

# STATEMENT OF ENVIRONMENTAL EFFECTS

*INSTALLATION OF MANUFACTURED DWELLING, USE OF STORAGE CONTAINER AND  
RETROSPECTIVE APPROVAL OF IMPORTED FILL*

*84A (LOT A) FIFTH AVENUE, LLANDILO.*



**Figure 1: View looking north from development site**

PREPARED FOR MR CHARLES SAMMUT



**Griffin Planning**

*Nuala Cavanagh*

*nuala@griffinplanning.com.au*

*0403239443*

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# 1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Griffin Planning for Mr Charles Sammut in support of a development application (DA) made under Part 4 of the Environmental Planning and Assessment Act 1979 (EP and A Act). The DA seeks approval for the use of the site for residential purposes. Consent is sought through Section 68 of the Local Government Act Part A (1), 1993 for the installation of a manufactured home and shipping container for residential purposes at 84a Fifth Avenue Llandilo; the legal title of which is described as Lot A DP 101260.

The DA also seeks retrospective approval for the importation of fill to the site. The fill on the site is subject to an order by Council dated 12 January 2019. The terms of that order can be addressed by seeking consent for the importation of fill. The use of the site for a skip bin business which was also identified by the order has ceased.

The application presents documentation which assess the potential impacts of the fill on site including a geotechnical investigation providing a subsurface soil profile classification and a targeted environmental site assessment. These reports identify that the measures can be undertaken to remediate contaminants within the fill on site and that the soils have the capacity to support the proposed development.

The SEE addresses:

- a. the environmental impacts of the development,
- b. how the environmental impacts of the development have been identified,
- c. the steps to be taken to protect the environment or to lessen the expected harm to the environment,
- d. any matters required to be indicated by any guidelines issued by the Secretary for the purposes of this clause.

The subject site is located within the Penrith Local Government Area and the proposed development is permissible with consent in accordance with Penrith Local Environmental Plan 2010 (PLEP2010). This SEE assesses the proposal against relevant State policies, PLEP2010, Penrith Development Control 2010 and against the relevant heads of consideration under Section 4.15 of the EP and A Act 1979.

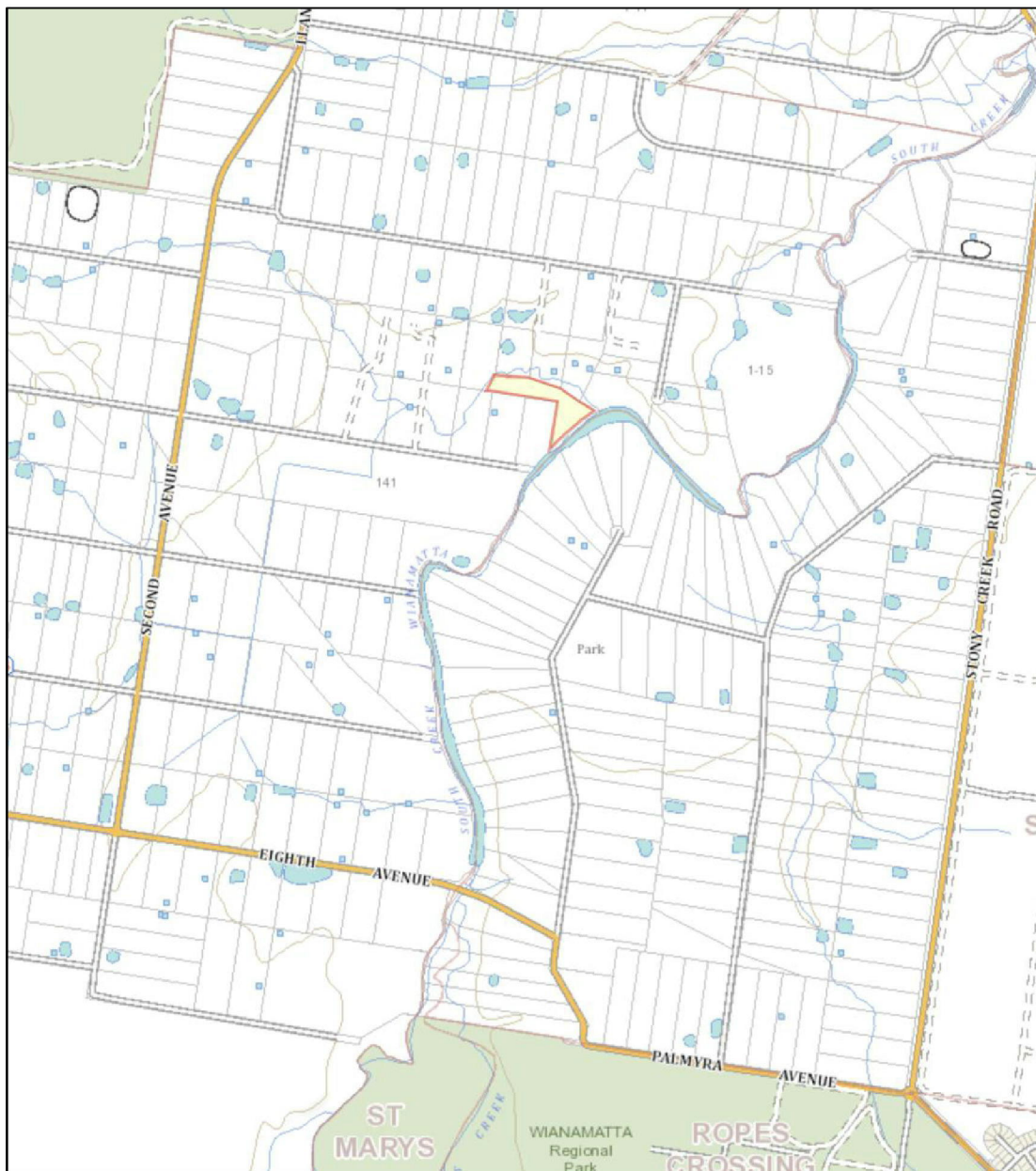




## 2. SITE DESCRIPTION

The subject site is known as 80 (Lot A) Fifth Avenue, Llandilo and its legal title is Lot 19 DP 238941. Lot A DP101260 The property has an area of 1.873 hectares.

The subject site is located 12.5km north west of Penrith and has frontage to South Creek. The property is on the eastern edge of the Penrith LGA. The locality is characterised by small lot rural properties with home business use.



**Figure 2: Locality map: subject site**







**Figure 3: Aerial view of property and surrounds**

84A Fifth Avenue is an irregularly shaped allotment which has its vehicular access via an easement on 86 Fifth Avenue. The accessible and usable part of the site is located in the south western corner of the site and has an area of 2206m<sup>2</sup>.

The allotment is surrounded by rural exposed grasslands with South Creek bordering the property to the north and east of the site.

The site has a gentle slope to the east towards the creek.



### 3. PROPOSAL

The proposal is to:

- Retain and relocate the existing manufactured home on the site and erect the dwelling on posts in concrete reinforced footings as per drawings prepared by Des Du Rieu dated 2 July 2019
- Retain and relocate the storage contained on piers and concrete pad footings
- Occupy the site for residential purposes

The following documentation accompanies this SEE and forms the development application:

- Site Plan by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK002
- Floor Plan by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK200
- Ground Floor – Roof Concept by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK201
- Cover page – generic perspective by Des DuRieu Drafting dated 2.7.19, numbered 526 SK001
- S-01 Section - by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK300
- Landscape Plan by Des DuRieu Drafting dated 2.7.19, numbered 526 SK02
- E-01 North Elevation by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK400
- E-02 East Elevation by Des DuRieu Drafting dated 2.7.19, numbered 526 - SK401
- Site Survey by Des DuRieu Drafting dated 2.7.19, numbered 526 – SK500
- Geotechnical Investigation – Sub surface soil profile classification prepared by envirotech – reference REF-19-7907-A dated 23<sup>rd</sup> May 2019
- Targeted Environmental Site Assessment – reference REP-19-7908-A prepared by envirotech dated 7<sup>th</sup> June 2019
- Self assessment bushfire threat assessment



## 4. PLANNING CONTROLS

The following section will address all relevant planning controls applicable to the site in accordance with Section 79C (1)(a) of the Environmental Planning and Assessment Act, 1979 and the Local Government Act

### 4.1 Local Government Act 1993: Section 68

The application is submitted for approval under Section 68 which states:

#### **68 What activities, generally, require the approval of the council?**

*(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.*

#### **Table**

#### **Approvals**

#### **Part A Structures or places of public entertainment**

**1** Install a manufactured home, moveable dwelling or associated structure on land

The definition of a manufactured dwelling under the Local Government Act is as follows:

*A manufactured home:*

*(a) is a self-contained dwelling (that is, a dwelling that includes at least on kitchen, bathroom, bedroom, living area, toilet and laundry facilities)*

*(b) comprises of one or more major sections*

*(c) is not a motor vehicle, trailer or other registered vehicle authorised under the Roads Maritime Service (RMS) stipulated in the Road Transport Act 2013.*

The plans show compliance with the above definition. Council policy requires an application for development consent for a manufactured home outside of a caravan park or manufactured home estate.

This application seeks consent for the use of the manufactured home at 84A Fifth Avenue Llandilo as a dwelling and for the associated works to facilitate its use for residential purposes.





#### **4.2 State Environmental Planning Policy (Building Sustainability Index - BASIX) 2004**

BASIX is NOT applicable to this assessment as the proposal seeks approval for the use of the dwelling and not for the construction of the dwelling. Permission for the erection of the dwelling on the property is sought under Section 68 of the Local Government Act.

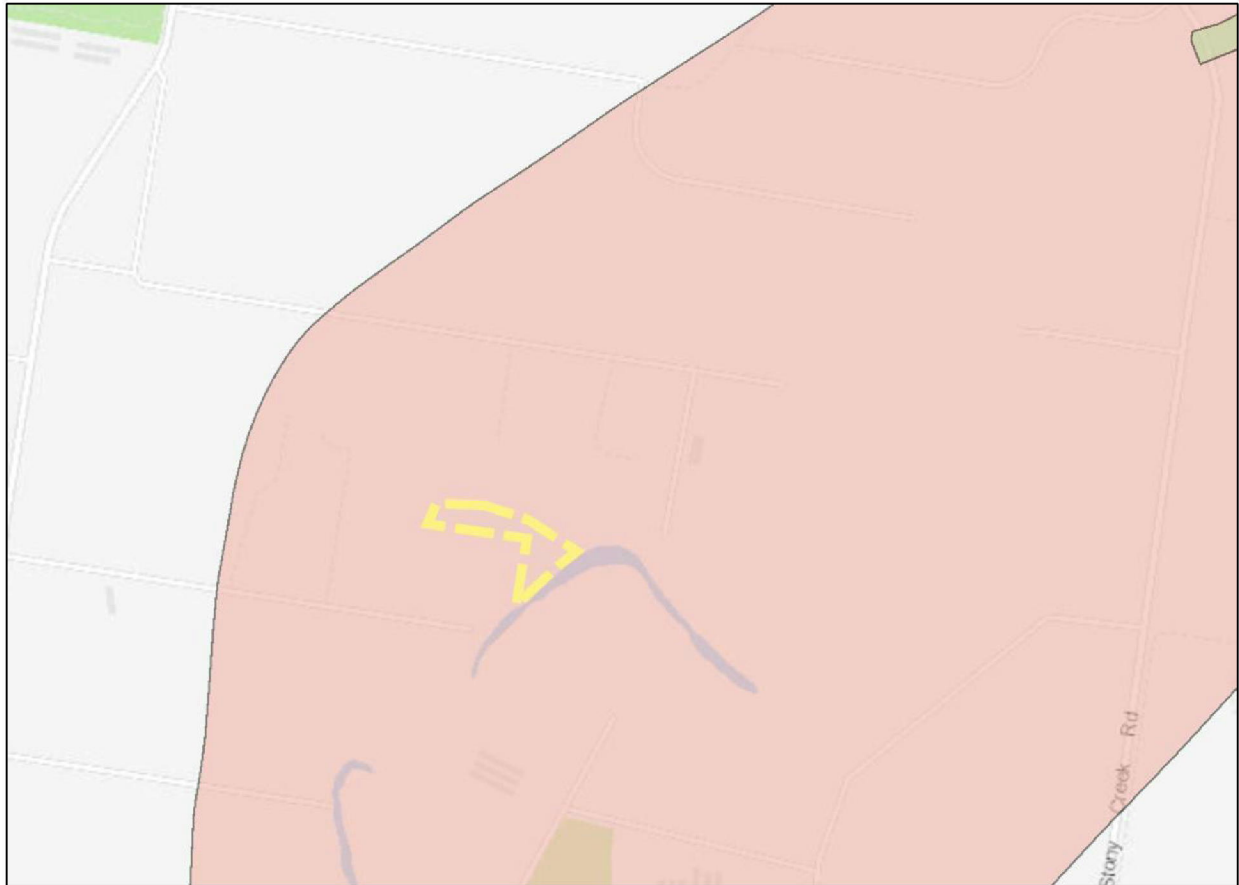
#### **4.3 Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River (No. 2 1997)**

The site is subject to compliance with this policy. The proposal is consistent with the aim of the policy. The proposed works will not impact on the environmental values of the Hawkesbury Nepean River. The proposed works seek to remediate existing conditions on site by the provision of turfing, on site stormwater management and formalized driveways and access to the dwelling and storage container. The proposal is consistent with the specific planning policies of Clause 6 and:

- **Total catchment management:** is designed to provide appropriate on site management of stormwater runoff from the increased impervious areas.
- **Water quality and quantity** is designed to ensure water flows and direction is maintained;
- **Cultural heritage:** does not impact on the cultural heritage of the locality; is located on already cleared land and will not impact on any potential archaeological site;
- **Flora and fauna:** No trees to be removed; and
- **Riverine scenic qualities:** Will not impact on the scenic qualities of the locality and will be setback from all boundaries and will be screened from view from neighbouring properties by proposed new plantings.

Part 2 of the SREP identifies the land as being within a Riverine Corridor and Part 7 requires the scenic quality of the riverine corridor must be protected.





**Figure 4: Riverine scenic corridor mapping**

### **(7) Riverine scenic quality**

**Policy: The scenic quality of the riverine corridor must be protected.**

#### **Strategies:**

(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.

**Comment: The proposal retains the majority of the site as open space and does not impact on the setting of the landscape adjacent to the river.**

(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.

**Comment: as above**

(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.



**Comment: The proposal is for a modestly sized dwelling located 226 metres from the river and not visible from the river due to the surrounding topography and will be screened from view from public places. The proposal includes the planting of screening vegetation around the manufactured dwelling which will assist in reducing any visual impact.**

(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.

**N/A**

(e) Consider the need for controls or conditions to protect those scenic areas.

**Comment: provided with Penrith DCP / LEP**

(f) Consider opportunities to improve riverine scenic quality.

**Comment: The proposed development will improve the condition and presentation of the site which will improve riverine scenic quality.**

**The proposal complies with the SREP No 20.**

#### ***4.4 Planning for Bushfire Protection***

The site is mapped as bushfire prone land, as shown in Figure 12 below and the development application may be referred to the RFS in accordance with Section 4.14 of the Environmental Planning and Assessment Act, 1979 as detailed below:

##### 4.14 Consultation and development consent—certain bush fire prone land

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3 (2)) unless the consent authority:

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or





(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

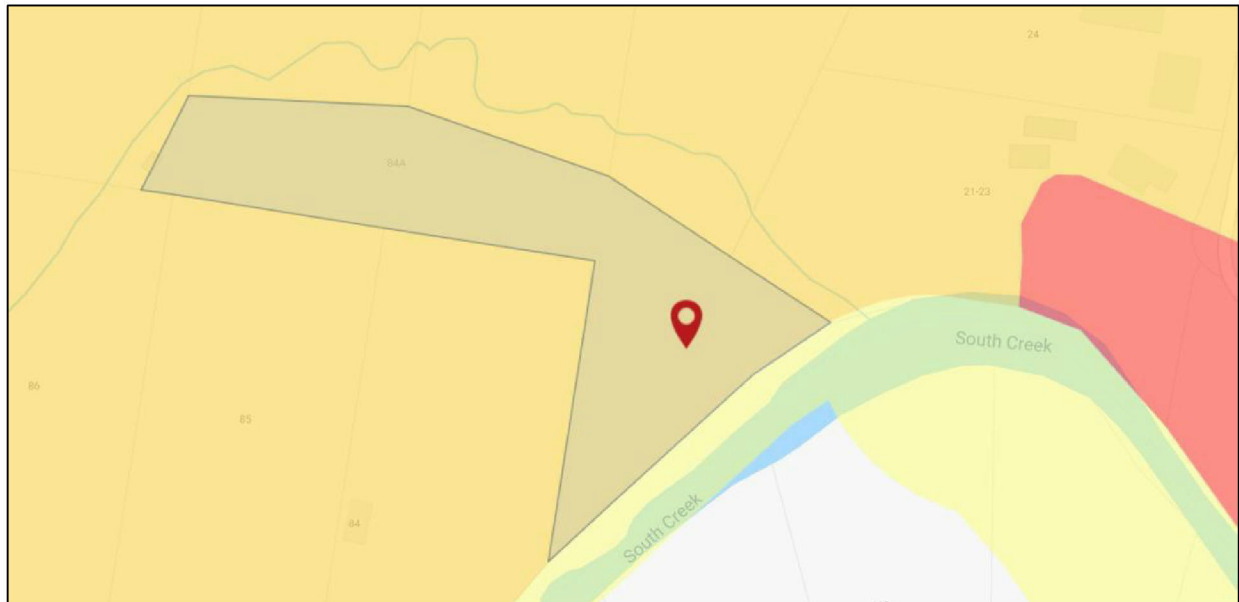


Figure 5: Bushfire Prone land

The subject site proposed for development is mapped as Vegetation Category 2 land. PBP 2006 is applicable to the development of the site. The proposed development is infill development on residential land – Class 1a and Class 10a structure.

The shed will be located approximately approximately 6 metres from the proposed dwelling on site– and does not contain any form of habitable space. The shipping container is constructed of non flammable materials. Adequate access to the property is available via the level access handle to Fifth Avenue. The proposal is consistent with the aims and objectives of PBP and with the specific recommendations for Class 10a buildings as infill development on bushfire prone land.

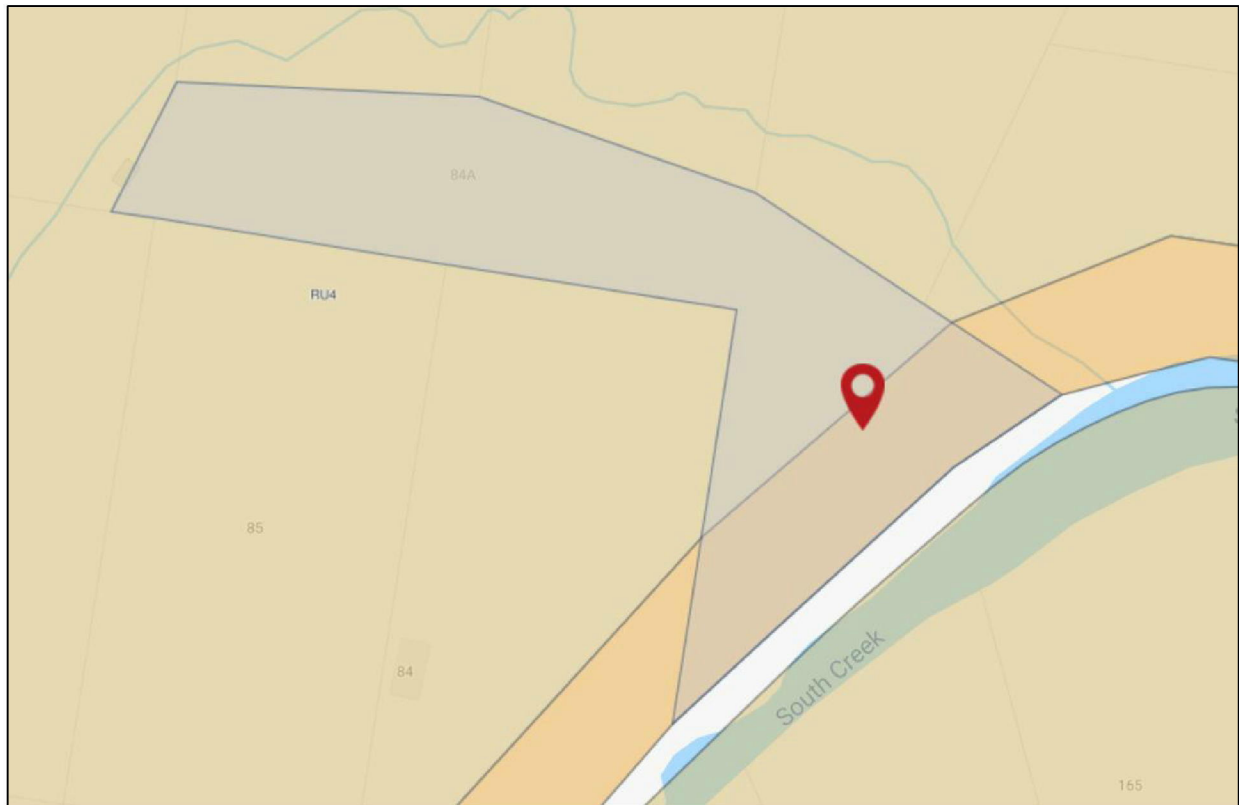


#### **4.5 Penrith Local Environmental Plan 2010**

The following are the mapped planning controls for the property relevant to this assessment:

##### **4.5.1 Zoning**

The area subject to the proposed development is zoned E2: Environmental Conservation and RU4 Primary Production Small Lots– under the provisions of PLEP 2010.



**Figure 6: Penrith LEP 2010 - site zoning map**

The proposed development will occur on the RU4 lands. The following details the objectives of the zone and the land uses that are permissible with consent on the zone.

##### **1 Objectives of zone**

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



- *To preserve and improve natural resources through appropriate land management practices.*
- *To maintain the rural landscape character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

## **2 Permitted without consent**

*Extensive agriculture; Home occupations*

## **3 Permitted with consent**

*Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Farm buildings; Flood mitigation works; Home-based child care; Home businesses; Home industries; Intensive plant agriculture; Information and education facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Tourist and visitor accommodation; Veterinary hospitals*

## **4 Prohibited**

*Dairies (restricted); Feedlots; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3*

**Comment:** The proposal seeks approval for the installation of a manufactured home for use as a dwelling and the use of the shipping container as ancillary to the dwelling. The proposed use is permissible with consent in the zone. The proposed use will formalize the use of the site and improve the management of the land. The proposal is consistent with the objectives of the zone.





#### 4.5.2 Assessment of proposal against Penrith LEP 2010 – Compliance Table

<b>COMPLIANCE TABLE Penrith LOCAL ENVIRONMENTAL PLAN 2010</b>		
<b>Cl</b>	<b>Provisions</b>	<b>What is proposed and statement of compliance</b>
<b>1.2</b>	<p><b>Aims of the plan (2)</b></p> <p>(a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,</p> <p>(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,</p> <p>(c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,</p> <p>(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,</p> <p>(e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's</p>	<p>The proposal complies with the relevant aims of the plan.</p> <p>The proposal provides a site responsive design located with adequate setback to the boundaries. The proposed siting utilizes the most stable part of the land and introduces site management for on site effluent disposal and stormwater management as well as making landscaping improvements to the site.</p> <p>The proposal provides additional facilities for the use of the land for residential purposes and represents the orderly and economic development of the land in a manner that is consistent with the rural character of the locality.</p>



	<p>rural lands and the social well-being of its rural communities,</p> <p>(f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,</p> <p>(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,</p> <p>(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.</p>	<p>The proposal is sited on land that is free from environmental constraints.</p> <p>The proposal is affected by flood prone land and is sited to comply with the flood levels provided by Council.</p> <p>The proposal is consistent with Planning for Bushfire Protection and requirements of the RFS.</p>
<b>2.2</b>	<p><b>Land Use Zones</b></p> <p>The land is zoned under Penrith LEP 2010</p>	
<b>2.3</b>	<p><b>Zone objectives and land use table</b></p> <p>RU4 – Primary Production – Small Lots</p>	See above for discussion on consistency with zone objectives.
<b>Part 4 Development standards</b>		
<b>4.3</b>	<b>Height of buildings</b>	N/A
<b>5.10</b>	<b>Heritage</b>	There are no items of heritage mapped on the property or in the vicinity.
<b>Part 7 Additional local provisions</b>		
<b>7.1</b>	<p><b>Earthworks</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on</p>	This application seeks approval for the earthworks on the site which have resulted in the importation of fill to the site – prior to the purchase of the land by the current landowner. The fill



<p>environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>(b) to allow earthworks of a minor nature without separate development consent.</p> <p>(2) Development consent is required for earthworks unless:</p> <p>(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the work is ancillary to other development for which development consent has been given</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p>	<p>comprises an area of approximately 2206m<sup>2</sup> in the north eastern corner of the site and occupies the area the subject of this development application. The fill has been tested and assessed for its capacity for remediation in the accompanying targeted site assessment and geotechnical investigation of the site. The reports did find one sample of asbestos in one test location. There was no other evidence of contamination on the site.</p> <p>The fill does not affect existing drainage patterns due to the localized and contained area in which the fill has been deposited. Stormwater is able to drain around the fill area without disruption to any natural drainage lines and allows for the natural flow of stormwater to the east towards the natural waterways.</p> <p>The existence of the fill on the site does not impact on any future development on site; provided that the fill is remediated as recommended by the environmental site assessment which accompanies this development application.</p> <p>The fill has been tested and will require some minor remediation.</p> <p>The siting of the fill does not affect adjoining properties and does not impact on views to or from the property.</p> <p>The source of the fill is unknown to the current owner – however the fill has been tested as discussed.</p>
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	<p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</p> <p>(i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</p>	<p>The fill is unlikely to disturb any relics.</p> <p>The location of the fill is a significant distance from the adjoining watercourse; being at least 262 metres from the watercourse.</p> <p>The proposal includes the provision of a sediment control barrier.</p> <p>Not applicable</p>
<b>7.2</b>	<b>Flood planning</b>	<p>The site is located adjacent to flood prone land. Flood levels have been obtained from Council and utilised in the preparation of the plans. The Flood level affecting the property is 17.8 metres AHD. The flood levels have required the FFL to be a minimum of 18.3 metres.</p> <p>The proposal complies with the development standards applicable to the site.</p>
<b>7.3</b>	<b>Development on natural resources sensitive land</b>	<p>The site is not affected by any natural resources sensitive lands.</p> <p>The land is mapped of regional significance for riverine lands under SREP 20 – see discussion above</p>
<b>7.5</b>	<p><b>Protection of scenic character and landscape values</b></p> <p>(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.</p>	<p>The land is mapped as scenic character and landscape values.</p> <p>See Section 4.3 of this report for further discussion</p>



**Statement of environmental effects – 84A Fifth Avenue Llandilo**

<b>7.6</b>	<b>Salinity</b>	The proposed development will have no impact on salinity processes.
<b>7.7</b>	<b>Servicing</b>	The proposal will be serviced by water and electricity and will be provided with an aerated wastewater treatment system.

The proposal is consistent with all relevant clauses in the Penrith LEP 2010.



#### 4.6 **PENRITH DEVELOPMENT CONTROL PLAN 2014**

The following provides an assessment against the relevant clauses of the Penrith DCP 2014. Further assessment is not provided where matters have been dealt with under the PLEP 2010 considerations in the above report.

Assessment of the DCP against these provisions does not relate to the construction of the building which is assessed under Section 68 of the Local Government Act 1993. Assessment of the proposed use is considered in this section.

Note that DCPs provide more detailed development standards that are designed to be applied flexibly in response to variable site conditions and aspects. Assessment needs to weigh the benefits of complying with all design standards against the actual site outcomes and usability of the development.

**Table 1: Compliance table - Penrith DCP 2014**

<b>COMPLIANCE TABLE Penrith DEVELOPMENT CONTROL PLAN 2014</b>		
<b>Clause</b>	<b>Provision</b>	<b>Statement of Compliance</b>
<b>C1 Site Planning and Design Principles</b>		
<b>1.1.1</b>	<b>Site Analysis</b>	The plans submitted with this application complies with the requirements for site analysis.
<b>1.2.3</b>	<b>Building form – height, bulk and scale</b> a) Context  b) Character  c) Articulation	a) Approval is sought for the use of a manufactured home as a residential dwelling on a rural property to be sited on a cleared area.  b) The dwelling and shipping container are not out of character with other forms of development within the locality.  c) The dwelling is provided with a deck on the southern elevation and is articulated by windows and doors.





	<p>d) Overshadowing</p> <p>e) Setbacks</p> <p>f) Building façade treatment</p>	<p>d) The structure will not overshadow adjoining properties given the size of the site.</p> <p>e) The site is located on a battleaxe allotment – the dwelling will be setback 20 metres from the southern boundary.</p> <p>f) The manufactured dwelling is a simple design with a slightly pitched roof.</p>
1.2.4	<b>Responding to sites topography and landform</b>	The structure will be erected on imported fill which has been tested for its suitability for the proposed use.
1.2.5	<b>Crime prevention through design</b>	The proposed development will improve CPTD by providing good passive surveillance over the land.
<b>C2 Vegetation Management</b>		
2.1	<b>(6) Trees and new development</b>	The building envelope is cleared. Additional tree planting is proposed to provide screening to the dwelling and shipping container.
2.3	<b>Bushfire management</b>	The subject site is within a bushfire prone area. See part 4.4 for further discussion. The proposal complies with PBP.
<b>C3 Water Management</b>		
3.1	<b>The water cycle/ water consevation (4)</b>	The proposed works will not increase the water needs of the site.
3.2	<b>Catchment management and water quality</b>  <b>Stormwater management</b>	<p>The proposal will introduce on site stormwater management and rainwater tanks for reuse on the site. The proposed development will improve stormwater management of the site.</p> <p>Stormwater management is detailed on the plans.</p>
<b>C4 Land management</b>		
4.1	<b>Site stability and earthworks</b>	The reports prepared by envirotech which are submitted along with the development application identified that the development would need to comply with Australian Standard 3798 (2007) <i>Guidelines on earthworks for commercial and residential</i>



		<i>developments.</i> It has been further noted in these reports that construction footprints shall be stripped of all unsuitable materials and deposited in stockpiles. Prior to any works being undertaken on the site it will be necessary to remediate the site for the identified and localized areas of contaminated soil (asbestos). The proposal can comply with Council's requirements.
4.3	<b>Erosion and sedimentation</b>	The proposal can comply with Council's development standards for erosion and sedimentation control during the course of development. The site plans show a sediment control barrier to be erected on the site east of the dwelling.
4.4	<b>Site contamination</b>	The targeted environmental site assessment prepared for the site identifies that there is limited asbestos found in one test site on the property. It will be necessary to remediate the site prior to any occupation certificate being issued. The proposal can comply with Council's requirements.

### C5 Waste Management

5.1	<b>Waste management plans</b>	There is no waste associated with the development.
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### C6 Landscape design

6.1	<b>Development category</b>	The proposed works is category 1 works. Details for landscaping are provided on the plans prepared by Des Du Rieue SK002.
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### C13 Infrastructure and Services

13.2	<b>Utility and infrastructure provision</b>	The dwelling will be serviced by on site sewer, water and electricity.
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### D1 Rural Land Uses

#### 1.2.1 Siting and orientation of dwellings and outbuildings

1.2.1	<b>1) Site planning</b>	
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	<b>2) Landscape/ scenic character</b>	<p>The proposed siting of the dwelling and shed will not impact on the privacy or amenity of adjoining neighbours. The proposal maximises solar access and increases landscaping on the site. The proposal will retain existing fill on site.</p> <p>The landscape character of the locality will be improved by the proposed works ancillary to the structures.</p>
<b>1.2.2</b>	<b>Setbacks and building separations</b>  <b>75 metres from South Creeek</b>  <b>5 metres from side boundaries</b>	<p>Complies</p> <p>Complies</p>
<b>1.2.3</b>	<b>Site coverage, bulk and massing</b>  <b>A maximum ground floor footprint of 600m<sup>2</sup> is permitted on any one allotment</b>	<p>The footprint of the manufactured dwelling is 29.88m<sup>2</sup>. The shipping container is 14.4m<sup>2</sup>. The proposal complies.</p>
<b>1.2.4</b>	<b>Height, scale and design</b> <b>The maximum height of a ceiling of the top floor a building should not exceed 8 metres</b>	<p>The maximum height above natural ground level is 6.67 metres. The proposal complies.</p>
<b>1.2.7</b>	<b>Materials and colours</b>	<p>The proposed finishes will be mute neutral tones which will complement the character of the area. Complies.</p>





## **5. THE LIKELY IMPACTS OF THE DEVELOPMENT**

In accordance with the requirements of Section 4.15 (1)(b), Council is required to consider the likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

The proposed works will result in the remediation of imported fill to the site and stabilize the soil and generally improve the site and its management. The proposed works will therefore result in a positive impact on the site and its locality.

## **6. SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

In accordance with Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979; the consent authority is required to consider the suitability of the site for the development. The previous sections of this report have demonstrated the suitability of the site for the proposed development, particularly in the following terms:

- a) The proposal will resolve outstanding matters identified by Penrith City Council in the Order issued for the property and result in improvements to the site and the remediation of the soil. The ancillary works to support the dwelling will improve the site management and includes the provision of a formalized driveway, landscaping, on site stormwater management and sedimentation control.
- b) The locality is characterized by small lot rural land uses and the proposed use of the property for residential use is considered to be suitable for the site.
- c) The development is consistent with Penrith City Council's development standards and objectives for the site.



## 8. PUBLIC INTEREST

In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979; the consent authority is required to consider the public interest in the assessment of the proposal. The proposal is considered to accord with the wider public interest in that:

- a) The development will achieve compliance with outstanding orders as issued by the Council in an effective manner
- b) The proposal will be consistent with objectives applicable to the site and will be compatible with the character of the surrounding locality as demonstrated throughout this report; and
- c) The proposal will not drain any public resources in the construction and life of the development; and
- d) The development will not detract from the amenity of the locality.

Having regard to the issues raised and discussed in this report, it is considered that the proposal is not contrary to the public interest.

## 9. CONCLUSION AND RECOMMENDATION

This Statement of Environmental Effects for the proposed development has considered

- a) an analysis of the subject site and of the surrounding locality;
- b) an analysis of the proposal against the provisions of the Penrith LEP 2010, Penrith Development Control Plan 2014, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site.
- c) the circumstances of the case;
- d) the public benefit of the development;
- e) and finds that the proposal is suitable for the site and in the public interest.

It is respectfully recommended that the consent authority considers the application for approval subject to appropriate conditions of consent.

