

Statement of Environmental Effects

PROPOSED

Retrospective Approval for Earthworks and Construction of a Rural Sheds



At

41 Jolly Street Castlereagh

May 2014

Prepared by

Urban City Planning

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1. INTRODUCTION

This development application seeks retrospective approval for earthworks involving a access driveway and turning area and the construction of a Rural Shed at 41 Jolly St Castlereagh.

1.1 Scope

The purpose of this submission is to indicate the following matters:

1. The environmental impacts of the development as amended,
2. How the environmental impacts of the development have been identified,
3. The steps to be taken to protect the environment or to lessen the expected harm to the environment,
4. Outline the changes to the development to address the reasons for refusal.

To discuss the relevant issues pertaining to the proposed development, the following matters will be raised;

1. The subject site and existing development
2. Describe the locality in which the proposed development is to be located,
3. Discuss Statutory Controls such as the Environmental Planning & Assessment Act 1979 and Regulation 2000, Environmental Planning Instruments (EPI's) and or Development Control Plans (DCP's)

1.2 Background

The Council on the 20 February 2013 issued a Notice of Intention To Serve an Order in respect to earthworks and the construction of a second driveway that have been partly undertaken without approval.

DA 13/0354 was refused by Council on the 3 October 2013.

Application under S82A of the EPA Act to review the decision of Council was lodged on the 23 December 2013 but was unable to be determined as period of time to determine the application has lapsed.

2.0 DESCRIPTION

2.1 Legal Description

The site is legally described as Lot 122 in Deposited Plan 709303 Number 41-47 Jolly Street Castlereagh.

2.2 Site Location

The site is located at 41-47 Jolly Street and is within the Penrith City Council Local Government Area. The site has a frontage to Jolly Street and is located on the northern side of Jolly Street to the east of the intersection with Sherendan Rd and to the west of Church St.

The location of the site is shown on the aerial photo below.



Subject Site

2.3 Zoning

The site is within an area that was excluded from stage 1 of the Council's LEP template process and will be considered in stage 2.

The subject property is zoned 1(b) (**Rural B zone small holdings**) under Penrith Local Environmental Plan 201 as amended.

2.4 Physical Description

The site is regular in shape and has a road frontage of 88.49m to Jolly Street.

The topography of the site is flat. The site has an area of 2.3ha

The site contains a number scatted trees and native vegetated areas generally located towards the rear of the site.

The aerial photo and photos below show the sites features.



Subject Site



Entry to property and feature fence



Existing trees in the front of the property



Front of the site adjacent to the driveway



Existing garage



Showing the existing vegetation along the western boundary



Showing the area of the proposed native plantings



Showing the existing vegetation along the western boundary



Showing the existing vegetation along the western boundary



Showing the location of the proposed shed

3.0 EXISTING DEVELOPMENT

3.1 On the site.

The site currently contains a dwelling, pool and small garage.

3.2 NEIGHBOURHOOD CHARACTER

The surrounding neighborhood character is predominately rural and rural residential uses.

A reserve adjoins the site to the east.

Aerial photo below shows the neighborhood character



Subject Site

4.0 PROPOSED DEVELOPMENT

4.1 Details of the Development

The development involves the following;

- **Retrospective approval for the driveway and rear truck turning area.**

The earthworks undertaken on site involved excavating the area on site that will be used for the second driveway and rear turning area.

The material excavated will be used on site as discussed below under top dressing.

The driveway is located adjacent to the eastern property boundary and will be 4m wide.

The turning area is located to the rear of the site and has dimensions of approximately 50m x 30m.

The plan attached to statement shows the location of the driveway and turning area,

A letter is attached to the submission that identifies the material used on the site and where it was sourced.

The property owner personally delivered the material from the Camellia depot to the property.

The owner is prepared to provide Council a signed letter which confirms the above.

The material on site is consistent with a recycled road material that a number of other properties in the locality have used to create a driveway onto their property.

Photos below shows the existing works undertaken in respect to the driveway and turning area.



The second driveway entry from Jolly Street



Showing the driveway looking towards Jolly Street



Showing the driveway looking towards the rear turning area



Rear turning area



Rear turning area



Rear turning area

Completion of earth and construction works associated with the second driveway and turning area

The earth and construction works associated with the second driveway and turning area involve the following:

- Filling of the excavated area of the driveway and turning area with minimum of 200m of suitable hardstand material such as crushed sandstone, road base or equivalent.
The finished level of the driveway and turning area will not exceed the

current level of the surface.

- Construction of a sealed pavement to the second driveway for the first 20m.
- Construction of a new sealed footpath crossing to Council requirements.
- Implementation of additional native planting around the rear turning area

The second driveway and turning area is to allow the owner to park 2 trucks on the property at the rear and allow adequate area for the vehicles to enter and leave the site in a forward direction.

Photos below shows the location of the proposed and existing plantings



Rear turning area and location of the proposed native plantings



Rear turning area and area of proposed plantings



Showing the existing vegetation along the western boundary



Showing the existing vegetation along the western boundary

The plan attached shows the truck turning path on site.

• **.Construction of a shed.**

The proposed shed and site shed will be located adjacent to the turning area.

The shed will have dimensions of 24m x 12m with a wall height of 5.4m and ridge height of 6.634m.

The shed size has been reduced from 22m x 18m (396sqm) as proposed by the initial DA to 24m x 12m.(288sqm)

The floor area has been reduced by 108sqm

The shed will be used to park the owner's two trucks being a semi trailers and rigid truck and other personal items such as boat, caravan and equipment used to maintain the property.



Location of the proposed shed



Location of proposed shed

Plan of the proposed shed including the floor plan is attached to the statement that shows the parking and storage of the vehicles and equipment in the shed.

- **Concrete water tank**

The proposed 120,000 litre underground concrete water tank will collect the roof water from the proposed shed and the overflow from the existing small water tanks that is connected to the dwelling.

The tank is located on the western side of the property adjacent to the turning area and shed.

- **Use of Property for the Garaging of Plant and Trucks**

The property owner will park only 2 trucks on the property which involves a semi trailer and a rigid truck.

The owner operates a transport company and has a number of trucks. The employees are paid additional money in their wages to wash the trucks and park them at their home similar to work vehicle to get to and from the job. These vehicles are not parked on the property at 41 Jolly Street.

All the vehicles are maintained and repaired off site at a mechanical repair workshop in Penrith. (Western Mechanical and Ryans Auto Electrician).

In the past the parking of more than 2 trucks has occurred on site due to a circumstance that was outside the control of the owner.

The owner has now put in place measures to ensure that this situation will not occur and only a maximum of 2 trucks will be parked on the property at any time in accordance with the definition contained in the Penrith LEP 201.

5.0 ENVIRONMENTAL CONSIDERATIONS

Penrith Local Environmental Plan 201

This plan was gazetted on 12 July 1991.

The proposed development is defined as Rural Shed and works associated with the use of the property for residential purposes

The subject application for a Rural Shed, and earthworks is permissible under the zone.

The parking of the owner's trucks is defined as

garaging of plant and trucks means storage and maintenance of up to 2 pieces of plant or trucks on a property where the plant or trucks are operated only by the occupier or occupiers of the property.

The following clauses are relevant to the proposed development.

CI 9 Zone Objectives and development control table

(3) Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the plan and the zone within which the development is proposed to be carried out.

Plan and Zone objectives

The property is Zoned as **Zone No 1 (b) (Rural “B” Zone—Smallholdings)**

| Primary Matters | Comment |
|---|--|
| <p><i>The objectives are:</i></p> <p><i>(a) to protect and enhance the scenic quality and rural character of the locality, and</i></p> <p><i>(b) to assist in meeting the demand for hobby farms and rural/residential development in Penrith where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities, and</i></p> <p><i>(c) to provide land for intensive agricultural and horticultural activities which are compatible with the environmental capabilities of the land and which are unlikely to adversely affect the amenity of the area, and</i></p> <p><i>(d) to ensure that development does not create unreasonable demands, now or in the future, for provision or extension of public</i></p> | <p>The proposed development involves no removal of any trees and additional screen native plantings are proposed around the rear turning area. The amended development will not impact on the scenic quality of the locality as the existing trees and vegetation on site will be retained with additional plantings proposed. The rural shed is located behind the dwelling and will not be visible from Jolly Street. The additional driveway and turning area is consistent with other properties in the locality. The development protects the existing scenic quality and rural character of the locality by retaining the existing trees and additional plantings.</p> <p>The proposed development does not involve any agriculture activity. The proposed development being associated with rural/residential use of the property is consistent with the conservation of the rural and natural landscape qualities of the locality.</p> <p>The development does not prevent the use of the property for intensive agriculture in the future.</p> <p>The proposed development does not require any additional of public amenities or services.</p> |

| Primary Matters | Comment |
|---|--|
| <i>amenities or services, and</i> | |
| <i>(e) to ensure that traffic generating developments are suitably located so as not to adversely affect the safety and efficiency of roads, and</i> | <p>The proposed development does not involve any significant traffic generation and will not impact on the current road network or road safety in the locality.</p> <p>The activity involves only a maximum of 2 trucks that will leave in the morning and generally return to the site in the afternoon period.</p> |
| <i>(f) to ensure that the form, siting and colours of buildings, building materials and landscaping complement the natural scenic quality of these localities, and</i> | <p>The proposed colours used for the shed and the siting will compliment the existing natural and scenic qualities for the locality.</p> |
| <i>(g) to ensure that where development is to be located on or near ridgetops, it will not significantly intrude into the skyline or detract from the scenic amenity of the locality, and</i> | <p>The development is not located on or near a ridge top</p> |
| <i>(h) to ensure that views from main roads and the rural character of the area will not be adversely affected, and</i> | <p>The rural character of the locality will not be affected as the existing vegetation on site will be retained and additional native planting proposed around the rear turning area..</p> |
| <i>(i) to ensure that development will not lead to excessive soil erosion or run-off.</i> | <p>The development will not lead to excessive soil erosion or runoff.</p> <p>Suitable controls will be implemented on site and maintained until any disturbed area is regenerated.</p> |

Provision of services

Clause 21. The council shall not grant consent to the carrying out of development on land to which this plan applies unless:

Comment

The existing services available to the site are adequate for the proposed development

Regional Environmental Plan 20

The aim of the SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of the future land uses are considered in a regional context.

The proposed development will have no impact on the Hawkesbury Nepean River system and the proposal is consistent the plan.

Penrith Development Control Plan 2006

The following sections are applicable to the proposed development

- Part 4 Section 4.9 Rural Development.
- Part 4 Section 4.10 Rural sheds

Rural Development

| DCP Requirements | Comments |
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| <p>Aims, Objectives, etc <i>The specific aim of this section is to protect, enhance or conserve:</i></p> <p>(a) <i>the rural character and setting of the City of Penrith;</i></p> | <p>The proposed shed will conserve the rural character and setting of the locality by retaining the existing vegetation and planting additional native trees and vegetation.</p> |
| <p>(b) <i>the scenic quality and valuable landscape features of the rural areas;</i></p> | <p>The proposed development will retain the existing native vegetation on site. The retaining of the vegetation on site and additional plantings proposed will protect the scenic quality of the locality</p> |
| <p>(c) <i>productive agricultural and horticultural areas;</i></p> | <p>The development will not impact any agricultural area and the site can still be used for future agricultural activities.</p> |
| <p>(d) <i>areas of significance for nature conservation;</i></p> | <p>The site has scattered tree cover The rear portion of the site has a more dense covering of native vegetation which is being retained. The majority of the native vegetation has been removed over many years with the use of the site.</p> |
| <p>(e) <i>minerals, soils, water, creek systems and other natural resources;</i></p> | <p>The proposed development will have no impact as the site does not contain any natural resources.</p> |

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| <p>(f) <i>areas needed to accommodate Sydney's future growth; and</i></p> <p>(g) <i>areas needed to accommodate special uses such as public utilities.</i></p> | <p>This site is not part of any future residential release area.</p> <p>The site has not been identified for any special uses.</p> |
| <p>Setbacks</p> <p>Aims</p> <p><input type="checkbox"/> <i>Maintain sight distance for vehicular safety.</i></p> <p><input type="checkbox"/> <i>Provide adequate areas for landscaping and tree preservation.</i></p> <p><input type="checkbox"/> <i>Minimise the impact of built forms on the rural landscape particularly in scenic areas.</i></p> <p><input type="checkbox"/> <i>Provide separation between residential uses and noise generating sources such as main roads for noise attenuation, i.e. the reduction of noise inside the dwelling.</i></p> <p>Policies</p> <p><input type="checkbox"/> <i>Generally, a setback minimum of 15 metres from public roads is required. Parking areas are not permitted within the setback. Consideration will be given to requests to vary the setback for intensive market garden sites.</i></p> <p><input type="checkbox"/> <i>A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</i></p> <p>Services</p> <p>Aims</p> <p><input type="checkbox"/> <i>That development will not place unreasonable pressure on servicing authorities for timing and extent of supply.</i></p> <p><input type="checkbox"/> <i>That development will take place only where satisfactory arrangements are made with the servicing authorities.</i></p> <p><input type="checkbox"/> <i>Ensure that adequate consultation is carried out with the relevant authority during the formulation of development proposals.</i></p> | <p>The proposed shed is setback behind the existing dwelling which will maintain the site distance.</p> <p>The setback provided will provide adequate opportunity for landscaping and preserving the existing trees on the property.</p> <p>The setback will assist in reducing the impact on the streetscape and scenic quality of the locality</p> <p>Not applicable.</p> <p>The proposed setback is well in excess of the minimum requirement.</p> <p>The proposed setback of the building provides variety and prevents rigidity in the streetscape</p> <p>The proposed development will not place any pressure on the existing utilities in the locality.</p> <p>The development complies with the aim.</p> <p>Not required the existing services on site are adequate.</p> |

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| <p>Policies</p> <p>Water</p> <p><input type="checkbox"/> <i>Consultation with Sydney Water. Sydney Water should be contacted regarding their requirements in conjunction with discussions with Council about development, subdivision and building applications. For some developments it will be necessary to provide evidence to Council that consultation has been carried out when building and development applications are submitted. For most developments provision of evidence that consultation with Sydney Water has been carried out will be a condition of consent.</i></p> <p><input type="checkbox"/> <i>Development ,Subdivision and Building Applications. Council is unlikely to grant consent to applications for developments which place unreasonable pressure on Sydney Water's supply capacity.</i></p> <p><input type="checkbox"/> <i>Funding and Construction of Amplification. It will generally be the applicant's responsibility to pay for or construct any increase in capacity of services.</i></p> <p>Effluent Disposal</p> <p><input type="checkbox"/> <i>The rural area is not serviced with reticulated sewer and therefore an alternative means of effluent disposal needs to be considered.</i></p> <p><input type="checkbox"/> <i>Aerated septic systems are the preferred method of effluent disposal. However, trench disposal or a combined trench/transpiration bed proposal may be considered if the applicant can demonstrate that the proposed system will work effectively.</i></p> <p><input type="checkbox"/> <i>All on site effluent disposal systems should be located clear of flood prone land in order that this type of service can operate effectively.</i></p> <p>Electricity</p> <p><input type="checkbox"/> <i>Applicants are required to make satisfactory arrangements with Integral Energy for the provision of low voltage electricity and/or lighting to the site.</i></p> | <p>The proposed development will not generate the need for water. The site has a single dwelling. Water is currently available and provided to the site which is adequate for the proposed development.</p> <p>See comment above</p> <p>Noted</p> <p>Not required with the proposed development. Existing system on site is adequate.</p> <p>See comments above</p> <p>The land is not considered flood prone.</p> <p>The proposed development will not generate the need for a electricity service Electricity is currently available and provided to the site which adequate for the development.</p> |
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| <p>Access</p> <p>Driveways <input type="checkbox"/> <i>Natural contours should be followed when designing and constructing driveways. Driveways should be located to retain as much of the property's vegetation as practicable</i></p> <p>Tree Preservation</p> <p>Aims <input type="checkbox"/> <i>Protect and preserve existing trees and vegetation, excluding weeds, on all land.</i></p> <p><input type="checkbox"/> <i>Encourage the retention of native vegetation on rural properties.</i></p> <p>Development and Subdivision <input type="checkbox"/> <i>Development and subdivision applications should illustrate all existing vegetation. Buildings and access areas should be sited to minimise the removal of trees.</i></p> <p>Car Parking <i>For any proposed development, council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development.</i></p> <p>Drainage</p> <p>Aims <input type="checkbox"/> <i>Ensure adequate drainage is provided for the proposed development.</i></p> <p><input type="checkbox"/> <i>Ensure adjoining properties are not significantly affected by drainage from the proposed development.</i></p> <p>Policies <input type="checkbox"/> <i>The development of any lot should take into account the existing drainage patterns of the area including any localised ponding and whether the proposed development is likely to affect:</i></p> | <p>The proposed development will involve a new additional driveway that will be used to access the proposed shed and the truck turning area. No trees are to be removed with the driveway proposed and additional plantings are proposed.</p> <p>The proposed development will retain all the trees on the property and provide additional plantings on site.</p> <p>See above comment. The shed building has been sited on the site to ensure there is no tree removal.</p> <p>Not applicable</p> <p>The development provides adequate parking opportunity on site.</p> <p>The proposed development provides a storm water drainage system on site which involves a 120,000 litre water tank storage facility.</p> <p>The proposed drainage is diverted away from the adjoining properties and will have no impact.</p> <p>The proposed drainage for shed will be diverted to the proposed water tank with overflow being diverted to an absorption trench proposed drainage is shown on plans attached to the submission.</p> |
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| <p>(a) access to the site (b) drainage on adjoining properties (c) localised nuisance flooding on adjoining properties.</p> <p>Dwellings and Outbuildings Aims</p> <p><input type="checkbox"/> Encourage the construction of dwellings where the siting and design respects the rural character of the locality.</p> <p><input type="checkbox"/> Ensure that external finishes used have minimal detrimental impact on the visual amenity of an area.</p> <p><input type="checkbox"/> Encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development.</p> <p><input type="checkbox"/> Encourage a diversity of interesting rural homes and buildings.</p> <p>Policies</p> <p><input type="checkbox"/> A dwelling house may be erected on vacant land zoned 1(a), 1(b), 1(c), 5(d), and 7 with the consent of Council subject to the minimum area and other requirements in Penrith Local Environmental Plan No. 201 (Rural Lands) and subject to the submission of a satisfactory application.</p> <p><input type="checkbox"/> Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</p> <p>o the privacy of the proposed and existing buildings;</p> | <p>The proposed drainage system will not affect access to the site, any adjoining properties or the local overland flow path.</p> <p>The proposed shed design and siting respects the rural character of the locality and is consistent with other sheds in the locality.</p> <p>The external finishes will be pre painted metal in earth tone colours that will have no significant visual impact on the locality.</p> <p>Not applicable</p> <p>The proposed shed is a typical design.</p> <p>The proposed development meets the requirements of LEP 201 and the site has an existing dwelling.</p> <p>The building location and setback ensures that privacy is maintained between the adjoining developments and on site between the dwellings.</p> |
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| <p><i>o providing flood-free access to the dwelling and a flood-free location for the dwelling itself;</i></p> | <p>The access is flood free</p> |
| <p><i>o ensuring that solar access is maximised;</i></p> | <p>Not applicable.</p> |
| <p><i>o retaining as much as possible of the existing vegetation; and o minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).</i></p> | <p>The proposed shed is located on a flat portion of the site and the likely cut and fill involved with the construction of the buildings will be minimal. The shed location will involves no removal of trees.</p> |
| <p><input type="checkbox"/> <i>All components of development including fencing, outbuildings, driveways and landscaping, should be considered in the design of proposed development.</i></p> | <p>The proposed components of the development are considered to be consistent with the existing rural character of the locality.</p> |
| <p><input type="checkbox"/> <i>Only rural style fencing will be allowed i.e. of an open rural nature in character with that normally found in rural areas. No objections are raised to internal courtyard fencing, or entry fencing, provided such fencing is sensitive to the rural environment.</i></p> | <p>Not applicable</p> |
| <p><input type="checkbox"/> <i>Buildings on sloping land should be sited (where natural features permit) so that they do not intrude into the skyline.</i></p> | <p>The site is flat and the proposed building will not intrude into the skyline.</p> |
| <p><input type="checkbox"/> <i>Dwellings shall be no more than two storeys in height, including garage and storage areas. On sloping sites split level development is preferred.</i></p> | <p>Not applicable</p> |
| <p><input type="checkbox"/> <i>Sheds and outbuildings should be clustered in one location on properties and should be of similar colours to the dwelling house and surrounding environment.</i></p> | <p>The proposed shed is clustered in one location on the property. The location of the shed has been chosen to ensure the owners trucks being semi trailers can enter and leave the site in a forward direction. The colour of the shed will complement the dwelling.</p> |
| <p><input type="checkbox"/> <i>Colours of external finishes should be in keeping with the natural surroundings. Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided.</i></p> | <p>The external finishes will be pre painted metal in earth tone colours that will have no significant visual impact on the locality.</p> |

Rural Sheds

| DCP Requirements | Comments |
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| <p>Siting Objective</p> <p><i>(a) To integrate rural sheds with the landscape so that they complement the rural character of an area and are not visually dominant.</i></p> <p><i>(a) To ensure that rural sheds are located to have minimum impact on existing trees and vegetation and on the potential use of the land for agriculture.</i></p> <p><i>(b) To preserve the natural environment.</i></p> <p>Controls</p> <p><i>(a) Rural sheds should be setback behind the building line of the existing dwelling house on the property as depicted in the adjacent drawing.</i></p> <p><i>(b) Cut and fill for rural sheds should be limited to 1m of cut and 1m of fill. Depending upon the site, a combination of cut and fill or cut only is appropriate</i></p> <p><i>(c) Rural sheds should not be erected on land having a slope in excess of 10 %.</i></p> <p><i>(d) Rural sheds should be sited on the land so that any disturbance to native and indigenous vegetation is minimal.</i></p> <p><i>(e) Rural sheds should be a minimum distance of 5 m from the side boundaries. Note: Any shed that is less than 10 metres from a side boundary will be notified to the adjoining neighbours as per section 2.7 (Notification and Advertising) of the Penrith DCP 2006.</i></p> <p><i>(f) The narrowest elevation of all rural sheds should face the road</i></p> | <p>The proposed shed is located behind the existing dwelling which is over 100m from Jolly Rd.</p> <p>The style of the shed will complement the rural character and will not be visually dominate the locality given the setback and the existing vegetation that will be retained.</p> <p>The proposed location on the site will result in the removal of no trees and not have an impact on the potential use of the site agriculture.</p> <p>The proposed shed will preserve the existing natural environment the site.</p> <p>The proposed shed is located behind the location of the existing dwelling as shown on the plans attached to the submission.</p> <p>The cut and fill proposed will be minimal as the shed is located on a flat portion of the site.</p> <p>The slope of the land is well below 10%</p> <p>The shed construction will require no removal of any trees.</p> <p>The shed is located well in excess of the 5m requirement from the western and eastern property boundaries.</p> <p>The shed does not have the narrowest elevation facing Jolly Street however the setback from the road and the existing dwelling will ensure the shed is not visible from Jolly Rd.</p> |

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| <p>Size</p> <p>Objective</p> <p>(a) <i>To control the size of rural sheds to minimise their visual impact on the landscape.</i></p> <p>(b) <i>To ensure that rural sheds do not result in the excessive loss of native and indigenous vegetation.</i></p> <p>(c) <i>To ensure that the size of rural sheds is consistent with its intended use and the size of the property.</i></p> <p>Controls</p> <p>(a) <i>For allotments 3 hectares in size or less the maximum accumulative building footprint of all sheds on an allotment shall not exceed 150m².</i></p> <p>(b) <i>For allotments more than 3 hectares in size the maximum accumulative building footprint of all sheds on an allotment shall not exceed 300m².</i></p> <p>Height and Design</p> <p>Objective</p> <p>(a) <i>To control the height of rural sheds in order to minimise their dominance and bulk in the rural landscape.</i></p> <p>(b) <i>To encourage improved design of rural sheds so that they enhance the rural landscape and support the character of an area.</i></p> <p>(c) <i>To ensure that rural sheds are sympathetic to their setting.</i></p> <p>(c) <i>To ensure that the design of rural sheds seek a range of design measures to suite individual circumstances.</i></p> | <p>The proposed shed is 288sqm in size and will not have a significant impact on the visual aspect of the existing landscape given the setback from Jolly Street and the existing dwelling and landscaping that will screen the shed.</p> <p>No trees to be removed with the shed location all other vegetation to be retained with additional plantings proposed.</p> <p>The size of the shed is adequate for the proposed use which will involve the storage of trucks and equipment used to maintain the property.</p> <p>The size of the site is below 3ha and the foot print of the shed is more than 150sqm (288sqm)</p> <p>The proposed sheds have a ridge height 6.634m and will not dominate the rural landscape given the setbacks, the existing dwelling and the existing vegetation that will be retained on site.</p> <p>The proposed design is typical for a rural shed and similar to others in the locality.</p> <p>The proposed shed is sympathetic to their setting by retaining the existing vegetation on site.</p> <p>The sheds design meets the requirements of the owner to park the owners 2 trucks and equipment and machinery to maintain the property.</p> |
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Controls

(a) The height of a rural shed should not be more than 5m high, or no higher than the height of the ridgeline of the dwelling house on the same allotment, whichever is less. Ridgeline Means the highest point at which upward angled roof planes meet. Height Means the distance from natural ground level to the highest point of a building directly above.

(b) The maximum external wall height of a shed shall be 3.6m. External wall height Means the distance from the natural ground level to the underside of the eaves.

(c) The design of rural sheds should comprise traditional roof shapes to provide visual relief to the building, reduce the buildings dominance over its setting and to provide interest and character to the locality. Such examples are depicted in the adjacent pictures

(d) The external walls of the shed should be a maximum length of 15.0 m between distinct corners of the shed or between significant features such as awnings.

(d) The shed shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.

The sheds height to the ridge is 6.634m which is less than the ridgeline of the dwelling. The height is needed so the owner can undertake minor maintenance to the trucks which need to extent the trailers up in the air using the hydraulic lift.

The external wall height is 5.4m and is needed for the reason outlined above.

The roof shapes involve a traditional pitch roof for sheds in the locality.

The external wall of the shed is 24m which exceeds the maximum 15m length. The objectives of the requirement as outlined above is still achieved as discussed above.

The shed has a pitch of 10°. While the shed is below the minimum pitch it still achieves the objectives of the control as discussed above. The reduced pitch has resulted in a lower height and a reduced impact on the existing rural landscape.

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| <p>(f) All elevations that face the street are to include a suitable level of detailing so that the building has a presentation to the street and such treatments minimize the bulk of the building. Examples:</p> <ul style="list-style-type: none"> (i) Windows (ii) Awnings (iii) Verandahs <p>Building Materials and Colour Objective</p> <p>(a) To ensure that the colours used in the construction of rural sheds are consistent with the prevailing colours of the locality.</p> <p>(b) To ensure that building materials used in shed design reflect the rural setting and consist of traditional materials that are present in the locality.</p> <p>Controls</p> <p>(a) The colour of rural sheds shall compliment the colours of the natural vegetation and background of the property.</p> <p>(b) Depending on the locality of the shed, such acceptable colours include:</p> <ul style="list-style-type: none"> (i) Green (ii) Brown (iii) Beige (iv) Grey <p>(c) Building materials used in the construction of rural sheds should be nonreflective.</p> <p>(d) The construction of rural sheds should utilise a range of materials to aid in the articulation of the building form.</p> <p>(e) Where a rural shed is below the 1-in-100 year flood level it is to be constructed of materials that are flood compatible.</p> <p>Objective</p> <p>(a) To ensure that rural sheds are appropriately screened by vegetation to minimise the impact on the visual qualities of the locality.</p> | <p>The existing dwelling is located in front of the shed.</p> <p>The shed is setback a considerable distance from Jolly street and screened by the existing dwelling and the existing native vegetation that provides adequate screening of the shed from Jolly Street.</p> <p>The proposed colours which will be earth tones with be consistent with other sheds in the locality.</p> <p>The materials involve pre painted metal which is consistent with the rural setting and existing materials used in the construction of rural sheds in the locality.</p> <p>The colours will complement the existing native vegetation on the site that is to be retained.</p> <p>External colours will be chosen from the acceptable colours opposite.</p> <p>The building materials will be pre painted metal and of a non-reflective material and colour.</p> <p>The materials and colours used will assist in the articulation of the shed by using contrast colours for the downpipes and guttering.</p> <p>Not applicable site not below the 1:100 year flood level.</p> <p>The existing mature native vegetation on the site will be retained and will assist in screening the shed.</p> <p>The opportunity exists for additional screen planting to be implemented on site which is</p> |
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| <p><i>(b) To ensure that the landscaping used in association with rural shed development is consistent with section 2.6 (Landscape) of the Penrith DCP 2006.</i></p> <p><i>(c) To ensure that rural sheds are compatible with their rural setting.</i></p> <p>Controls</p> <p><i>(a) Rural sheds should be landscaped in accordance with section 2.6 (Landscape) of the Penrith DCP 2006.</i></p> <p><i>(b) Landscape plantings are to be a mix of trees, shrubs and ground cover.</i></p> <p><i>(c) Trees used for landscaping around rural sheds shall include a mix of species, some of which will have a height at maturity that is above the ridge-line of the shed.</i></p> <p><i>(d) In order to provide adequate screening and visual presentation, all landscaping of sheds should include massing of shrubs between ground level and 2 metres.</i></p> <p><i>(e) Plants indigenous to the area are to be used.</i></p> <p><i>(f) Where appropriate landscape designs shall include landscape mounds to aid in screening the building.</i></p> | <p>proposed .</p> <p>Any proposed landscaping will be consistent with section 2.6 of the Penrith DCP 2006</p> <p>The shed is compatible with the rural setting of the locality.</p> <p>Any proposed landscaping will be consistent with section 2.6 of the Penrith DCP 2006</p> <p>See above comment</p> <p>See above comment</p> <p>The existing vegetation will be retained and any additional plantings will complement this vegetation.</p> <p>Any proposed landscaping will be consistent with section 2.6 of the Penrith DCP 2006</p> <p>See comments above.</p> |
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**Request for Variation of Controls
Size/Footprint**

The size of the shed is required to enable the owner to parking and store the following vehicles and equipment that are used to maintain the property.

- 2 trucks.
- Boat.
- Caravan.
- Tractor and slasher and implements other used to maintain the property.
- Classic restored car

Photos of the various vehicles and equipment are attached to the statement as well as a floor plan of the shed showing the parking and storage of the above vehicles and equipment.

The objective of the size control is as follows:

- (a) To control the size of rural sheds to minimise their visual impact on the landscape.*
- (b) To ensure that rural sheds do not result in the excessive loss of native and indigenous vegetation.*
- (c) To ensure that the size of rural sheds is consistent with its intended use and the size of the property.*

The proposed shed while exceeding the numeric control meets the objectives of the size control as the shed location will not have a visual impact on the locality due to the setbacks provided; the existing dwelling and landscaping that will screen the proposed shed.

The shed involves no removal of any trees and all trees on site will be retained and assist in screening the shed.
Additional plantings are proposed in the vicinity of the shed.

The use of the shed has been discussed and justified above and relates to the garaging of 2 trucks and storage of other equipment and personal items associated with the residential use of the property.
(Refer to photos attached to the statement of the vehicles and equipment.)

Height

The height is needed so the owner can undertake minor maintenance (checking fluids and oils) to the trucks which need to extend the trailers up in the air using the hydraulic lift to access the engines.

The objectives of the height control are as follows:

- (a) To control the height of rural sheds in order to minimise their dominance and bulk in the rural landscape.*
- (b) To encourage improved design of rural sheds so that they enhance the rural landscape and support the character of an area.*

(c) To ensure that rural sheds are sympathetic to their setting.

The proposed shed while exceeding the numeric control meets the objectives of the height control as the shed location will not have a visual impact and minimized the shed dominance and bulk on the locality and rural landscape due to the setbacks provided, the existing dwelling and landscaping that will screen and reduce the dominance of the proposed shed.

The proposed shed is sympathetic to setting of the locality.

Wall Length

The objectives of the wall length are the same as those associated with height.

The shed wall length while not meeting the numeric requirement still meets the objectives as discussed above.

Environmental Planning & Assessment Act. 1979

The likely impacts of the development as per Section 4 of the Act are considered here.

| Primary Matters | Comment |
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| <i>Context & Setting</i> | <p>The impact of the proposal on the surrounding natural and built environment will be minimal. The proposal does not adversely affect the natural topography of the site as the development involves the use of a flat portion of the site that will require minimal disturbance. There will be no removal of the existing vegetation.</p> <p>The proposed development is consistent with the existing context and setting in the locality which is rural and rural/residential in nature.</p> |
| <i>Character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the development</i> | <p>The proposed shed building's size, height and scale are consistent with other similar structures in the locality.</p> <p>The retention of the existing native vegetation on the site will assist in reducing any potential impact on the rural character of the location.</p> <p>The setbacks provided to the front and side property boundaries also assist in reducing any potential impacts.</p> |
| <i>Access, Transport and Traffic</i> | <p>The proposal will not adversely affect the surrounding road network and existing traffic conditions. The proposed shed will not generate significant additional traffic volumes.</p> |

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| <i>Landscaping</i> | The retention of all other vegetation on site will not have a significant impact on the existing vegetation community on the site. Additional landscape planting is proposed to be undertaken on site |
| <i>Acoustic Impacts</i> | The proposed use is consistent with surrounding rural/residential uses. Acoustic impact of the development will be minor and can be regulated by existing noise control regulations if there are any problems in the future. |
| <i>Other amenity impacts</i> | There will be no loss of privacy to local properties due to the existing vegetation and setbacks from the side property boundaries. . Overall the impact of the proposal on the amenity of adjoining properties will be minimal if any at all. |
| <i>Storm water, drainage, construction, and utilities</i> | The buildings will have a storm water system that will direct water to the existing dam on site and an on site waste water system in accordance with the waste water report attached to the statement. |

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

| Primary Matters | Comment |
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| <i>Does the proposal fit into the locality?</i> | The proposed shed is considered to be of a rural and rural residential character. It is considered that there will be little or no significant increase to the number of vehicles parking at the site at any one time. |
| <i>Are the site attributes conducive to development?</i> | The site has no constraints that would impact on the proposed development. |

6.0 REASONS FOR REFUSAL of DA13/0354

- 1 *The application is not satisfactory for the purpose of section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the application has not adequately demonstrated that the shed will be used to store materials and equipment associated with the residential use of the property which are permissible in the zone. As a result the proposed works are not considered to be ancillary to the existing dwelling and therefore not permissible in the 1(b)- Rural B zone-Smallholdings zone under the provisions of the Penrith Local Environmental Plan 201 (Rural Lands) zone*

Comment:

The planning assessment report for DA13/0354 indicated that based on a number of inspections undertaken by Council's compliance section it was revealed that there were more than 2 trucks parked on the property and the development was not for the garaging of plant and trucks but a truck depot which is prohibited in the zone.

The application as outlined in section 4 has indicated what is proposed which is the parking of a maximum 2 trucks.

This section has explain the measures the owners have now implemented to ensure that only a maximum of 2 trucks will be parked on the property.

The application should be considered on the information provided and not on what may have occurred in the past.

Since these inspections undertaken by Council officers no more than 2 trucks have been parked on the property and they are driven by the occupants of the property only.

The application is not a truck depot and complies with the definition of "garaging of plant and trucks".

The parking of the trucks that are driven by the occupants of the property is associated with the dwelling and is similar to other truck drivers in the Penrith area that park their trucks at their place of residence.

What is now proposed is the same situation being the resident parking a truck on the property they drive.

- 2 *The application is not satisfactory for the purpose of section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as scale and cumulative building footprint of the shed and manoeuvring area is excessive and cannot be categorised as being ordinarily incidental and ancillary to the existing dwelling on the property and is inconsistent with the Penrith Local Environmental Plan 201 (Rural Lands)*

Comment:

The size of the shed has been reduced to 288sqm and the justification of the size of the shed has been outlined in section 5 of the statement.

The turning area has been justified by the truck turning path for the semi trailer. The turning path shows this area is needed to ensure the semi trailer can enter and leave the site in a forward direction.

Additional native plantings are proposed around the turning area will also assist in reducing the impact of the development on the locality.

As discussed above the use of the shed is considered to be ancillary to the existing dwelling.

The shed use as proposed for the parking on the resident's truck and other personal equipment to maintain the property is similar to other sheds in the immediate locality.

- 3 *The proposed development is inconsistent with the general aims and objectives of the the Penrith Local Environmental Plan 201 (Rural Lands) (Section 79C(1)(a)(i)of the Environmental Planning and Assessment Act 1979)*

Comment

This matter has been assessed in section 5 of the statement.

- 4 *The proposed development is inconsistent with the objectives of the the zone 1(b) –Rural Zone B- Smallholdings (Section 79C(1)(a)(i)of the Environmental Planning and Assessment Act 1979).*

Comment:

This matter has been assessed in section 5 of the statement.

- 5 *The proposal is not satisfactory for the purpose of section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal is*

inconsistent with the objectives of the draft E4- Environmental Living zone under the provisions of the exhibited Draft Local Environmental Plan being the preservation and complement of natural resources through appropriate land management practices.

Comment:

The objectives of the E4 zone and assessment is below

| Primary Matters | Comment |
|--|---|
| <ul style="list-style-type: none"> • <i>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</i> • <i>To ensure that residential development does not have an adverse effect on those values.</i> • <i>To restrict development on land that is inappropriate for development because of its physical characteristics or bushfire risk.</i> • <i>To ensure that land uses are compatible with existing infrastructure, services and facilities and with the environmental capabilities of the land.</i> • <i>To encourage existing sustainable agricultural activities.</i> • <i>To ensure that development does not create or contribute to rural land use conflicts.</i> • <i>To promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.</i> • <i>To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface</i> | <p>The proposed development does not involve residential development but the works and use are associated and ancillary with the existing residential use of the property</p> <p>The proposed development has been located in a cleared portion of the site to avoid any removal of trees. Additional native plantings are proposed to further assist in reducing any potential impact on the locality.</p> <p>The proposed development will not have an impact on the current bushfire risk. The development as amended is now more appropriate for the site and the physical characteristics of the land.</p> <p>The proposed development does not involve any extensions to the existing infrastructure services currently used by the dwelling. The use is compatible with the environmental capabilities of the land.</p> <p>Not applicable.</p> <p>The use for the garaging of a maximum of 2 trucks will not lead to any conflict.</p> <p>The development as proposed does not involve the removal of any vegetation on site. Additional native plantings are proposed as part of the development.</p> <p>The development will have no impact on any water catchment or ground water quality.</p> |

| Primary Matters | Comment |
|--|--|
| conditions and important ecosystems such as waterways. | The water generation is from the roof of the shed and the truck turning area which is managed on the site. |

- 6 *The proposed development is inconsistent with the objectives outlined in Part 4.2, Part 4.9 and Part 4.10 of Penrith Development Control Plan 2006 in respect to the promotion rural residential character (Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979)*

Comment:

This matter has been assessed in section 5 of the statement. The areas of non compliance has been justified and the proposed design still meets the planning objectives of the controls in the DCP where the shed does not meet the numeric control

- 7 *The proposed development is unsightly and its construction and use would undermine the rural residential context of the area (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979)*

Comment:

This matter has been discussed and addressed in section 5 of the statement. The proposed setbacks, reduction of the shed size, retention of the existing vegetation and additional plantings has all contributed to maintaining the existing rural residential context of the locality.
The surrounding area has a number of similar size sheds.

- 8 *The proposed development would have an adverse impact upon the existing area, having regards to the submissions made (Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979)*

Comment:

The matters raised in the submissions are discussed below

| Matter Raised | Comment |
|---|---|
| <i>Use of property as Truck Depot</i> | <p>The property owner as outlined in the statement of environmental effects will only be parking his owns trucks and will not be running a truck depot from the premises.</p> <p>The property owner does operate a business from the property as a <i>home occupation</i> where he keeps the company's paper work and is the registered address for the business known as tnd transport.</p> <p>All the other trucks associated with the business are garaged at the driver's property. The proposed garaging of the owners 2 trucks is not a truck depot but is defined under Penrith LEP 201 as</p> <p><i>garaging of plant and trucks means storage and maintenance of up to 2 pieces of plant or trucks on a property where the plant or trucks are operated only by the occupier or occupiers of the property.</i></p> <p>The 2 trucks will be operated by the property owner who is the occupant of the property.</p> |
| <i>Pollution (Noise)</i> | <p>The noise generated will involve the movements of the trucks that will be garaged in the shed.</p> <p>Generally the trucks leave the property around 6.30am to 7am and return between 4pm to 6pm.</p> <p>The trucks are normally away from the property for the day and there are only 2 vehicle movements.</p> <p>The driveway is located on the eastern side away from the nearest residence to reduce any potential noise generated by the truck movements.</p> <p>Given the scale of the likely truck movements per day and the hours the trucks will leave and return to the site the potential for noise impact is considered to be low.</p> |
| <i>Fuel Storage on site</i> | <p>The proposed development does not involve the installation of any fuel tanks on the site.</p> |
| <i>Lack of Stormwater Management System</i> | <p>The stormwater from the proposed shed will be collected into water tanks and the water in the tanks will be used to irrigate the landscaping and lawn areas on site.</p> |

| Matter Raised | Comment |
|--|--|
| | <p>The overflow from the tanks will be diverted to a suitably sized absorption trench/pit.</p> <p>Any runoff from the turning and driveway areas will be diverted to either Jolly Road or a suitably sized absorption trench. The soil profile of the area is sandy in nature and the construction of an absorption trench will work adequately to ensure that any runoff from these areas are not diverted onto adjoining properties or impact on the current drainage patterns for the locality.</p> |
| <p>Road system not designed for heavy vehicles</p> | <p>As discussed above the development only involves 2 trucks that are owned and operated by the property owner who is the occupant of the property. The likely vehicle movements per day are considered to be small. There are currently in the immediate area a number of property owners who own trucks as part of their occupation and these vehicles are garaged at their property. The additional truck movements generated by the proposed development will not have any significant impact on the current road system that currently caters for a number of heavy vehicles that are owned by a number of property owners in the immediate locality.</p> |

- 9 *The proposed development will cause significant to the amenity of the rural residential area and is therefore not in the public interest (Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979)*

Comment:

The development and alterations to the shed size as outlined in section 4 has reduced any potential impact on the amenity of the rural residential area.

7.0 Conclusion

The aim of this statement has been:

- To describe the proposal
- To discuss compliance of the proposed development with relevant statutory considerations; and

- To provide an assessment of the likely environmental effects of the proposal
- Address the reason for refusal of DA13/0354.

The proposed development is consistent with the aims and objectives of the Penrith LEP 201 and the Penrith DCP 2006.

The shed complies with the DCP requirements with the exception of the size, height and length of the wall which have been discussed and justified in section 5.

While the shed does not meet the numeric requirements of these controls it does meet the objectives of each control as discussed in the section 5 of the submission.

Having regard to the analysis & assessment within this statement, the proposed development has addressed the reasons for refusal of development application 13/0354 should be given a favorable determination.