

Statement of Environmental effects

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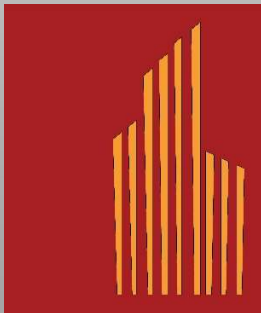
Development Application

**Proposed Construction of a Two storey dwelling, Secondary dwelling,
Ancillary Structures and Associated Site Works**

264-270 Mt Vernon Road, Mount Vernon

(Lot 1 DP 1246952)

UNIVERSAL PROPERTY GROUP P/L



Trading as Bathla Group
ABN 98 078 297 748

PO Box 270
Wentworthville NSW 2145
P 02 9636 2465
F 02 9688 4762
info@bathla.com.au

Prepared and published by:

Universal Property Group Pty Ltd

PO Box 270

Wentworthville NSW 2145

ABN 98 078 297 748

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Universal Property Group Pty Ltd to accompany a development application involving the Construction of a Two Storey Dwelling House with a Secondary Dwelling, Construction of Ancillary Structures, Stormwater drainage, Demolition of Existing Structures and associated site works at 264-270 Mt Vernon Road, Mount Vernon (Lot 1 DP 1246952)

The proposed development is permissible and generally consistent with the provisions of the State and Local Environmental Planning Instruments as well as the Local Development Control Plans. This Statement of Environmental Effects (SEE) will address the proposal in the context of the applicable planning legislation and policy:

- Penrith Local Environmental Plan 2010 (PLEP2010) and
- Penrith Development Control Plan 2014 (Penrith DCP 2014)

Pre-DA meeting (PL21/0041) was conducted on 23rd July, 2021 with The Penrith City Council seeking advice regards to the proposal. The proposal has been designed considering the advice received from the council complying with the principal development standards depicted in relevant legislation and policies. The purpose of this SEE is to provide Council with the relevant information necessary to assess and determine the application for the proposed subdivision development. Additionally, this SEE is to be read in conjunction with the following associated documents and plans prepared as a part of this application as well as:

- Aboriginal Archaeological Due Diligence Assessment (by Dominic Steele Consulting Archaeology)
- Bush Fire Assessment Report (by TBE Environmental Pty Ltd)
- Biodiversity Assessment Report (by TBE Environmental Pty Ltd)
- Contamination Site Investigation Report (by Geotesta)
- Geotechnical Site Investigation Report (by Geotesta)
- Dam Dewatering Report (by Geotesta)
- Arborist Report (by Advanced Treescape Consulting)
- Architectural Site and Layout Plan (by Popov Bass)
- Engineering Plans (by JW Prince)
- Survey Plan
- Landscape Drawings by (Place Design Group)
- Soil and Site Assessment for Onsite Wastewater Disposal (by Harris Environmental Consulting)
- Waste Management Plan
- Completed DA form, checklists and owners' consent.

2 SITE LOCATION

2.1 Site Context

The subject site is described as Lot 1 DP 1246952 and is known as 264-270 Mount Vernon Road, Mount Vernon covers land bounded by a precinct including:

- Mount Vernon Road to the north, northwest;
- Elizabeth Drive to the south;
- Mamre Road to the west; and
- Duff Road to the east.

The immediate locality of the subject site is characterized by low density rural holdings involving land areas of one, two and five hectares. (Refer to Figure 1)

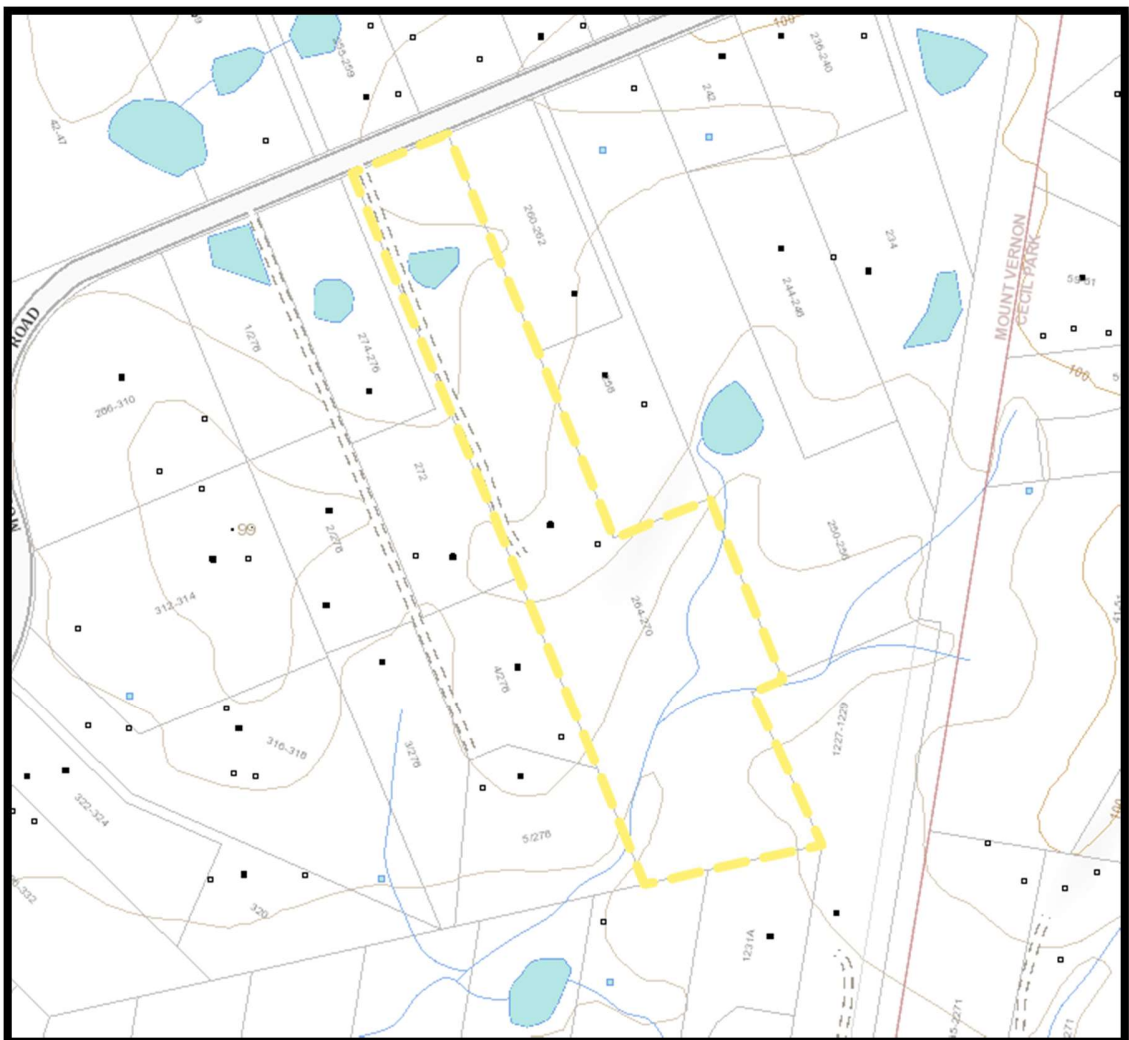


Figure 1: Locality Map (Source: Google Maps)

2.2 Existing Site and Vegetation

The site is bordered by rural residential allotments with access either from Mount Vernon Road or blocks with frontage to Elizabeth Drive



Figure 2: Aerial View of subject site (Source: SIX Maps online)

The front portions of the site adjoining Mount Vernon Road is generally cleared of trees and covered with grass, scattered trees and shrubs surround the dwelling located at the centre of the site. The rear third of the site contains a riparian corridor with Cumberland Plain Woodland (CPW) and an electricity transmission easement.

The site is also occupied by a single storey dwelling.

The ground floor of the proposed dwelling comprises one bedroom, formal and casual living/dining spaces, guest bedrooms, kitchen and laundry areas. See Figure 4.



Figure 4 Ground Floor Plan.

As shown in figure 5, four (4) bedrooms have been provided on Level 1.



Figure 5 Level 1 Plan

At the basement level, a car park, office, gym, indoor swimming pool, a cinema and sauna have been proposed. See figure 6 below.

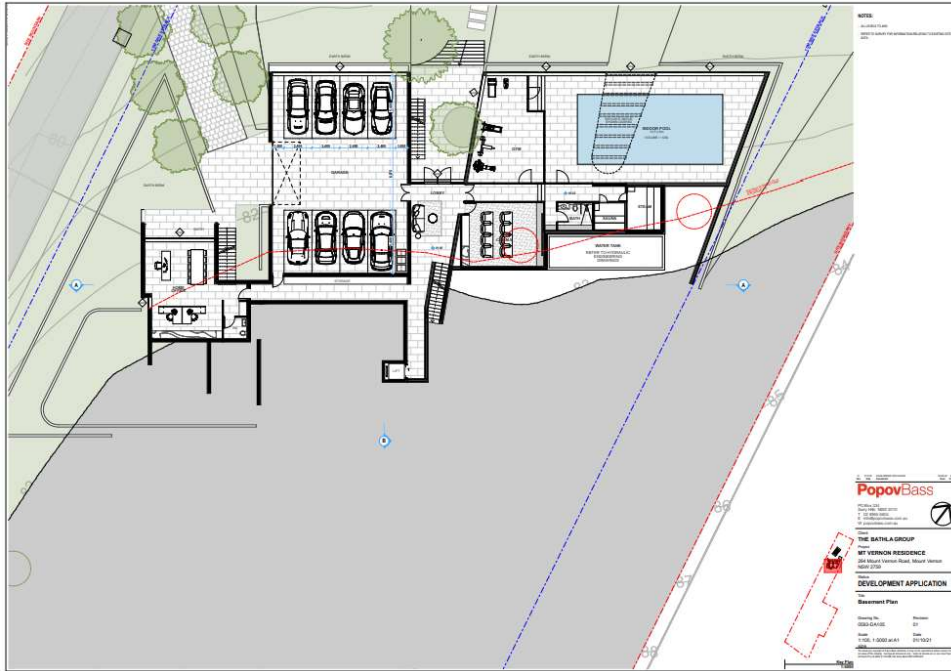


Figure 6 Basement Plan

The development takes into consideration the topography of the site in order to achieve a desirable outcome. Outbuildings (the pavilion) and the secondary dwelling (staff quarters) are located at the base of the gully at the front of the site and designed as single storey structures to nestle within the landscape. See Figure 7,



Figure 7 Elevations

The proposed development also includes the demolition and removal of all existing structures, and the identified trees. Accompanying this application is a Demolition and Waste Management Plan (WMP) which details the materials to be removed from the site as part of the demolition of structures.

However, the Demolition works for the existing dwelling will only be carried out once the Occupation Certificate for the existing dwelling has been obtained.

4 PLANNING FRAMEWORK

The relevant environmental planning instruments and development controls plans are:

- Penrith Local Environmental Plan 2010 (PLEP2010) and
- Penrith Development Control Plan 2014 (Penrith DCP 2014)

4.1 Penrith LEP 2010

The subject site is located within Zone E4 “Environmental Living” under Penrith Local Environmental Plan 2010. An extract from which is included in Figure 8.

The objectives of zone E4 – Environmental Living are:-

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.

On the basis of the above comments and assessment of the objectives for the “E4” zone it is considered that the proposed residential development is a compatible form of land use with the zone objectives.

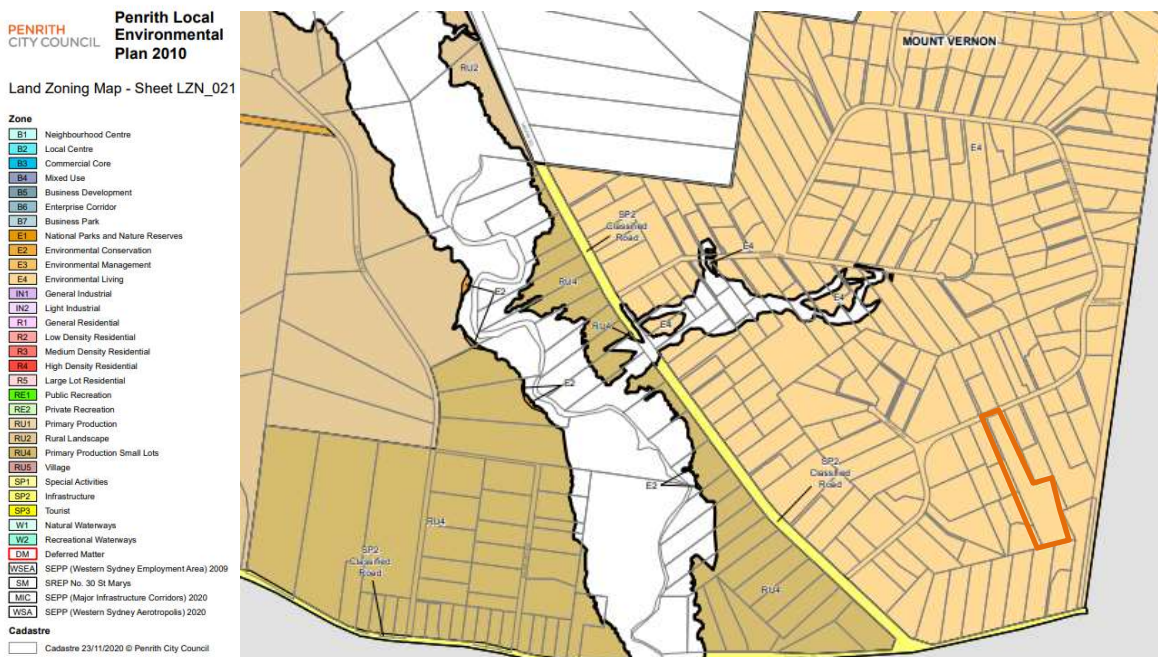


Figure 8: Zoning Map

4.2 Lot Size

The minimum lots size is determined within Penrith Local Environmental Plan 2010. The subject site is located within Y1 area which dictates a minimum allotment size of 1000m2.

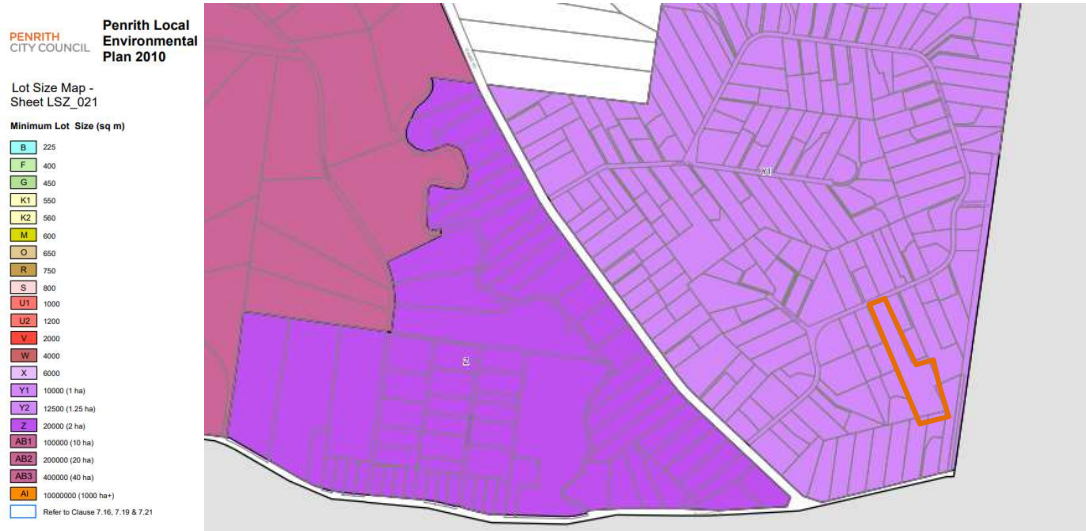
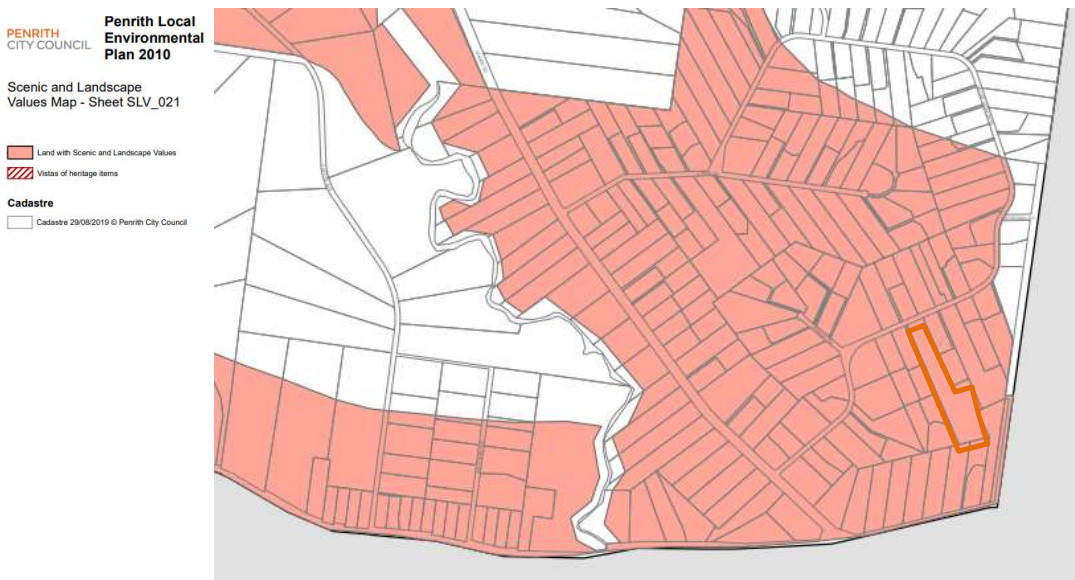


Figure 9: Lot Size Map

4.3 Protection of Scenic and Landscape Values

The subject site is located in an area identified as possessing scenic and landscape values and hence Clause 7.5 applies to the site. The objectives of the controls are:

- (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,
- (b) to ensure development in these areas is located and designed to minimise its visual impact.



The development takes into consideration the topography of the site in order to achieve a desirable outcome. Outbuildings (the pavilion) and the secondary dwelling (staff quarters) are located at the base of the gully at the front of the site and designed as single storey structures to nestle within the landscape.

The proposal terraces down the slope of the site to avoid any significant erosion to landscape and scenic values. The table below shows the compliance of the proposal with the relevant sections of the Penrith LEP.

PENRITH LOCAL ENVIRONMENT PLAN 201			
Clause	Requirement	Response	Complies
Part 2	Zone E4 Environmental Living		
	Permitted Uses: Dwelling House, Secondary Dwelling	The proposed development is for a dwelling house, secondary dwelling and outbuilding	Yes
5.4	Controls relating to miscellaneous permissible uses		
	(9) Secondary dwellings on land other than land in a rural zone If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—		
	(a) 60 square metres,		
	(b) 10% of the total floor area of the principal dwelling.	The proposed secondary dwelling is 86.6sqm which is less than 10% of the area of the dwelling house	Yes
7.1	(2) Development consent is required for earthworks unless—		
	(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or		
	(b) the work is ancillary to other development for which development consent has been given.	The earthworks form part of this Development Application	Yes
	(3) Before granting development consent for earthworks, the consent authority must consider the following matters—		
	(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Refer Civil engineer's drawings	Yes
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The proposal involves some cut and fill with limited amounts of fill being removed from the site making future remediation possible	Yes
	(c) the quality of the fill or the soil to be excavated, or both,	Refer geotechnical report	Yes
	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	Refer Civil engineers drawings and geotechnical report	Yes
	(e) the source of any fill material and the destination of any excavated material,	The proposal involves some cut and fill with limited amounts of fill being removed from the site.	Yes
	(f) the likelihood of disturbing relics,	It is unlikely that the site contains relics	Yes
	(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,	Refer hydraulic and civil engineers drawings	Yes
	(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	The development has been designed to step with the topography of the land reducing earthworks.	Yes
	(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	There are no heritage items in the vicinity	Yes
7.4	Sustainable development		
	In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach by considering each of the following—		
	(a) conserving energy and reducing carbon dioxide emissions,	The building is designed for passive heating and cooling. Solar panels will generate energy for the dwelling. The pool is heated but is located indoors to reduce the heat loss from the pool.	Yes

	(b) embodied energy in materials and building processes,	The building is predominately concrete and masonry structures. These materials are chosen for their thermal benefit, longevity and low maintenance benefits.	Yes
	(c) building design and orientation,	The building is designed to follow the contours of the site and be oriented in a northerly direction.	Yes
	(d) passive solar design and day lighting,	The dwellings have been designed to take advantage of a northerly aspect for solar access in winter and adequate shading in the summer months.	Yes
	(e) natural ventilation,	The dwelling house has an elongated form and building depth less than 18m. Windows with different orientations and deep indentations in the building ensure adequate ventilation to all rooms.	Yes
	(f) energy efficiency and conservation,	The proposal incorporates passive heating and cooling measures including optimal orientation, high thermal mass, sufficient insulation. Photovoltaic panels and rain water tanks will be installed.	
	(g) water conservation and water reuse,	The proposed dwelling has rainwater storage tanks	Yes
	(h) waste minimisation and recycling,	As a dwelling house the dwelling will utilise council waste and recycling services	Yes
	(i) reduction of vehicle dependence,	The Rural location and lack of public transport options requires users to have private vehicles to access the property.	Compliance not practical
	(j) potential for adaptive reuse.	The building is constructed of materials that will have a long life cycle. The potential to refit the building and upgrade is possible.	Yes
7.5	Protection of scenic character and landscape values		
	(1) The objectives of this clause are as follows—		
	(a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,		
	(b) to ensure development in these areas is located and designed to minimise its visual impact.	The building is located on the site well set back from the road. The street setback is similar to neighbouring properties. The primary dwelling is set on a slope. The basement level is concealed with landscaped berms to conceal the lowest level from the road and reduce the building mass. The building twists to follow the contour deep indents along its length to create a highly articulated form. The landscape treatment will further reduce the visual impact from the major road.	Yes
	(2) This clause applies to land identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.		
	(3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.	The proposed development has very large front setbacks that will be landscaped. The building is designed to sit into the hillside. Landscape berms conceal the basement levels and reduce the visual height of the development	Yes
7.6	Salinity		
	(1) The objectives of this clause are as follows—		
	(a) to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management,		
	(b) to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects.		
	(2) Development consent must not be granted to any development unless the consent authority has considered—		
	(a) whether or not the proposed development is likely to have an impact on salinity processes, and		
	(b) whether or not salinity is likely to have an impact on the proposed development, and		
	(c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).	Refer civil engineers and landscape drawings	Yes

7.7	Servicing		
	(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.		
	(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that—		
	(a) the development will be connected to a reticulated water supply, if required by the consent authority, and		Yes
	(b) the development will have adequate facilities for the removal and disposal of sewage, and	Sufficient land is available for effluent treatment.	Yes
	(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and		N/A
	(d) the need for public amenities or public services has been or will be met.	The proposal is for a dwelling house and does not include public amenities	N/A
	(4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.	Subdivision not proposed	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones		
	(1) The objective of this clause is to ensure that effluent generated by dual occupancies or secondary dwellings is managed on site to protect waterways and the amenity of adjoining lots.		
	(2) This clause applies to land in the following zones that is not connected to a sewage reticulation system—		
	(a) Zone RU1 Primary Production,		
	(b) Zone RU2 Rural Landscape,		
	(c) Zone RU4 Primary Production Small Lots,		
	(d) Zone E3 Environmental Management,		
	(e) Zone E4 Environmental Living.		
	(3) Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.	Site exceeds 2Ha	Yes
	(4) Development consent must not be granted for a secondary dwelling on a lot to which this clause applies unless the lot has an area of at least 2 hectares or it can be demonstrated that the existing on-site effluent disposal system has sufficient capacity for the secondary dwelling.		Yes
	(5) Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.	Proposal is for a dwelling house and secondary dwelling	Yes
	(6) Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title.	Subdivision not proposed	N/A

4.4 Penrith Development Control Plan

The subject site is covered primarily by Section D1 of the Penrith Development Control Plan 2014. The following controls are relevant to this application:

D1 Rural Land Uses		Commentary
1.2.1. Siting and Orientation of Dwellings		
1) Siting Objectives		
a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:	i) Protecting the privacy of proposed and existing buildings;	The Building is setback from the road and neighbouring properties. The dwelling has been designed to face north and look over the subject property protecting privacy of neighbours
	ii) Providing flood-free access to the dwelling and a flood-free location for the dwelling itself;	The access driveway has been designed to take into account flood events
	iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;	The proposed location of the main dwelling and staff quarters has been the subject of Bushfire analysis undertaken by Travers Bushfire & Ecology. The position of the dwelling and associated APZ areas has been the subject of rigorous analysis.
	iv) Maximising solar access;	All primary living areas and outdoors spaces have a northerly aspect
	v) Retaining as much of the existing vegetation as possible; and	The maximum amount of vegetation has been retained; the siting of the dwelling has been in response to the work completed by Travers Bushfire & Ecology in supporting documentation that accompany this application. The work undertaken, retains and enhances the Riparian Corridor that dissects the southern portion of the site. Likewise the Effluent Disposal Areas (EDA) utilise portions of the site presently devoid of trees.

	vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).	The proposed dwelling is located in an area of the site that has a slope of approximately 1:8
b) The design of the development must consider all components including fencing, outbuildings, drive ways and landscaping		The proposed dwelling and staff quarters have been carefully integrated into the landscape both through detailed site planning as well as the overall architecture of the buildings. Prior to any design work being completed the constraints of the site were fully investigated.
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.		The development takes into consideration the topography of the site in order to achieve a desirable outcome. Outbuildings (the pavilion) and the secondary dwelling (staff quarters) are located at the base of the gully at the front of the site and designed as single storey structures to nestle within the landscape. The proposal terraces down the slope of the site to avoid any significant erosion to landscape and scenic values. The terraced nature of the house significantly reduces its bulk and scale. The primary roofline aligns with the peak of the hill beyond, and all ancillary development is located in the gully in between earth berms to reduce the perceived scale of the development.
2) Landscape / Scenic Character		
	a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.	The proposed dwelling and staff quarters have been sited and scaled to ensure that each does not intrude into the skyline.
	b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible	The proposed dwelling and staff quarters are located below the ridgelines

	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.	This objective has been fulfilled as far as possible.
	d) Roads should be designed and located to run with the contours of the land.	N/A
	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.	The dwelling has a simple flat roof that extends over the levels below. The building form is visually broken into several distinct forms that twist to follow the topography of the site
	f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.	Minimal gutters and down pipes are proposed in order to avoid the accumulation of fuel litter.
1.2.2. Setbacks and Building Separations		
1) Setbacks from Roads		
	a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.	The plans demonstrate compliance with these setbacks
	b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.	The plans demonstrate compliance with these setbacks
	c) A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham).	This provision of the Controls is not applicable to the subject application.
	d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).	This provision of the Controls is not applicable to the subject application.

2) Setbacks from Watercourses		
	a) A minimum setback of 100m is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.	This provision of the Controls is not applicable to the subject application.
	b) A minimum setback of 75m is required from South Creek for all dwellings and outbuildings	This provision of the Controls is not applicable to the subject application.
	c) A minimum setback of 40m is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.	The riparian corridor and the top of bank has been determined by Travers Bushfire & Ecology. The proposed dwelling and staff quarters are located greater than 40m from the top bank. Effluent Disposal Areas, including subsurface and spray areas are also located outside the 40metre setback required by the NSW Office of Water to the natural watercourse.
3) Building Separations and Side Boundary Setbacks		
	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.	The proposed dwelling and staff quarters have been so located on site to ensure that privacy to adjoining properties are protected and not compromised.
	b) The minimum side setback for dwellings is 10m where the allotment is 2 hectares or larger	The plans demonstrate compliance with these setbacks
	c) The minimum side setback for dwellings is 5m where the allotment is less than 2 hectares.	This provision of the Controls is not applicable to the subject application.

	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.	The residential use proposed is not a noise generating activity
1.2.3 Site Coverage, Bulk and Massing		
	1) Dwellings shall have a maximum ground floor footprint of 500m ² (including any undercover car parking areas). Note: 'Ground floor footprint' is the area measured from the external face of any wall of any dwelling, outbuilding (other than a farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed.	The proposed dwelling and staff quarters have ground floor footprints of less than 500m ² .
	2) Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.	The area diagrams demonstrate compliance with footprint and floor space requirements. Due to the complex geometry of the house its overall length is generally around the 45m zone but varies depending on where it is measured from. Refer to the dimensions on the footprint diagram. The depth of the dwelling also varies but remains below 36m deep.
	3) The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.	The upper levels of each dwelling are all less than 70% of the ground floor storey.
	4) No more than three (3) undercover car parking spaces shall face towards a public road or place. Any additional garages	All car parking is behind the building line, with all resident parking being contained beneath the building

	shall be setback behind the building line and screened	
	5) 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 other parts of this chapter.	The area diagrams demonstrate compliance with footprint and floor space requirements.
1.2.4 Height, Scale and Design		
1) Height and Scale		
	a) Dwellings shall be no more than two storeys in height, including garage and storage areas.	Due to the topography of the site, a slight variation is required in order to achieve a compromise between facilitating access between all storeys, the cut and fill requirements. The dwelling is 1-2 storeys except where circulation to the lift core which must link all levels is required (i.e. the back of the basement floor). This is to avoid having multiple lift and stair cores throughout the house, which would be an undesirable outcome. We assert this small concession is necessary to achieve a good design outcome in terms of access to all levels. This is has also been considered in conjunction with the maximum cut and fill requirements and as such the dwelling has been designed to minimise non-compliances while avoiding the need for multiple circulation cores.
	b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.	

		The use of earth berms and green roofs reduces the visual impact of the basement level and as such the dwelling is perceived as a two-storey structure from the public domain.
	<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>d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1m above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7.</p>	The building has been designed to step with the topography of the site and reduce cut and fill. However, there is an area at the rear of the basement that the cut exceed 1m. This is generally in the vicinity of the access stair and lift that goes to the upper levels. Refer to basement plan. This area is quite small relative to the development and will not be visible when viewed from the surrounding site. A distinguishing feature of the building is the landscape berms that conceal much of the basement level from the road and public domain. These berms will ensure the building sits comfortably in the landscape setting. The fill in these berms exceeds 1m. These berms are purely for landscape uses and are not part of the building structure.
2) Design and Quality	a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.	The proposed dwelling is themed as "Rural Pavilion" and is a light open structure.

	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	The fencing for the non-road boundaries will be open wire fencing in keeping with the rural location. The street fence is a stepping form following the ground levels that incorporates stone walls and landscaping. This front fence creates a sense of arrival for the property but uses materials that are consistent with the landscape rural setting of the area
1.2.7. Materials and Colours	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.	The building is generally constructed of concrete masonry and timber cladding. The basement levels are concealed with landscape berms. The upper level features an articulated timber screen to reduce the visibility of the north facing glazing
	2) 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.	The visibility of the glazed areas on the upper level are reduced by screens. The terraces and landscape berms at the lower level minimise the visual impact of the north facing glazing
	3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.	This provision of the Controls is not applicable to the subject application

5 ENVIRONMENTAL PLANNING ASSESSMENT

5.1 Site Investigation and Contamination

Geotesta was engaged by Bathla Group to conduct a Stage 1 Preliminary Investigation (stage 1 PI) on the property. The Stage 1 PI is a review of current and historical activities on the site and an assessment of the potential risk of soil/groundwater contamination existing on the land. In accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, the site is considered to have a Low Risk of soil and groundwater contamination. The site is considered suitable for the proposed development and no further assessment work is considered necessary. Based on the scope of works conducted the following conclusions can be made:

- the site history, desk study and inspection indicates past activities on the site have a very low potential for environmental impacts on the soil and groundwater; and
- in accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, no further investigations are required; and
- the site is suitable for the proposed use. No further environmental investigation works are considered necessary (including a Stage 2 Detail Investigation).

5.2 Natural Resource Access Regulator

Since, the proposed development is for partly Bushfire prone land, it has been categorised as an 'Integrated Development' by the Council. A Bushfire Assessment Report has been prepared and submitted as a part of this application, for the referral to NSW Rural Fire Service by the Penrith Council.

5.3 Sewerage and Water Services

Town Water is available to the site and will be reticulated to each proposed dwelling from the main that runs along the frontage of the property in Mount Vernon Road.

5.4 Electricity and Telecommunication Supply

Electricity and telecommunication services are available to the site along Mount Vernon Road. The services will be connected to the proposed subdivision site in accordance with the Authority requirements

6 SECTION 4.15C ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Section 4.15C of the Environmental Planning & Assessment Act 1979 contains the broadheads of consideration related to the assessment of development proposals.

This section undertakes an assessment of the proposal in the context of the heads of the consideration set out in Section 4.15C (1) of the Environmental Planning and Assessment Act as follows:-

- (a) *the provisions of—*
- (i) *any environmental planning instrument, and*
 - (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - (iii) *any development control plan, and*
 - (iv) *any matters prescribed by the regulations, that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Consideration of these matters is undertaken below:

6.1 State Environmental Planning Policy 55 – Remediation of Land

Geotesta was engaged by Bathla Group to conduct a Stage 1 Preliminary Investigation (stage 1 PI) on the property. The Stage 1 PI is a review of current and historical activities on the site and an assessment of the potential risk of soil/groundwater contamination existing on the land. In accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, the site is considered to have a Low Risk of soil and groundwater contamination. The site is considered suitable for the proposed development and no further assessment work is considered necessary. Based on the scope of works conducted the following conclusions can be made:

- the site history, desk study and inspection indicates past activities on the site have a very low potential for environmental impacts on the soil and groundwater; and
- in accordance with the Department of Urban Affairs and Planning and Environment Protection Authority Managing Land Contamination: Planning Guidelines, State Environmental Planning Policy No. 55—Remediation of Land 1998, no further investigations are required; and
- the site is suitable for the proposed use. No further environmental investigation works are considered necessary (including a Stage 2 Detail Investigation).

6.2 Likely Impacts of the Development on the Natural Environment {S79C (1) (b)}

The proposed development is unlikely to detrimentally impact the natural environment based on the detailed assessment undertaken and the conservation measures that have been put into place to preserve and enhance the Riparian Corridor.

6.3 Likely Impacts of the Development on the Built Environment {S79C (1) (b)}

The proposed development will contribute positively to the built environment of the location. The extensive landscape design overlay proposed will result in a positive built form.

6.5 Suitability of the site

The proposed development is to take place within an area designated for new rural residential development. The infrastructure related to the development is planned and guarantees successful design of the rural dwelling proposed.

6.6 The Public Interest

The proposed development will not impact on the public interest; it is a residential development on a site zoned for residential purpose of the type included in this application. Impacts on adjoining land will be minimal and in keeping with rural development the proposed built form reinforces the underlying zoning objectives.

6 CONCLUSION

To conclude, it is believed that the proposed Construction of a two storey dwelling and Secondary dwelling, is an appropriate and compatible form of development when assessed under headings of consideration of Section 4.15 (former Section 79C) of the Environmental Planning and Assessment Act 1979.

We believe the proposed development satisfies the general guidelines and recommendations contained in the Penrith Local Environmental Plan 2010 (PLEP2010) and Penrith Development Control Plan 2014 (Penrith DCP 2014) and general planning policies. Based upon the above submission and the Development Plans submitted it is recommended that Penrith City Council approve the proposed subdivision application.

Universal Property Group

November 2021