

STATEMENT OF ENVIRONMENTAL EFFECTS

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New single storey dwelling with associated
pool to create a dual occupancy

Lot 4, DP 510842

232 - 252 Llandilo Rd, Berkshire Park

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared in support of an application proposing a single storey dwelling with associated pool to create a dual occupancy development at No. 232 - 252 Llandilo Rd, Berkshire Park.

GAT & Associates has been retained by Mr & Mrs Zammit to prepare a Statement of Environmental Effects to accompany the development application for Penrith City Council's consideration.

This Statement of Environmental Effects is based on information and details provided on the following plans prepared by Branvel Developments Pty. Ltd.:

- Job No.012/2011, Sheets 01 to 06 – Issue D, dated 22 August 2013.

In addition to the above, the following specialist reports and plans are submitted to accompany the development application:

- Landscape Plan prepared by Monaco Design Pty. Ltd, Sheet 1 of 1 dated 13 September 2013;
- Waste Water Report prepared by Harris Environmental Consulting dated August 2012; and
- BAL Risk Assessment report prepared by Bushfire Safety Solutions, dated August 2012

A previous development application was submitted for the site in September 2012 for a second dwelling to create a dual occupancy development. This application was refused by the Council in February of this year. The application before Council addresses these reasons for refusal as noted on the plans and as discussed within this Statement of Environmental Effects.

This Statement of Environmental Effects has been prepared in support of the proposed application. This report is based on the submitted plans, a site inspection and general knowledge of the site and locality, with the aim of:

- Assessing the proposal against relevant statutory controls.
- Determining whether the proposal is acceptable within the existing and likely future context of the area.
- Considering whether the proposal is acceptable within the broader planning controls.

- Addressing any likely environmental and external impacts (positive and negative).

The proposed residential development has been assessed in relation to:

- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2010;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004; and
- Section 79C of the Environmental Planning & Assessment Act, 1979.

2.0 SITE AND CONTEXT

The subject site is located on the south eastern side of the intersection of Llandilo Road and Sixth Road, Berkshire Park. The subject site is legally known as Lot 4 in Deposited Plan 510842.

Current improvements on the site include a modest single storey fibro cottage, metal shed and a pool. The site has a cross fall towards the Sixth Road frontage.

The subject site is irregular in shape, similar to a trapezoid with a frontage of approximately 218.53 metres to Llandilo Road and 148.85 metres to Sixth Road. The south eastern rear boundary measures approximately 200 metres. The total length of the south western side boundary is 50.8 metres. (Refer to Figure 1 – Site Location Map)

The site area is 20,250m².

The subject site is zoned RU4 Primary Production Small Lots under the provisions of the Penrith Local Environmental Plan 2010.

The site is located within an established rural residential area, which includes a range of rural related uses and a mixture of housing stock of varying height and scale.

Adjoining the site to the south west is a large single storey dwelling of a similar height and scale to that proposed by this development application. Immediately adjoining the site to the south east is a two storey dwelling.

Located immediately across the site from Llandilo Road are the Castlereagh Nature Reserve and Berkshire Park Recreational Ground.

Dwellings along Llandilo Road and the surrounding area are a mixture of single and two storeys in scale.

The site is not a heritage item nor is the site located within a heritage conservation area.

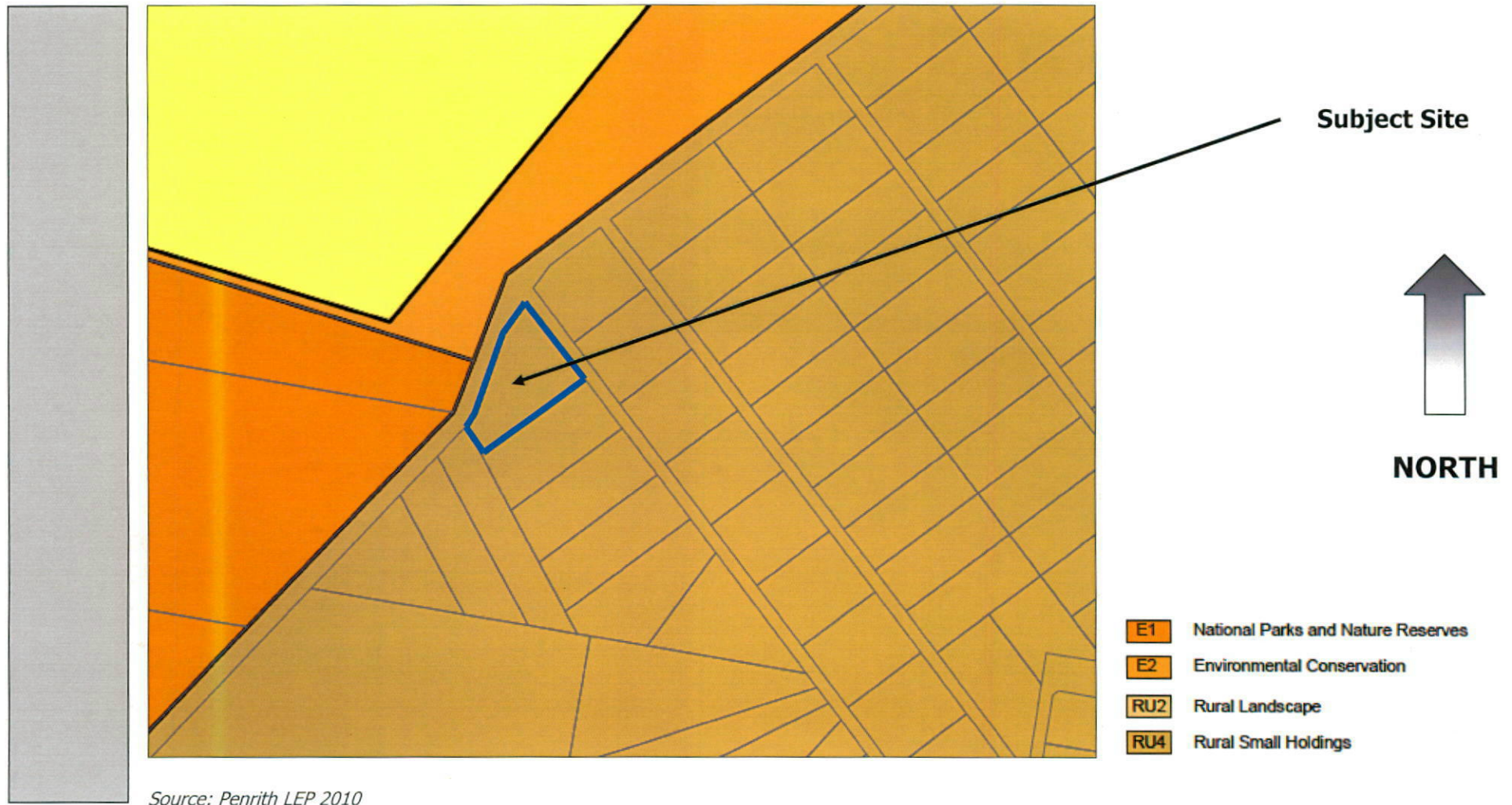
The site is mapped as bushfire prone land.

It is considered that the proposed development is in keeping with the character of the local area, given the scale and form of dwellings built along in the immediate and surrounding area.

FIGURE 1 – SITE LOCATION MAP



FIGURE 2 – ZONING MAP



3.0 PROPOSAL

3.1 The Development

The Development Application seeks Council approval for the construction of a new residential dwelling at 232 – 252 Llandilo Road. The dwelling will be a single-storey home and result in dual occupancy development on the site.

The proposed works will involve the following:

□ **Dwelling, Garage and Swimming Pool**

- Open plan living, dining and kitchen, with a rear facing alfresco area, theatre room, games room, study, lounge room, Bed 1 and 2 each with ensuite and walk in robe, Bed 3 and 4 each with built in robes, laundry and mud room;
- In ground pool with spa;
- Four (4) car garage with provision for storage.

The gross floor area of the dwelling will be approximately 776m².

Photovoltaics are provided as well as a solar hot water system. A void has been created above the entry to the dwelling which allows for natural light to permeate into this area.

Stormwater from the proposed dwelling will be collected on site, with all roof water draining to the existing 100,000 litre tank located between the existing dwelling and the proposed dwelling.

A new aerated wastewater treatment tank is proposed immediately north west of the dwelling. This tank will then discharge into the effluent disposal area as noted on the plans.

The setbacks proposed for the site are:

- The setback of 30m from the front boundary to the dwelling and 15m to the blade feature wall;
- A side setback of 10m to the southeast side boundary is provided.

A five metre wide driveway is proposed, tapering to 4m in width leading to the garage area and then looping back around to the driveway again with a landscaped island in the middle.

A 1.2m high glass pool fence is proposed around the perimeter of the pool and spa in accordance with the Building Code of Australia.

A new clothes line will also be provided as noted on the plans.

There will be no alterations or additions to the existing dwelling, existing pool or existing shed under this proposal. Existing access arrangements from Llandilo Road will be maintained to the existing dwelling.

A comprehensive landscape plan is submitted with the application which proposes additional planting for the site. This landscaping will screen the development, particularly when viewed from the main road, being Llandilo Road and also ensure that the rural character of the area is maintained. Being located within a bushfire prone area, the landscape plan has been prepared taking into account Planning for Bushfire Protection criteria.

It is submitted that this development proposal will not have any unreasonable impacts on neighbouring properties and will successfully integrate into the context of the subject site and its surrounds.

The following objectives were considered in formulating the proposal:

- To implement the controls of Council's Local Environmental Plan and Development Control Plan.
- To ensure that the development is complementary to the surrounding developments. Specific regard has been given to the adjoining built form, the proximity of neighbouring residential development.
- To provide a pleasant environment within the development and at the same time, ensuring there is no unreasonable impacts to adjoining properties.
- To provide a high quality development in a manner which contributes positively to the area.

3.2 Amendments to the plan

To address the reasons for refusal as outlined in Council's decision notice, the development has been modified to provide the following:

- Additional landscaping particularly to the north eastern corner of the site, north of the existing dwelling and along both the Sixth Road and Llandilo Road frontages.

This additional landscaping will assist in screening the proposed dwelling from the Llandilo Road whilst also contributing to its setting in a rural residential area.

It is submitted that the proposed landscaping will enhance the character and visual appearance of the site, whilst also contributing to the natural landscape qualities of the area.

- The enclosing walls and roof area have been removed from the pool and spa area which reduces the bulk and scale of the dwelling, including the building footprint. On this basis, the removal of these elements ensures that this outdoor recreation area relates in a more positive manner with the outdoor environment and setting of the site.

In our view, the location and siting of the proposed dwelling responds to the constraints of the site, its topography and is sited accordingly taking into account the surround landscape values.

The dwelling has been design to minimise its bulk, height and scale. This is evident by the recessed areas around the building, together with the front portico which reinforces the entry and makes a statement, which is supplemented by the varying roof form and gables to either side of this portico.

The building has also been well proportioned and balanced, particularly when viewed from the Sixth Road frontage.

We submit that the proposed dwelling will not be out character when compared to other dwellings of a similar size and scale located in the immediate and surrounding area. Additionally, the siting and location of the dwelling also maintains the rural capabilities of the land as there is more than sufficient area available on site for rural activities to be undertaken.

Based on the above the development and size of the proposed dwelling is considered appropriate for the character of the area.

4.0 PLANNING CONTROLS AND ASSESSMENT

4.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

4.1.1 Land Use Zone

The site is located within the RU4 Primary Production Small Lots zone under the Penrith Local Environmental Plan 2010. (Refer to Figure 2 – Zoning Map)

The proposal involves the construction of a new dwelling to create a dual occupancy on the subject site as outlined in Section 3.0 of this report.

Under the Local Environmental Plan, a **"dual occupancy"** is defined as follows:

"dual occupancy means a dual occupancy (attached) or a dual occupancy (detached)."

"dual occupancy (detached)" is then defined as:

"dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling."

"Dual occupancy" is listed as a permissible use under the RU4 Primary Production Small Lots zone, subject to the consent of Council.

4.1.2 Zone Objectives

The objectives of the RU4 Primary Production Small Lots Zone are:

1. *"To enable sustainable primary industry and other compatible land uses.*
2. *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.*
3. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
4. *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*

5. *To preserve and improve natural resources through appropriate land management practices."*

The dual occupancy development does not propose a use of the site and therefore the first and second objectives are not applicable.

The layout, setting and appearance of the new dwelling to create the dual occupancy development has been designed and located on site to minimise conflict between the subject zone and nearby E1 – National Parks and Nature Reserves and E2 – Environmental Conservation zones. On this basis the development will not interfere with the use, enjoyment and management of these lands.

The proposal will provide for a continuation of the residential usage of the site, being of a scale and nature that is compatible with the capability of the land. On this basis, sufficient area is still available on site for rural activities to be undertaken. We submit that the proposed dwelling will not be out character when compared to other dwellings of a similar size and scale located in the immediate and surrounding area.

The proposal will maintain a scale consistent with the locality, whilst protecting capabilities of the land. The proposal preserves the natural resources as noted in the BASIX assessment, including overflow water from the rainwater tank being diverted to the existing dam on the site.

The proposal includes new landscaping as noted on the plans which will enhance the character and visual appearance of the site, whilst also contributing to the natural landscape qualities of the area. A new pool and deck are proposed to the rear yard which will provide for added amenity to the area in terms of outdoor recreation. The landscaped areas on either side of the driveway, including the central island area reduce the amount of hard stand.

It is therefore considered that the proposal satisfies the objectives of the zone.

4.1.3 Principle Development Standards

4.1.3.1 Height of Buildings

Clause 4.3 refers to the maximum height allowed for buildings. As shown on the Height of Buildings Map, there is no maximum height applicable to the subject site.

Notwithstanding, the maximum overall height of the building is 9.7 metres and will be similar scale and height to surrounding developments in the locality.

4.1.3.2 Floor Space Ratio

Clause 4.4 relates to the maximum floor space ratio permissible for all sites within the Penrith Local Government Area. The floor space ratio controls are applicable for all types of buildings, including single dwellings developments.

Under the Penrith Local Environmental Plan 2010, gross floor area is defined as:

"gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- a) the area of a mezzanine, and
- b) habitable rooms in a basement or an attic, and
- c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- d) any area for common vertical circulation, such as lifts and stairs, and
- e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- h) any space used for the loading or unloading of goods (including access to it), and
- i) terraces and balconies with outer walls less than 1.4 metres high, and
- j) voids above a floor at the level of a storey or storey above".

As noted by the Floor Space Ratio (FSR) Map there is no FSR limit which applies to the subject site.

4.1.4 Miscellaneous Provisions

4.1.4.1 Preservation of Trees

Clause 5.9 relates to the preservation of trees. A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the consent of Council.

The proposal does not propose to remove any trees. New planting will be provided at the completion of the project to enhance the landscaped quality and appearance of the site. This landscaping will compliment the dwelling and the rural setting of the site and surrounding area.

4.1.4.2 Heritage Conservation

The site is not a heritage item, nor is it located within a heritage conservation zone.

4.1.5 Additional Local Provisions

4.1.5.1 Protection of scenic character and landscape values

Clause 6.5 of Penrith Local Environmental Plan 2010 states that:

"(1) The objectives of this clause are as follows:

- (a) to identify 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.*

(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 proposed development, to minimise the visual impact of the development from major roads, identified heritage items and other public places."

The site subject of this development application has not been identified as within an area containing scenic value. On this basis, this clause of the LEP is not applicable.

4.1.5.2 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:*
- (a) RU1 Primary Production,*
 - (b) RU2 Rural Landscape,*
 - (c) RU4 Primary Production Small Lots,*
 - (d) E3 Environmental Management,*
 - (e) 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.*
- (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.*
- (5) *Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.*
- (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."*

In response to the above clause, the following is provided:

The subject site is located in the suburb of Berkshire Park on an allotment of land measuring 2.25 hectares.

Referring to effluent disposal, a Waste Water Report has been commissioned and accompanies this development application. The report prepared by Harris Environmental Consulting recommends an Aerated Wastewater Treatment System with the method of disposal being spray irrigation.

No subdivision is proposed as part of this application, therefore subclause (6) is not applicable.

Based on the above, the proposed dual occupancy development ensures that effluent generated by the dual occupancy development is appropriately managed on site to protect waterways and the amenity of adjoining lots.

4.2 PENRITH DEVELOPMENT CONTROL PLAN 2010

4.2.1 Part C – Controls applying to all uses

Penrith Development Control Plan 2010 came into effect on 10 December 2010 and applies to Penrith's rural lands, industrial lands and the St Marys Town Centre. The Plan provides controls for development which need to be addressed, as detailed below.

Site Planning and Design

The subject development application is accompanied by a site analysis plan which portrays the proposed development in relation the subject site and its surrounds.

In our view, the location and siting of the proposed dwelling responds to the constraints of the site, its topography and is sited accordingly taking into account the surround landscape values. The siting of the new dwelling takes advantage of the secondary street frontage and accordingly has been designed to address Sixth Road, with vehicular access also from this frontage.

The dwelling has been design to minimise its bulk, height and scale. This is evident by the recessed areas around the building, together with the front portico which reinforces the entry and makes a statement, which is supplemented by the varying roof form and gables to either side of this portico. The building has also been well proportioned and balanced, particularly when viewed from the Sixth Road frontage.

Furthermore, the dwelling has been sited to maximise solar access and thermal performance, on this basis reference is made to the BASIX report submitted with the application.

With respect to Crime Prevention Through Environmental Design, the proposal incorporates territorial reinforcement whilst providing for clear sight lines and opportunities for casual surveillance of the street from the dwelling.

Vegetation Management

There are no significant trees or vegetation on the site in the area where the dwelling is proposed. Nor is the site part of a biodiversity corridor or area of remnant indigenous vegetation.

The subject site is identified as bushfire prone land under Council's map.

As part of the development application, a BAL Risk Assessment report prepared by Bushfire Safety Solutions was prepared to accompany the development application.

The report undertook an assessment of the proposed development against the provisions in Planning for Bushfire Protection 2006 regarding asset protection zones and general bushfire protection to enable a Bushfire Authority to be issued by the NSW Rural Fire Service.

The report notes that the existing Bushfire Prone Land Map indicates the subject development site to be within the designated "Bushfire Buffer Zone" however the siting of the proposed dwelling is approximately 105m beyond the mapped remnant bushfire prone vegetation interface to the west within the Castlereagh Nature Reserve.

The report found the proposed second dwelling is capable of being protected against local bushfire impacts in accordance with the requirements of Chapter 4, Clause 4.3 as outlined in Planning for Bushfire Protection 2006.

Reference is made to the BAL Risk Assessment report prepared by Bushfire Safety Solutions, dated August 2012 to accompany the development application to accompany the development application and should be read in conjunction with this report.

Water Management

Stormwater plans are submitted with this development application, which show that the site is able to be properly drained in accordance with Council's requirements.

It is noted that the site is not identified as being flood prone land.

The site is not located adjacent to a water course.

As noted in this report an existing rainwater tank with a 100,000 capacity exists on the site. The proposed dwelling will collect all the roof water and drain the water in the existing tank as shown on the plans submitted to Council.

Waste Management

All waste associated with the development during the construction phase of the development will be collected and disposed off to an approved facility.

A Waste Management Plan has also been prepared and accompanies this development application.

Provision has also been made for storage of general household waste. On collection days the bins will be wheeled to the road reserve for collection.

Furthermore as the site is located in a rural area a Waste Water Report has been commissioned and accompanies this development application. The report prepared by Harris Environmental Consulting with the method of disposal being spray irrigation as shown

Reference is made to the Waste Water Report prepared by Harris Environmental Consulting dated August 2012.

Land Management

A soil erosion and sediment control plan has been prepared and is submitted with this application outlining sedimentation and erosion management for the site.

There is no landfill proposed as part of this development application. The development adopts a flooring system containing bearings and joists.

In terms of contamination, the site is located within a rural area. There is no evidence of market gardening or the like on the subject site or neighbouring sites. The only excavation that will occur on site will be for the piers to support the bearers and joists of the flooring system. On this basis we are of the view that contamination is not issue in relation to this development.

Cultural and Heritage

The site is not a heritage item, nor is it located near a heritage item. The proposal will not compromise the heritage significance of the broader Penrith area.

Public Domain

The development before Council for consideration is for a private residential dwelling. On this basis, this particular clause of the development control plan is not applicable to the proposal.

Advertising and Signage

This particular part of the development control plan is not applicable as there is no advertising or signage proposed as part of this application.

Transport, Access and Parking

Onsite parking has been provided in the form of an attached garage. Council's code requires provision of 2 car parking spaces and the development provides for 4 spaces behind the building line and therefore complies.

The proposed driveway and associated crossing has been designed in accordance with the relevant Australian Standards and Council requirements.

Subdivision

This particular part of the development control plan is not applicable as there is no subdivision proposed as part of this application.

Noise and Vibration

The subject site has not been identified as being located within an area affected by aircraft noise, nor is it located on a road carrying high volumes of traffic impact.

Infrastructure and Services

Given the location of the site and surround uses, the site is able to be serviced by the relevant authorities in terms of water, electricity and telecommunication services.

As noted previously in this report a separate Waste Water Report has been commissioned and accompanies this development application. The report prepared by Harris Environmental Consulting recommends an Aerated Wastewater Treatment System with the method of disposal being spray irrigation.

4.2.2 Part D1 – Rural Land Uses

Part D1 of the Penrith Development Control Plan 2010 provides controls specifically for Rural Uses, as detailed in the table below.

4.2.2.1 Siting & Orientation of Dwellings

Planning Guidelines	Requirement	Provided	Comply
Site Planning	<ul style="list-style-type: none"> Dwellings and buildings to be sited to maximise the natural advantages of the land Where practical, all buildings on the site shall be clustered together to reduce need for access roads and services 	<ul style="list-style-type: none"> The plans prepared and submitted to accompany this application include a site analysis plan. The dwelling has been located to address Sixth Road and designed to maximise solar access and features of the site. 	✓
Landscape & Scenic Character	<ul style="list-style-type: none"> Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline. Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible. Roads should be designed and located to run with the contours of the land. Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard. 	<ul style="list-style-type: none"> The subject site has a minor slope and on this basis the dwelling responds to the topography of the site. The site does not contain a ridge or peak. The driveway follows the contours of the land. A simple roofline is proposed as noted on the plans. 	✓ ✓ ✓ ✓

4.2.2.3 Site Coverage, Bulk & Massing

Planning Guidelines	Requirement	Provided	Comply
Site Coverage, Bulk & Massing	<ul style="list-style-type: none"> Dwellings shall have a maximum ground floor footprint of 500m² 	<ul style="list-style-type: none"> The proposed ground floor footprint is 776m² 	X See discussion
	<ul style="list-style-type: none"> Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point. 	<ul style="list-style-type: none"> The dwelling has an overall floor dimension of 50m and proposes a maximum width of 16.543m. 	X See discussion
	<ul style="list-style-type: none"> The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling. 	<ul style="list-style-type: none"> Not applicable. 	Not applicable
	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The development proposes a 4 car garage and the garage entry faces the secondary street frontage. The location and size of the garage balances the overall design and appearance of the dwelling. 	X See discussion
	<ul style="list-style-type: none"> 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'. 	<ul style="list-style-type: none"> As noted above the ground floor footprint is 776m² – refer to discussion on following pages. 	X See discussion

4.2.2.4 Height, Scale & Design

Planning Guidelines	Requirement	Provided	Comply
Height & Scale	<ul style="list-style-type: none"> Dwellings shall be no more than two storeys in height, including garage and storage areas. If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey. The maximum height of the ceiling of the top floor of all buildings should not exceed 8 metres above natural ground level. On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1 metre above or below the natural ground level immediately below the floor level of that point. 	<ul style="list-style-type: none"> The dwelling is not more than two storeys. Not applicable. The maximum height to the ceiling above natural ground level is approximately 3.8m, well below the 8m limit. Not applicable. 	<p>✓</p> <p>Not applicable</p> <p>✓</p> <p>Not applicable</p>
Design & Quality	<ul style="list-style-type: none"> The design of dwellings and associated structures should be sympathetic to the rural character of the area. 	<ul style="list-style-type: none"> It is considered that the design of the dwelling is sympathetic to the rural character of the area and the dwelling will not be out of context. 	<p>✓</p>

4.2.2.5 Materials & Colours

Planning Guidelines	Requirement	Provided	Comply
Materials & Colours	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The selected colours and external finishes, particularly the external walls (CSR Naturals Selection) are non reflective, natural and light tones and on this basis are unlikely to have a visual impact. It is considered the selected materials and colours will compliment the rural character of the area. 	<p>✓</p>

	<ul style="list-style-type: none"> • 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. • Re-sited dwellings may be considered in rural areas; however, the external finishes may be required to be upgraded to Council's satisfaction. 	<ul style="list-style-type: none"> • The proposal incorporates extensive landscaping which will screen the development and assist in softening its appearance. Reference is made to the landscape plan. • Not applicable 	<p style="text-align: center;">✓</p> <p style="text-align: center;">Not applicable</p>
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4.2.2.6 Dual Occupancy Dwellings

Planning Guidelines	Requirement	Provided	Comply
Design	<ul style="list-style-type: none"> • Dual occupancies should be designed in accordance with the policies in this DCP for dwellings and dwelling design. • The second dwelling should take into account the principles in Chapters C1 'Site Planning and Design Principles', C2 'Vegetation Management' and C6 'Landscape Design' (with particular attention to protecting existing trees and vegetation on the site) of this DCP. • 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). • The second dwelling must be located behind the building line of the existing dwelling house. 	<ul style="list-style-type: none"> • As noted in this report the new dwelling has been designed in accordance with the DCP unless otherwise identified. • Refer to Section 4.2.1 of this Statement of Environmental Effects. • The proposed dwelling to create the dual occupancy is located within the curtilage of the existing dwelling. • As noted on the plans, the proposed dwelling is located behind the front building line of the existing dwelling on the site. 	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

		<ul style="list-style-type: none"> The preference is for the second dwelling to be detached from the first dwelling with a minimum separation of 10m. If the dwellings are attached then the second dwelling should be located behind the existing dwelling and, where in accordance with Chapter C1 'Site Planning and Design Principles', it should adopt an 'L' shape. 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. 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. 	<ul style="list-style-type: none"> The proposed dwelling is detached from the second dwelling, separated by more than 10m. Not applicable. The proposed second dwelling is not smaller than the existing dwelling, which is only a modest dwelling being 121m² in area. On this basis a variation is sought as allowed by the DCP. The design of the dwelling is sympathetic to the rural character of the area and the dwelling will not be out of context. The existing dwelling is in very good condition and an upgrade to this dwelling is not considered necessary. 	<p>✓</p> <p>Not applicable</p> <p>Variation sought as the existing dwelling is less than 200m²</p> <p>✓</p>
	<p>Access, Parking & Services</p>	<ul style="list-style-type: none"> Access to dual occupancies is to be via a common driveway to both dwellings. At least one accessible and covered off-street parking space shall be provided on site behind the building line for each dwelling. There should only be one electricity line and meter on the property servicing both dwellings. 	<ul style="list-style-type: none"> Due to the location and siting of the second dwelling, we have taken advantage of the secondary street frontage and provided a separate driveway access from Sixth Road. Each dwelling has at least one space and complies. To be conditioned. 	<p>✓</p> <p>✓</p> <p>✓</p>

Discussion of non-compliance

As noted from the table above, the proposed development does not comply with the site coverage, bulk and massing controls specified in the development control plan. As provided by the DCP, Council will give consideration of larger dwellings. We therefore respectfully submit that the subject development satisfies the 'Lifting the Bar' provisions of the development control plan as demonstrated below and on this basis request Council support the variation to the control:

- i. High quality architectural design;
- ii. Innovation;
- iii. Integration into the landscape design;
- iv. Consideration of the visual catchment and the rural and scenic character of the area;
- v. Articulation to reduce building scale and bulk; and
- vi. Minimisation of hard surfaces.

Comment:


The development as submitted is of a high quality architectural design in that it responds the topography of the land and is sited accordingly. The dwelling is well articulated in the selection of materials, its massing, stepping and presentation, particularly to Sixth Road. This assists in reducing the perceived bulk and scale of the building particularly when viewed from the streetscape.

The dwelling is considered to be of an innovative design compared to other housing stock in the area which is reflective or current house designs and trends in the market place. This is reflected in the layout and allocation of spaces where the design maximises solar access to living areas. In addition, the design takes advantage of the rural and scenic character of the area. This is evident with the large alfresco area at the rear of the dwelling and vehicular portico at the front of the dwelling.

As noted in the landscape plan submitted with the application the development minimises hard surfaces and the proposed landscaping will soften the appearance of the development whilst complimenting the surrounding setting. The landscaping which has been integrated into the design and remainder of the site also assists in screening the development from the Llandilo Road and Sixth Road frontages whilst also contributing to the sites setting.

Furthermore, we are of the view that the proposed development includes the following top ten features of a 'Universally Designed' home in its design:

- i. *Easy access to the entrance* – the entrance is easily identifiable, with the landscaping and concrete path assists the access to this point;

- 
- ii. *Level entry* – with the exception of two generous sized steps at the front porch the entry is level;
 - iii. *Essential living areas on entry level* - as noted on the plans all living areas are located on the entry level;
 - iv. *Bathroom capable of future adaptation* - the bathroom located between the laundry and Bedroom 1 is able to be converted for future adaption;
 - v. *Reinforcement of bathroom walls* - the bathroom walls are able to be reinforced if required;
 - vi. *Easy access to and within the kitchen* – as the plans show, the kitchen is easily accessible and manoeuvring within the kitchen is able to be done with ease;
 - vii. *Easy access doors and corridors* – the doors and corridors within the dwelling will not pose a hindrance for access;
 - viii. *Consistent installation of switches, power points and window controls* – this can be easily achieved;
 - ix. *Easy operable door and window hardware* – this can be easily achieved; and
 - x. *Straight stairways* – the stairs leading into the dwelling, to the alfresco, pool area and mud room are straight as depicted on the plans.

Taking the comments above into consideration, we further submit that the non-compliance satisfies the objective of the development control plan which provides as follows:

- *"Ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and*
- *Promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area;"*

Comment:

The size of the dwelling is appropriate in relation to the size of the allotment and other dwellings in the immediate and surrounding area. We are of the view that the proposed dwelling is consistent with, and protects the rural nature of the area as canvassed in this Statement of Environmental Effects.

We respectfully submit that the existing dwelling on the site, being only 121m² in area, is a modest house and is in keeping with the spirit of the DCP controls in that the second dwelling is to be smaller. As noted by the DCP, as the existing dwelling is less than 200m², we respectfully seek a variation to this control for the proposed dwelling.

Furthermore, we note that the DCP prescribes a maximum ground floor footprint of 500m² for dwellings, and further to that permits a maximum floor space for a second storey component of no more than 70%. When

combining the allowable floor space permitted by these controls, a total of 850m² is allowable for each site.

The development as submitted proposes an overall floor area of 776m², which is well below the 850m² allowable for a new dwelling, albeit as a single storey built form. On this basis, we are of the view that the dwelling as depicted on the submitted plans is of an appropriate size and scale for the locality.

We acknowledge that the development before Council exceeds the maximum number of car parking spaces facing towards a public road, noting that a maximum of three (3) undercover car spaces is allowed.

The proposal before Council provides for a well balanced and articulated building form, whereby the garage doors located on the left hand side of the dwelling balance the right side of the dwelling. This is achieved by providing articulation to the facade, expressed by way of the gable roof and circular decorative element above both the middle double garage opening and space shared between Bedrooms 3 and 4.

We further submit that the 15 degree splay of these articulated elements along the front facade of the dwelling reduces the perceived length and appearance of the garage when viewed from Sixth Road.

We also note that Council has approved developments of a comparable scale and footprint to that being sought by the application. This therefore reinforces that Council does support dwellings similar in size and scale, with more than three (3) undercover spaces facing the street and is willing to vary its controls.

To support this, we have included photos (Refer to Figure 3) which provide examples of dwellings which have either being built or are under construction of a similar scale to that proposed by this application.

We respectfully submit that the proposed dwelling to create a dual occupancy has been designed with regard to the constraints of the site and will not be out of character or context when compared to other dwellings or dual occupancy developments in the immediate and surrounding area or other parts of the Penrith LGA.

Further, it is noted that proposed dwelling more than complies with all the requirements of local environmental plan as well as all other aspects of the development control plan as canvassed in this report.

Based on the above, it is submitted that the departure from Councils Development Control Plan is numerical, rather than being in conflict with the zone objectives or rural objectives of the plan. In addition, this departure from the DCP provides for the orderly and economic development of the land.

Figure 3 – Photographs of Other Developments



Corner of Fourth Ave & Second Ave, Llandilo

This photo depicts a large dwelling under construction which is of a comparable size and scale to the proposed development.

Interestingly, the dwelling comprises of four garage openings facing a public road, demonstrating that Council has previously varied this control of the DCP.



Richmond Road, Berkshire Park (near St. Marys Road)

This photo depicts another large dwelling with a layout and floor area similar to the proposed development.

Again, the dwelling comprises of four garage openings facing the road, very similar in design and presentation to the proposed dwelling.

Figure 3 – Photographs of Other Developments



1068 Castlereagh Road, Castlereagh

This photo depicts another large dwelling with a considerable large floor area and building footprint, again similar to our proposed development.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

A BASIX Certificate has been issued for the dwelling and this certificate and stamped plans are submitted under a separate cover to this Statement of Environmental Effects.

The Certificate issued for the dwelling under the BASIX provisions shows compliance with the water, energy and thermal targets.

4.4 STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND

Clause 7 of the State Environmental Planning Policy No. 55 – Remediation of Land requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

In terms of contamination, the site is located within a rural area. There is no evidence of market gardening or the like on the subject site or neighbouring sites. Therefore it is not likely that the site has experienced any contamination. In accordance with State Environmental Planning Policy No. 55, Council is able to conclude that no further assessment of contamination is necessary.

4.5 SECTION 79C CONSIDERATIONS

The following section provides an assessment of the proposed development in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

(1) Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.

(a) The provisions of:

(i) *any environmental planning instrument*

Under Penrith Local Environmental Plan 2010, the site is zoned RU4 – Primary Production Small Lots, and a dual occupancy is permissible in the zone subject to consent.

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition*

There is no draft environmental plan applicable to the subject site or proposed development.

(iii) *any development control plan*

The proposal accords with the relevant sections of the Penrith Development Control Plan 2010 as detailed within this Statement of Environmental Effects.

(iv) *any matters prescribed by the regulations*

The proposal accords with the objectives and provisions of the relevant State Environmental Planning Policies and Local Environmental Plan as detailed within this Statement of Environmental Effects. On this basis, the site is zoned RU4 – Primary Production Small Lots, and a dual occupancy is permissible in the zone subject to consent.

(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.*

(i) *Impact on the natural environment:*

The proposed development does not affect any vegetation. Appropriate stormwater drainage will be provided as part of the development. The proposal will have no impact on the natural environment. In addition a Waste Water Report has been prepared which addresses On-Site Waste Water Management.

(ii) *Impact on the built environment:*

For the reasons outlined in this Statement of Environmental Effects, it is considered that the built form proposed is suitable for the site and will not adversely impact on adjoining properties.

The proposed development will tie in with the rural character of the area.

Overall, there are no unreasonable impacts created by this proposal, as detailed in this Statement of Environmental Effects.

(iii) Social and Economic impacts in the locality:

The proposed development will provide for a new dwelling and improved residential accommodation for the future occupants of the site.

(b) the suitability of the site for development

The land is appropriately zoned to permit the proposed development and meets the long term objectives of the residential zone under the Penrith Local Environmental Plan 2010.

(d) any submissions made in accordance with this Act or the regulations

Not relevant.

(e) the public interest

The proposal has been assessed against the relevant planning instruments and is considered to be in the public interest for the reasons given in this Statement of Environmental Effects.

5.0 CONCLUSION

The proposed development has regard to the attributes of the site and the surrounding land uses. It is considered that all reasonable measures to mitigate any adverse environmental effects have been taken into consideration, in relation to the proposal.

The proposed development has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and found to be satisfactory. The proposal is permissible with the consent of Council.

The beneficial effects of the proposal include:

- An efficient and orderly development of the land, which maximises internal and external living areas, and solar access to these areas.
- A development that is compatible with Council's planning objectives for the site and the locality.

The proposed development will have no significant impact on the air or water quality in the locality.

The development does not result in any unreasonable impacts to adjoining properties and is conducive to Council's policies and accordingly, it is sought that Council approve the application.

Anthony Pizzolato
 GAT & Associates
 Plan 2050

		Draft	Final
Prepared by: Anthony Pizzolato	AP	✓	✓
Checked by: Gerard Turrisi	GT	✓	✓