will not negatively impact on the scenic character or landscape value of the land given the small scale of the building and the location away from any main ridge or high

Provision	Comment
	point of the site.
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>	The proposed development includes the use of the existing structure as a dwelling. The dwelling is in a manufactured home and therefore a BASIX certificate is not required.
<i>1.2.3. Building Form - Height, Bulk and Scale</i>	<p>The proposed dwelling retains the existing height of the structure being 2.8m</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>
<i>1.2.4. Responding to the Site's Topography and Landform</i>	The proposed development is located and oriented to minimise the potential for drainage issues.
<i>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</i>	The proposed use of the existing structure as a dwelling incorporates safety and security measures.
<i>1.2.6 Maximising Access and Adaptability</i>	<p>The proposed use of the existing structure as a dwelling will be serviced by the existing access driveway.</p> <p>The structure is of a single storey design.</p>
C2 Vegetation Management	
	No vegetation is proposed for removal as part of the application.
C3 Water Management	
<i>3.1 The Water Cycle/ Water Conservation</i>	Rain water will be directed to the roposed water tank.
<i>3.3 Watercourses, Wetlands, and Riparian Corridors</i>	The development will not impact on any watercourses given the distance from the watercourse along the rear boundary.

Provision	Comment
<i>3.5 Flood Planning</i>	The site is not identified as 'Flood Planning Land' on the Clause Application Map of the PLEP. The site is flood liable under the Penrith Overland Flood Study. The dwelling is located above the area identified as flood liable.
<i>3.6 Storm water Management and Drainage</i>	Rain water will be directed to the proposed water tank.
<i>3.8 Rainwater / Storage Tanks</i>	As Above.
C4 Land Management	
	No removal of vegetation is proposed.
C5 Waste Management	
	A waste management plan accompanies this application.
C6 Landscape Design	
	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>	The site contains existing car parking and access driveway that will be utilised. The proposed dwelling includes a 2-space carport.
C11 Subdivision	
	None proposed.
C12 Noise and Vibration	
	No impact on noise or vibration will occur from this proposed development.

Provision	Comment
C13 Infrastructure and Services	
	<p>The site contains existing provisions for electricity which will be utilised by the proposed development.</p> <p>Storm water disposal is connected to the proposed water tank.</p> <p>Effluent disposal for the proposed development will be connected to the existing system on site. (Refer to On-site Wastewater Management Report that accompanies the application)</p>
Part D – Rural Land Uses	
D1 Rural Land Uses	
<p><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></p>	<p>The site is zoned E2 – Environmental Conservation and E3 – Environmental Management, therefore this section of the Penrith DCP applies.</p>
1.1 Rural Character	
<p><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></p>	<p>The proposal is considered consistent with the rural residential character of the area.</p>
1.2 Rural Dwellings and Outbuildings	
1.2.1 Siting and Orientation of Dwellings	
<p>Site Planning</p> <p><i>a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</i></p> <p><i>i) Protecting the privacy of proposed and existing buildings;</i></p> <p><i>j) ii) Providing flood-free access to the dwelling and a flood free location for the dwelling itself;</i></p> <p><i>iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</i></p>	<p>The proposed dwelling is in close proximity to the existing development on site.</p> <p>The development does not impact on the privacy of the existing buildings on the surrounding properties.</p> <p>The proposed development is located above the area affected by flooding.</p> <p>The bushfire risk for the proposed development has been assessed and there is insignificant risk identified for the proposed dwelling, a bushfire</p>

Provision	Comment
<p><i>iv) Maximising solar access;</i></p> <p><i>v) Retaining as much of the existing vegetation as possible; and</i></p> <p><i>vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6)</i></p> <p><i>b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</i></p> <p><i>c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.</i></p>	<p>assessment accompanies this application.</p> <p>The proposed development includes windows that allow for maximised solar access.</p> <p>The existing vegetation will be retained on the site.</p> <p>The development requires no earthworks.</p> <p>The development will be accessed from the existing driveway. No additional fencing or landscaping is proposed.</p> <p>The proposed development is near the existing development on the site.</p>
<p><i>Landscape / Scenic Character</i></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 does not intrude into the skyline.</p> <p>The proposed development is not located on a ridgeline or peak.</p> <p>No screening is proposed. All existing vegetation is to be retained.</p> <p>No new roads are proposed.</p> <p>The roofline of the is simple with provisions to drain stormwater.</p> <p>A simple roofline is included with the proposed dwelling and 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 retains the existing setback of the structure which is 180m from the front boundary.</p> <p>The development location complies with this requirement.</p> <p>Farm 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</i></p>	<p>Not applicable</p> <p>Not applicable.</p> <p>The development is setback more than 40m from the watercourse (Mulgoa Creek) located along the</p>

Provision	Comment
<i>dwelling and outbuildings to minimise impacts on the watercourse.</i>	rear boundary.
<p>Building Separations and Side Boundary Setbacks</p> <p><i>a) Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.</i></p> <p><i>b) The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.</i></p> <p><i>c) The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.</i></p> <p><i>d) Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings</i></p>	<p>The proposed dwelling has a 111m (approx.) separation from the dwelling on the adjoining property.</p> <p>The site is 3.844ha. The proposed use of the existing structure as a dwelling will retain the side setback of 8m.</p> <p>Refer to request for variation and justification below.</p> <p>Not Applicable.</p> <p>The proposed development is in close proximity to the existing shed on site which is not considered to generate significant noise. There are no other developments surrounding the proposed development.</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</i></p>	<p>The total ground floor footprint of the proposed dwelling = 208m².</p> <p>The proposed dwelling has a maximum dimension of 17.6m at any one point.</p> <p>Not Applicable.</p>

Provision	Comment
<p>storey is to be 70% of the floor space of the lower storey of the dwelling.</p> <p>d) No more than three (3) undercover car parking spaces can face towards a public road or place. Any additional garages should be setback behind the building line and screened.</p> <p>e) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in sections 1.4 and 1.5 of this Chapter.</p>	<p>The proposed dwelling includes a 2-car carport.</p> <p>Existing Ground Floor Footprint: 268m² excl. existing buildings to be demolished.</p>
<p>1.2.4 Height, Scale and Design</p>	
<p>Height and Scale</p>	
<p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p>	<p>The proposed dwelling is single storey only.</p> <p>As Above.</p> <p>The proposed dwelling does not exceed 8m above natural ground level.</p>
<p>Design and Quality</p>	
<p>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</p> <p>b) Fencing is to be of an open rural nature consistent in style with that normally found in rural areas. Internal courtyard fencing or entry fencing should be sensitive to the rural environment.</p>	<p>The design of the development has been considered in the context of existing development on the site and the surrounding rural residential context.</p> <p>No additional fencing is proposed.</p>
<p>1.2.5. Dual Occupancy Dwellings</p>	
	<p>Not Applicable.</p>
<p>1.2.6. Secondary Dwellings</p>	
	<p>Not Applicable.</p>

Provision	Comment
1.2.7. Materials and Colours	
<p>a) Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.</p> <p>b) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.</p> <p>c) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.</p>	<p>The proposed dwelling has external finishes that are consistent with natural surroundings and are non-reflective.</p> <p>Not Applicable. No reflective surfaced materials have been used.</p> <p>Not Applicable</p>
1.2.8. Land in the Vicinity of Proposed Second Sydney Airport	Not Applicable.

5.3 Justification of Variation to the Penrith DCP Provisions

Part D – D1 Rural Land Uses - 1.2.2 Setbacks and building Separations

The variation relates to the provisions for **Minimum Side Setbacks**.

The proposed development involves the use of the existing structure as a dwelling.

The site has an area of 3.844ha and the provision for side setbacks is:

The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.

The existing structure has a side setback of 8m which will be retained.

The objectives of the Control are to:

- To maintain sight distances for vehicular safety; and

Comment: Not Applicable. The variation relates to the side setback provision and will not impact upon sight distances for vehicles.

- To preserve trees and other vegetation and provide adequate areas for landscaping.

Comment: The proposal involves no tree removal or removal of any vegetation. The site contains adequate areas for landscaping which will remain unchanged.

The setback adjoins the water pipeline and has no impact on privacy of the adjoining lot to the south.

The proposed development's minimum side setback, while not meeting the numerical requirements of the provision, still achieves the objectives planning of the control is appropriate given the characteristics of the site.

It is submitted that the departure from DCP requirement is minor being 2m and is justified and worthy of Councils support.

5.4 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.

5.5 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 proposed use of the existing structure as a dwelling and demolition of the dilapidated dwelling and outbuildings on an appropriate lot in a rural residential area, is an appropriate and consistent with the existing context and setting of the locality 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 is sited to have minimal impact on the streetscape.</p> <p>The appearance is compatible with existing development on and surrounding the 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 Farm 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 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:

Primary Matters	Comment
<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 site has no attributes that has any impact or restriction on the proposed 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.

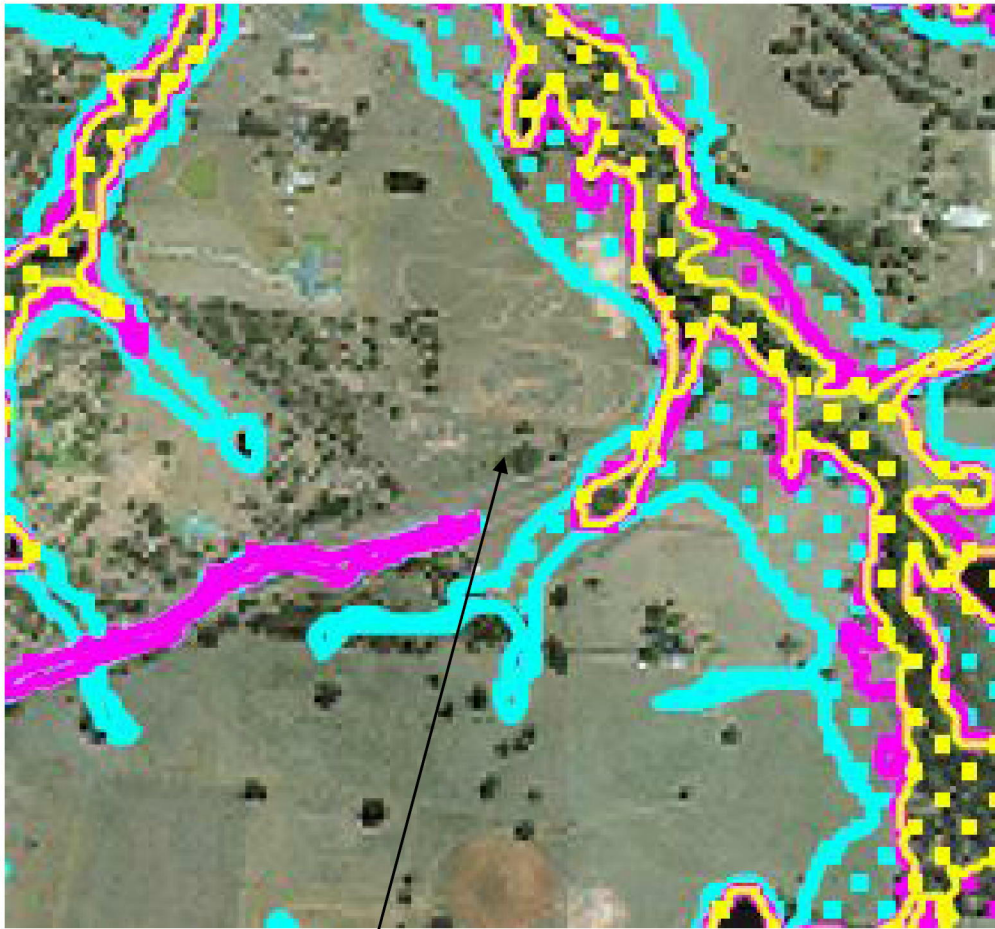
The proposal is consistent with the provisions of the Environmental Planning and Assessment Act and Penrith Local Environmental Plan 2010.

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

A variation regarding the side setbacks has been requested and justified in this case.

The application is submitted for Council approval.

ATTACHMENTS



Location of dwelling

Penrith Overland Flow Flood "Overview Study"

-  PMF Hazard
-  100 Year ARI Flood Hazard
-  20 Year ARI Flood Hazard
-  Excluded Areas
Including 100 Year ARI Flood Extent
for Nepean River and South Creek