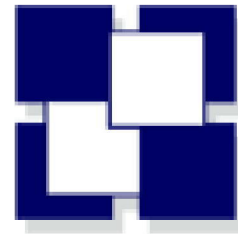


REPORT NO. J19.002

FEBRUARY 2019



benchmark
BUILDING CERTIFIERS

**LOT 15 DP 1225912 (NO. 29) ALLAN
ROAD, MULGOA – SINGLE STOREY
DWELLING AND SWIMMING POOL
DEVELOPMENT
STATEMENT OF ENVIRONMENTAL EFFECTS
FOR: ADAN CREATIVE DESIGNS
PENRITH CITY COUNCIL**

PREPARED BY: ANTHONY KRILICH

BENCHMARK BUILDING CERTIFIERS

LOT 15 DP 1225912 (NO. 29) ALLAN ROAD, MULGOA – SINGLE STOREY DWELLING AND SWIMMING POOL DEVELOPMENT

PROPERTY AND PROJECT DESCRIPTION:

PROPERTY: Lot 15 DP 1225912 (No. 29) Allan Road, Mulgoa

PROJECT: New single storey dwelling and swimming pool

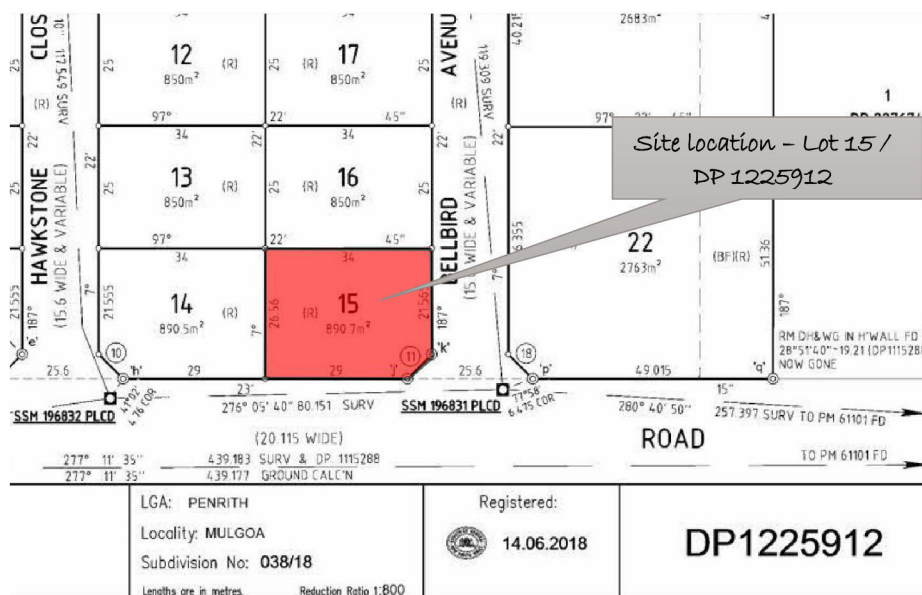
ZONING: RU5 – Village zone under *Penrith Local Environmental Plan 2010*

THE SITE:

The subject site is located in the newly released Allanfields Estate in Mulgoa. The site is a corner lot located at Lot 15 DP 1225912 (No. 29) Allan Road, Mulgoa. The allotment is a corner lot with Bellbird Avenue and has an area of 890.7m².

Lot 15 is a vacant site. The lot has an area of approximately 34m x 26.5m. There are no restrictions on the land registered under Deposit Plan 1225912.

A copy of the deposit plan and Sales Plan extract showing the location of the lot (as highlighted) is presented below:



The development site is a relatively flat site with a slight slope towards the east of the site and Bellbird Avenue. No significant trees are located on the development site.

This area of Mulgoa is a newly released semi-rural residential area. Homes within the surrounding area are generally larger 'executive' homes on larger rural lots which are mainly used for rural living purposes (there is no large scale agricultural enterprises in the area).

Many of the homes surrounding the site have also recently been built (for example in Roxys Way area and also along Allan Road opposite the site). Mulgoa Village is located less than 500m to the west of the site.

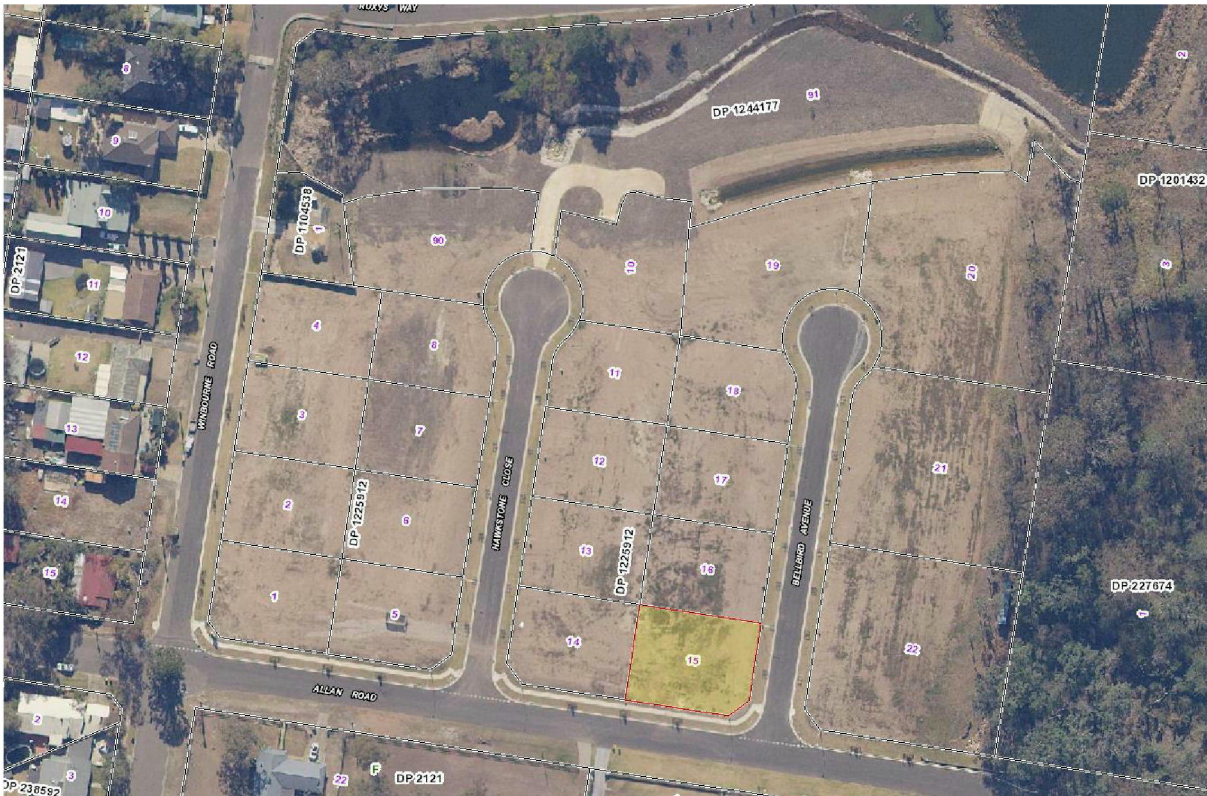


Photographs of the site are provided for in the Appendix to this Statement. An aerial photograph of the site for the area is provided below.

AERIALS OF THE SITE:



Lot 15 DP 1225912 (No. 29) Allan Road, Mulgoa – Single storey dwelling and swimming pool development



Above – Aerial photo of site being Lot 15 DP 1225912. Previous aerial showing Allanfields Estate.

PROPOSED DEVELOPMENT:

The proposed development seeks to undertake the following works on the land:

- 1. The construction of a new single storey dwelling house;**
- 2. The construction of a swimming pool and other works.**

The development proposes works which will be of generally a combination of masonry and Weathertex 'Natural Ecogroove 150mm external cladding' construction on a concrete floor slab. Brickwork and lightweight walls will be rendered and a painted finish. Roofing will be a 20 degrees tiled roof. Decorative features such as selected stone finish and timber feature posts are also proposed.

The new dwelling proposes a front setback of 5.6m to Allan Road and a secondary street setback of 4.9m to Bellbird Avenue. The Articulation zone setback is closer, with 4.132m proposed for Allan Road. The garage will be located 6.1m from Bellbird Avenue.

The dwelling house and associated outdoor entertaining areas proposes boundary setbacks of 1.5m to the northern boundary and 4.39m to the western boundary.

An in-ground swimming pool is proposed in the rear yard areas of the site. The swimming pool will be located about 0.9m to the northern boundary and approximately 15.1m to the western boundary. Minor ancillary alfresco areas are also proposed adjoining the swimming pool.

This Statement of Environmental Effects will address the proposed development against the provisions of the *Environmental Planning and Assessment Act* (Section 4.15/Section 79c).

HEADS OF CONSIDERATION:

The following heads of consideration under section 4.15 (or Section 79c) of the *Environmental Planning and Assessment Act, 1979* apply:

“the provisions of any environmental planning instrument”

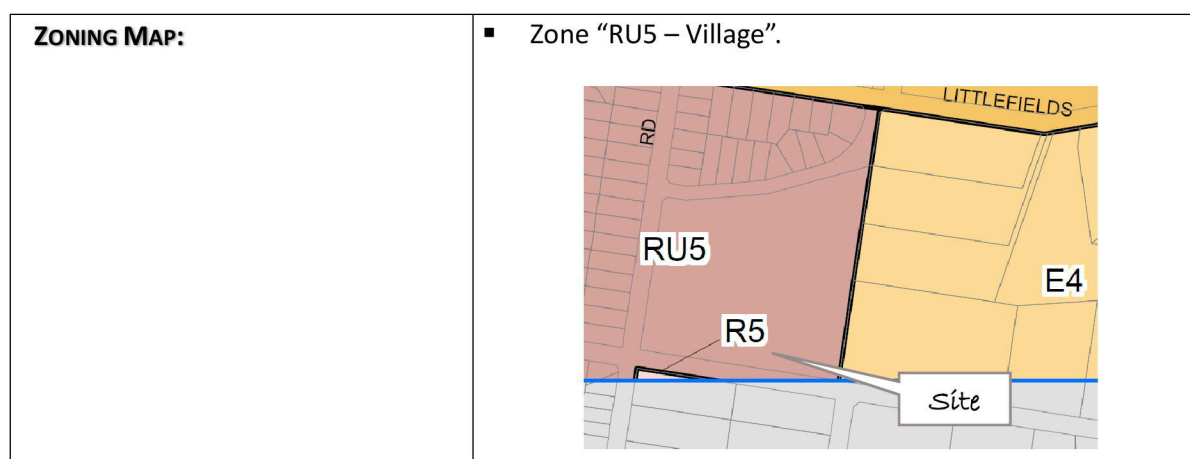
Planning Instrument: *Penrith Local Environmental Plan 2010 (PLEP2010)*

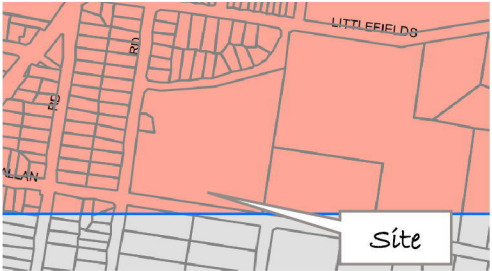
Use: “dwelling house” and “swimming pool”

Zoning: “Zone RU5 – Village” zone

Penrith Local Environmental Plan 2010 Map Summary:

The following summary of land use controls as shown in the maps applying to *PLEP2010* applies to the subject land for the Mulgoa area (Map 007 applies for this site). These controls are further expanded upon in the statement.



MINIMUM LOT SIZE MAP:	<ul style="list-style-type: none"> 2000m² ("V") ("AREA 2"). Note that the lot has been created in accordance with this minimum lot size.
HEIGHT OF BUILDINGS MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
SCENIC & LANDSCAPE VALUES MAP:	<ul style="list-style-type: none"> This development standard is applicable to the site and the whole of the site is identified with 'scenic and landscape values'. 
CLAUSE APPLICATION MAP:	<ul style="list-style-type: none"> The site is located within the Mulgoa Village and Mulgoa Valley as identified in the map.
KEY SITES MAP:	<ul style="list-style-type: none"> No map applies to the site.
URBAN RELEASE AREA MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
FLOOR SPACE RATIO MAP:	<ul style="list-style-type: none"> No map applies to the site.
LAND RESERVATION ACQUISITION MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
HERITAGE INDEX MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site. Heritage item No. 132 "Passadena" is located to the east of the site.
NATURAL RESOURCES SENSITIVITY LAND MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
ADDITIONAL PERMITTED USES MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
ACTIVE STREET FRONTAGES MAP:	<ul style="list-style-type: none"> No map applies to the site.
FLOOD PLANNING LAND MAP:	<ul style="list-style-type: none"> No map applies to the site.

Permissibility and Proposed Use:

The “*RU5 – Village*” zone permits *dwelling houses* and other ancillary buildings and works (such as alfresco’s/outdoor entertaining areas) and *swimming pools* with development consent.

The definition for a **dwelling** and a **dwelling house** under *PLEP2010* is as follows:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

The proposed dwelling house development complies with these definitions and is not designed for any other use (such as a *dual occupancy* or with a *secondary dwelling*). Ancillary structures associated with the dwelling house, such as the alfresco area is also permissible as part of the dwelling house use.

Swimming pools are also separately defined under *PLEP2010* is as follows:

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

Swimming pools, although separately defined, are also permitted on the site as they are structures that are associated and ancillary to the predominant dwelling house use of the site.

Zone Objectives:

PLEP2010 provides for certain ‘objectives’ of the *RU5 – Village* zone that need to be considered when proposing any land use. These objectives, and comments on how the development compares with these objectives, are provided as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.

The proposed dwelling house and swimming pool development is a land use permitted by the RU5 Village zone. This objective is therefore satisfied.

- To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.

The proposed development does not seek any other types of land uses or services ancillary to a residential area. The provisions of this objective are therefore not applicable.

- To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.

The proposed dwelling house and swimming pool development is of a scale and nature that will be compatible with the environmental capabilities of the land. The development is also considered to be very compatible with the Mulgoa Village character. No additional or unreasonable increase of public services or public facilities will result from the use of the proposed development.

The overall objectives of *Penrith Local Environmental Plan 2010*, while broad and relating to the whole of the City, are also considered to be satisfied.

Relevant Development Standards of PLEP2010:

The following *relevant* development standards in *PLEP2010* apply to the land and to the development.

Clause 5.9 – Preservation of trees or vegetation

The development site is clear of all significant trees and vegetation, and the area of the site where trees are located is not proposed to be developed on. The provisions of this clause are therefore satisfactory.

Clause 7.4 – Sustainable development

The development site is considered to satisfy the considerations under this clause for sustainable development. The development will:

- *Meet the NSW State Government targets of BASIX, therefore conserving energy and overall leading to housing development that reduces carbon dioxide emissions,*
- *Use suitable materials and building processes,*
- *Have a suitable building design and orientation,*
- *Incorporate suitable passive solar design and day lighting of living area rooms,*
- *Have suitable natural ventilation to all rooms,*
- *Incorporate waste minimisation and recycling as appropriate for a residential development (refer to waste management plan),*
- *Be located in an area which will result in a reduction of vehicle dependence (not far from Penrith, Mulgoa Village and local bus services), and*
- *Have potential for adaptive reuse of rooms (especially as a single storey dwelling).*

Clause 7.7 – Servicing

Servicing arrangements for the proposed development are generally available for the new development.

Stormwater drainage for the development will be conveyed to a new 3000L rainwater tank on the site, with overflows connected to the street drainage system in Bellbird Avenue Fall towards Allan Road is also possible with stormwater drainage). .

The site, being a newly released subdivision, is also currently serviced by reticulated water, sewer and electricity and all appropriate service authorities will be consulted as part of the development proposal. Power to the site is existing (underground service available).

No septic tank applications are required for the development.

Clause 7.5 – Protection of scenic character and landscape values

The land is identified as having scenic and landscape values under the map within PLEP2010. This clause requires Council to consider the ‘visual impact’ of the development, as seen from ‘major roads and other public places’.

*A **visual impact statement** is provided with the photographs in the **Appendix** to this Statement and presents views of the site as required by this clause.*

This visual impact statement addresses the impacts of the development as seen mainly from Allan Road (being the identified ‘road’ and the ‘public place’). Bellbird Avenue is also shown in this visual impact statement.

*As shown in the visual impact statement, the proposed development has **no significant visual impact** as the development site is well setback from the roads and public places and is of a height that will not protrude above the landscaped canopy skyline of the site/area.*

The new development involves works associated within the envisaged curtilage of dwelling houses on this site, and the development will therefore be in keeping with the surrounding residential/rural land uses and the low rise and location in the area further limits any visual impacts.

The site and area is also not affected by any heritage provisions and the development will have no heritage impacts. The closest item of environmental heritage to the site is known as ‘Passadena’ at 45-61 Allan Road. This heritage item is however at a large distance to the actual development site and is shielded by the significant landscape /vegetation barrier between it and the Allanfield residential subdivision. Photos in the visual impact statement clearly show this.

The visual impact of the development is therefore considered to be minimal and is considered to **comply with the objectives** of the clause that requires:

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

Clause 7.18 – Mulgoa Valley

The development site is identified as being within Mulgoa Valley and the provisions of this clause apply to all development within the Mulgoa Valley area.

This clause is seen as maintaining the previous planning controls of the Mulgoa Valley Regional Environmental Plan (SREP13) which was repealed with the introduction of PLEP2010.

Clause 7.18 requires that the consent authority shall not grant consent to an application to carry out development for any purpose unless they are satisfied of the following:

<u>CONSIDERATION</u>	<u>COMMENT</u>
<i>"if any proposed building will be located on ridgetops or if it will intrude into the skyline when viewed from road or other public places"</i>	<ul style="list-style-type: none"> ▪ The proposed development will not intrude into the skyline when viewed from Allan Road and Bellbird Avenue or any other roads. Existing good background vegetation also limits the intrusion of the development into the skyline when viewed from these roads.
<i>"that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley"</i>	<ul style="list-style-type: none"> ▪ The development will have no effect on any item of heritage. The site is not within a vista and does not affect the 'Passadena' curtilage (no vista applies to the area surrounding 'Passadena' like other heritage items in Mulgoa Valley).
<i>"that the proposed form and siting of buildings, colours, landscaping, and building materials are appropriate for the rural character of the valley"</i>	<ul style="list-style-type: none"> ▪ The intended siting, colours, landscaping and proposed building materials will be in satisfactory. External finishes are suitable for the area. Refer to prepared schedule of external colours and finishes prepared for the development on the prepared plans.
<i>"that the proposed development will not detract from the 'vistas of heritage items' as specified on Map"</i>	<ul style="list-style-type: none"> ▪ The subject allotment is not located within a heritage vista (there is no 'vista' for 'Passadena') and will therefore not impact upon any item of heritage.
<i>"if extensive areas of vegetation will not be cleared"</i>	<ul style="list-style-type: none"> ▪ As described previously, the development site is cleared of all vegetation. Extensive areas of vegetation will therefore not be cleared.
<i>"that adequate provision has been made for landscaping"</i>	<ul style="list-style-type: none"> ▪ The proposed extensive landscaping around the site is suitable for the proposed development. All landscaping will be implemented by the owners of the site as part of their occupation of the site.

<i>"that the agricultural viability of holdings and potential of the land will not be adversely affected"</i>	<ul style="list-style-type: none"> ■ The site being within a Village zone has no real agricultural viability. This consideration is therefore considered to be not applicable to this site.
<i>"that Aboriginal and European archaeological material on the land will not be adversely affected"</i>	<ul style="list-style-type: none"> ■ This matter is considered to be satisfactory. The development site is a newly created subdivision and this matter was a consideration as part of the subdivision consent/approval. ■ The potential for archaeological material (either European or Aboriginal) is therefore low/nil.
<i>"that the view from Mulgoa Road and Mulgoa Village setting will not be adversely affected"</i>	<ul style="list-style-type: none"> ■ There are no views to site from Mulgoa Road and the development will have no impact on the nearby Mulgoa Village.
<i>"that the safety and efficiency of Mulgoa Road will not be affected"</i>	<ul style="list-style-type: none"> ■ The development will not impact upon Mulgoa Road, which is at some distance from the site.
<i>"that required upgrading of Mulgoa Road will not detract from the present rural character of Mulgoa Road"</i>	<ul style="list-style-type: none"> ■ The development will not impact upon Mulgoa Road or require any changes to Mulgoa Road.

The provisions of this clause are therefore considered to be satisfied.

Clause 7.19 – Villages of Mulgoa and Wallacia

The provisions of this clause are not applicable, as the development does not propose any dual occupancy use or the subdivision of land. Standard dwelling house uses (and development associated with dwelling houses such as swimming pools) are not covered by this clause.

There are no other relevant clauses within *Penrith Local Environmental Plan 2010* that apply to the development.

Other environmental planning instruments:

Relevant EPI: *Sydney Regional Environmental Plan No. 20 – Hawkesbury / Nepean River*

The site is not within a riverine or scenic corridor. The site is therefore not subject to the development controls under Part 3 of the plan (Clause 11 (15) & (16)).

Other than some *State Environmental Planning Policies* that apply to most development in NSW, there are no other relevant environmental planning instruments that apply to the proposed development.

“the provisions of any proposed instrument”

Penrith Local Environmental Plan 2010 has recently been adopted and there are therefore no draft environmental planning instruments applying to the land.

As *Penrith Local Environmental Plan 2010* is generally a newer planning instrument, future or draft environmental planning instruments are unlikely for this locality for some time.

“any development control plan”

Development Control Plans: *Penrith Development Control Plan 2014 (PDCP2014)*

PENRITH DEVELOPMENT CONTROL PLAN 2014:

Penrith Development Control Plan 2014 (PDCP2014) was adopted by Penrith City Council on the 23 March 2015 and came into operation on the 17 April 2015.

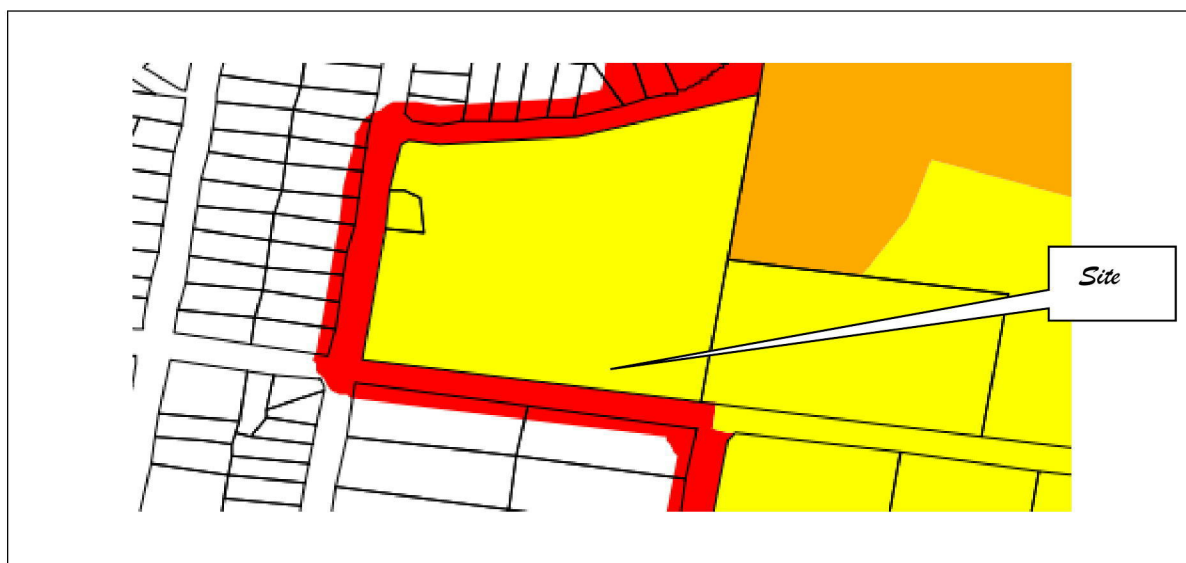
The main sections of *PDCP2014* that apply to the development are as follows:

- ***Penrith DCP 2014 – Part C1 to C13.***
- ***Penrith DCP 2014 – Part D1 – Rural Land Uses (this is applicable to the RU5 Village zone).***
- ***Penrith DCP 2014 – Part E9 – Mulgoa Valley.***

The following relevant development controls of *PDCP2014* apply to the proposal and some sections are further expanded upon.

<u>PART C</u>		
<u>DCP 2014 SECTION</u>	<u>REQUIREMENTS IN SUMMARY</u>	<u>COMMENTS</u>
C1 – SITE PLANNING AND DESIGN PRINCIPLES:	<ul style="list-style-type: none"> ▪ <i>Gateway sites</i> ▪ <i>Visual impact statement</i> ▪ <i>Design principles</i> ▪ <i>Fencing</i> 	<p>A visual impact statement is provided for in the Appendix of this Statement.</p> <p>The visual impacts and site planning and design principles are considered to be satisfactory.</p> <p>As shown in the visual impact statement, the proposed development has no significant visual impact and the new development will be in keeping with the surrounding (and proposed) rural/residential land uses. The intended height for the dwelling house further limits any visual impacts.</p> <p>The development is also seen as ‘new residential development’ and located in an appropriate area on the site, as envisaged as part of the original subdivision approval.</p> <p>Suitable fencing to boundaries will be provided to enclose the rear yard.</p> <p>A 1.8m high powdercoated aluminium fencing and gate is proposed on both the Allan Road and Bellbird Avenue streetscapes at a minimum of 1.5m behind the building line of the adjoining walls.</p> <p>No other front fencing is proposed with the development.</p>
C2 – VEGETATION MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Tree preservation</i> ▪ <i>Biodiversity impacts</i> ▪ <i>Bush fire management</i> 	<p>The development involves the removal of no trees or other vegetation as the site is cleared. The development also proposes additional landscape planting on the site and all landscaping will be implemented by the owners of the site as part of their occupation of the site.</p> <p>The development will therefore have no overall impact on the biodiversity of the area and proposed landscape planting is considered to be suitable.</p> <p>The site is also identified as being located on bushfire prone land.</p>

		<p>A bushfire attack level (BAL) report prepared by “Bushfire Management Consultants” has been prepared and this assessment identifies the construction requirements for the dwelling house as being BAL12.5 on all elevations. All construction will occur to the BAL12.5 level of AS3959-2009.</p> <p>An extract of the current bushfire map applying to the area is shown below:</p>
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C3 – WATER MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Water management and catchment</i> ▪ <i>Flood liable land</i> ▪ <i>Watercourses</i> ▪ <i>Ground water</i> ▪ <i>Stormwater management</i> ▪ <i>Water retention</i> ▪ <i>Rainwater tanks</i> ▪ <i>WSUD.</i> 	<p>The proposed development will not significantly affect water management principles or affect the catchment area of any neighbouring creeks.</p> <p>All roofwater and stormwater drainage, including overflows from rainwater tanks, will be conveyed to the street drainage system within Bellbird Avenue.</p> <p>The site is not identified as being located on flood liable land.</p> <p>The development will also not affect and not be affected by any watercourses or ground water (a riparian corridor has been established with the subdivision creation).</p> <p>Other provisions of this part are considered to not apply to the development.</p>
C4 – LAND MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Site stability and earthworks</i> ▪ <i>Landfill</i> ▪ <i>Erosion and sedimentation</i> ▪ <i>Contaminated lands</i> ▪ <i>Salinity</i> 	<p>The development site is of a suitable minor slope and the proposed development will require minor earthworks for the creation of a building platform for the new dwelling house on the site.</p>

		<p>Filling of the development site of up to 100mm is proposed whilst the maximum cut for the development is also at about 150mm.</p> <p>All filling and excavation can be accommodated on the site with adequate area and distance on the site being available for grading of all fill and cut areas. No significant retaining walls are required for the development.</p> <p>Pool excavation material will be utilized firstly for the building platform and the need for importation of fill onto the site is not considered to be necessary. If required, however, any minor imported fill for the building platform will be clean fill (VENM) which will be adequately placed and compacted on the site.</p> <p>Erosion and sediment controls will be provided as shown on the plans. These controls include silt fencing to the rear of the site.</p> <p>The site is not a known contaminated land site and has no contamination issues with the site (all uses have been residential). Salinity is also considered to not be of concern for the development or the area.</p> <p>Swimming pool excavations are also considered to be satisfactory and appropriate.</p>
C5 – WASTE MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Waste management plans</i> ▪ <i>Hazardous waste management</i> ▪ <i>On-site sewage management</i> 	<p>The waste management procedures to be adopted for the development are addressed in the waste management plan prepared for the development.</p> <p>No hazardous waste will result from the development.</p> <p>Sanitary drainage will be connected to Sydney Water's system which has been provided as part of the subdivision.</p>
C6 – LANDSCAPE DESIGN:	<ul style="list-style-type: none"> ▪ <i>Landscaping of the site</i> 	<p>The provisions of Part D1.2 of <i>PDCP2014</i> generally apply for landscaping considerations.</p> <p>There is no existing landscaping on the site. Landscaping of the site around the proposed development will however occur as part of the owners use of the site.</p> <p>Landscaping of the site is therefore suitable. Refer also to further discussions under Part E9 of this Statement.</p>

C7 – CULTURE AND HERITAGE:	<ul style="list-style-type: none"> ▪ <i>European heritage</i> ▪ <i>Aboriginal culture and heritage</i> 	<p>Being a recently created subdivision, the site has no European or Aboriginal cultural / heritage significance or potential for this significance.</p> <p>As advised previously, 'Passadena' is located to the east of the site but the distance to this heritage item is quite large. The development will therefore have no impact on this local heritage item.</p>
C8 – PUBLIC DOMAIN:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	The development requires no improvements or works in the public domain, other than new driveway works in the footway area.
C9 – ADVERTISING AND SIGNAGE:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	The development requires no advertising or signage.
C10 – TRANSPORT, ACCESS AND PARKING:	<ul style="list-style-type: none"> ▪ <i>Transport and traffic</i> ▪ <i>Roads</i> ▪ <i>Parking, access and driveways</i> ▪ <i>Pedestrians connections</i> ▪ <i>Bike facilities</i> 	<p>The development is serviced by a sealed public road system. The dwelling house will access Bellbird Avenue via a new concrete driveway and crossover. No restrictions in Bellbird Avenue restrict access.</p> <p>Driveway crossing to the public road will only occur with the approval of Council (through a separate <i>Road Act, 1993</i> approval).</p> <p>Adequate parking and garaging is proposed with the development through the construction of a double garage which complies with the requirements of <i>PDCP2014</i>. The garage also incorporates larger front setbacks (at 6.1m), that provides for an adequate stacked parking area. The garage is also recessed behind the building line of the dwelling at 4.9m.</p> <p>No other specific transport, traffic or access provisions apply to the development or that restrict the development.</p> <p>Pedestrian facilities and bike facilities are not required with this type of development.</p>
C11 – SUBDIVISION:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	No subdivision of land is proposed or required as part of this application for a new dwelling house.
C12 – NOISE AND VIBRATION:	<ul style="list-style-type: none"> ▪ <i>Road noise</i> ▪ <i>Aircraft noise</i> ▪ <i>Vibration and blasting</i> 	The development is not affected by any road or traffic noise, or future aircraft noise (site is outside of the 20-25 ANEF contours for the proposed Sydney West/Badgery's Creek Airport site).

		<p>The site is also located at a large distance to the Mulgoa Road, and the need for an acoustic report is not required for the development.</p> <p>The development will also not require any blasting for the development to occur, and vibration from excavation works (due to the soil types) will be minimal.</p>
C13 – INFRASTRUCTURE AND SERVICES:	<ul style="list-style-type: none"> General requirements 	<p>The site is serviced by a reticulated water supply and sewer (by Sydney Water). Electricity is also available for the development.</p> <p>All relevant service providers and authorities will be consulted with as part of the intended development.</p>

PART D1 – RURAL LAND USES

Part D1 A. Background advises that rural areas covered by this section of the DCP include land zoned RU5 (Village) and other zones where rural land uses may occur.

Relevant controls within Part E9 also apply and in certain circumstances override those of Part D1.2.

These considerations are expanded upon as follows:

<u>DCP 2014 SECTION</u>	<u>REQUIREMENTS</u>	<u>COMMENTS</u>
1.2.1 – SITING AND ORIENTATION OF DWELLING AND OUTBUILDINGS:	<ul style="list-style-type: none"> Site planning issues Landscape and scenic quality 	<p>The provisions of Part E9 generally overrule these Part D1.2 requirements.</p> <p>The intended site location and site planning for the dwelling house is seen to comply with these general provisions of PDCP2014.</p> <p>The development will result in an acceptable landscape and scenic quality outcome for the locality while the development has also been designed with respect to site slope and topography.</p> <p>The development will not protrude above any ridge lines (which are not present) or tree line (refer to Appendix that show the visual impact of the site).</p> <p>The swimming pool is also proposed in a suitable location on the site (in the rear yard area).</p> <p>The visual impact of the location and design of the proposed development is therefore considered to be satisfactory and acceptable.</p> <p>Suitable landscaping of the site will also be provided by the owners of the site.</p>

<p>1.2.2 – SETBACKS AND BUILDING SEPARATIONS:</p>	<ul style="list-style-type: none"> • <i>Setbacks from roads (15m) and watercourses</i> • <i>South Creek – 75m</i> • <i>Side setbacks – 5m (for lots <2Ha).</i> <p><i>DCP2014 Part D2, Section 2.1.2 requirements for standard residential lots are:</i></p> <ul style="list-style-type: none"> • <i>Front setbacks – 5.5m;</i> • <i>Side setbacks – 900mm;</i> • <i>Corner lot setbacks – 3.0m</i> 	<p>The controls under <i>PDCP2014</i> for setbacks and building separation cannot be met in the <i>RU5 – Village</i> zone. <i>PDCP2014</i> does not address <i>RU5 - Village</i> zones adequately and Council officers are required to look at building setbacks <u>on their merit</u>.</p> <p>The provisions of Part E9 also provide for controls for setbacks and building separation, but these too do not reflect the <i>RU5 - Village</i> zone adequately (refer also to Part E9 of this Statement).</p> <p>The <u>front setback</u> of the development at 5.633m to Allan Road is generally considered to be satisfactory and suitable in relation to the neighbouring and proposed future front setbacks. This front setback is also in line with intended lot sizes (which in this subdivision area are as low as 850m²) and the setbacks achievable on these lots.</p> <p>Setbacks are therefore considered to be suitable for a similar residential zone (for example, as listed under <i>PDCP2014</i> for the more standard residential zones).</p> <p>The <u>secondary street setback</u> of the development at 4.9m to Bellbird Avenue is also generally considered to be satisfactory and suitable. This secondary street setback will also be in keeping with intended neighbouring setbacks for the adjoining lots.</p> <p>Articulation zone setbacks forward of these building setbacks are also minimal and suitable.</p> <p>The closest <u>side setback</u> for the new dwelling is to be at 1.5m. This setback (which is also the rear setback) is considered to be satisfactory.</p> <p>The proposed dwelling also complies with the <u>building envelope control</u> applied to other similar residential zones and the <u>rear setback</u> is much larger than the 3m minimum under <i>PDCP2014</i> for single storey buildings. The setback to the western boundary is 4.39m.</p> <p>The in-ground swimming pool is proposed in the rear yard of the site. The swimming pool will be located about 0.9m to the northern boundary and approximately 15m to the western boundary.</p> <p>An ancillary alfresco areas is also proposed adjoining the swimming pool.</p>
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		<p>Setbacks are therefore considered to be suitable for a similar residential zone (for example, as listed under <i>PDCP2014</i> for other standard residential zones).</p> <p>There are no defined watercourses located on the allotment or in the nearby area that impact on the development.</p>
<p>1.2.3 – SITE COVERAGE, BULK AND MASSAGING:</p>	<ul style="list-style-type: none"> • <i>‘Dwelling’ footprint maximum 500m²</i> • <i>Maximum dimensions 45m/18m</i> • <i>70% FSR of lower storey for upper storey</i> • <i>A maximum of three car garages facing road</i> • <i>Maximum ground floor footprint of 600m² of all structures on the site</i> <p><i>Ground floor footprint is defined as “the area measured from the external face of any wall of any dwelling, outbuilding (other than farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed”.</i></p> <p><i>The definition for “outbuildings include garages, garden sheds, small-scale storage sheds for nonagricultural purposes, outdoor toilets, etc..”</i></p>	<p>The provisions of Part E9 generally apply over these Part D1.2 requirements. Refer to Part E9 of this Statement for the ‘siting’ and ‘building form’ controls applying to all development within Mulgoa Valley.</p> <p>The overall dwelling house dimensions are considered to be satisfactory. The building incorporates suitable staggering and significant articulation and verandahs to all elevations, and no unreasonable length of walls is proposed with the development.</p> <p>The maximum dimensions of the building are therefore considered to comply with the <i>PDCP2014</i> provisions.</p> <p>The development proposes a two car garage and a maximum of two garages face Bellbird Avenue. The garage is also recessed behind the Master Bedroom wall.</p> <p><i>PDCP2014</i> requires a maximum dwelling footprint of 500m² and a maximum ground floor footprint of all structures on the site of 352.39m². The ‘ground floor footprint’ definition excludes areas that are not enclosed by a “wall” (eg. alfresco in the development).</p> <p>The total dwelling house footprint (excluding alfresco and covered areas) equals about 337m², which complies with the <i>PDCP2014</i> controls. The ground floor footprint of all structures on the site including all covered areas is at a maximum of about 352m². Both these areas comply with the provisions of <i>PDCP2014</i>.</p> <p>The dwelling is single storey so there is no upper floor area.</p> <p>All provisions of this section of <i>PDCP2014</i> are therefore considered to be complied with.</p>
<p>1.2.4 – HEIGHT, SCALE AND DESIGN:</p>	<ul style="list-style-type: none"> • <i>Two storey max height</i> • <i>8m overall height (to ceiling on top floor)</i> • <i>Consideration for sloping sites – 1m floor level.</i> • <i>Sympathetic to rural character</i> 	<p>The provisions of Part E9 generally overrule these Part D1.2 requirements.</p> <p>The proposed dwelling house presents no more than one storey in height above natural ground level in all areas.</p>

		<p>The maximum height of the proposed dwelling is much less than 8m to the upper ceilings as required by the DCP, and the maximum height of the overall building to top of the pitched roof is about 5.25m).</p> <p>The site slope is gentle in the area of the development and the proposed slab on ground construction is suitable for this gentle slope. No ground floor levels will be more than 1m above ground level. Floor heights in relation to existing site levels are therefore considered to be satisfactory.</p> <p>The design of the development is also considered to be sympathetic to the character of the area, which is mainly a residential / rural village character on a standard residential lot setting. The development will also be in keeping with the other vacant lots which will also have new and modern dwelling designs, similar to that as proposed.</p> <p>Refer to Part E9 of this Statement for further specific requirements.</p>
1.2.5 – DUAL OCCUPANCY DWELLINGS:	<ul style="list-style-type: none"> • <i>General requirements for dual occupancy developments</i> 	The provisions of this part are not applicable. The development for the purposes of dual occupancy housing is not proposed.
1.2.6 – SECONDARY DWELLINGS:	<ul style="list-style-type: none"> • <i>General requirements for secondary dwelling developments</i> 	The provisions of this part are not applicable. No secondary dwelling development is proposed.
1.2.7 – MATERIALS AND COLOURS:	<ul style="list-style-type: none"> • <i>Colours to be in keeping with surrounds</i> • <i>Earthy tones</i> • <i>Non-reflective materials and reduce glass expanses</i> 	<p>The provisions of Part E9 generally overrule these Part D1.2 requirements.</p> <p>All colours as proposed are considered to be satisfactory and in keeping with the surrounding rural village area. No large expanses of reflective glass surfaces are proposed and the chosen materials and finishes will reduce the visual impact of the development upon the locality.</p> <p>A schedule of external colours and finishes has been prepared for the development and accompanies the application.</p> <p>Refer to Part E9 of this Statement as applying to materials and colours that are proposed with the development.</p>
1.2.8 – LAND IN THE VICINITY OF PROPOSED SECOND SYDNEY AIRPORT:	<ul style="list-style-type: none"> • <i>General requirements</i> 	The provisions of this part are not applicable as the site is not affected by the proposed Badgery's Creek Airport.

<u>PART E9 – MULGOA VALLEY</u>		
Part E9 as applying to Mulgoa Valley is applicable to development on the site. These <u>relevant</u> considerations are expanded upon as follows:		
<u>DCP 2014 SECTION</u>	<u>REQUIREMENTS</u>	<u>COMMENTS</u>
9.1.1 – Heritage items and Vistas	<ul style="list-style-type: none"> <i>General requirements for areas identified within vistas</i> 	<p>The development will have no effect on any heritage item.</p> <p>As advised previously, ‘Passadena’ is located to the far east of the site further along Allan Road but the distance to this heritage item is quite large and separated by a large bushland area/other lots. The development will therefore have no impact on this local heritage item.</p> <p>The site is also not within a “vista” of a heritage item and no “vistas” apply to Passadena similar to those of other items within Mulgoa Valley (eg “Fernhill”).</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore considered to be satisfactory.</p>
9.1.2 – Siting	<ul style="list-style-type: none"> <i>Mid slope location</i> <i>30m setback to roads / 100m to Mulgoa Road.</i> <i>Minimise excavations and long faced to be parallel to contour of land</i> <i>Building grouping</i> 	<p>As mentioned previously, the controls under <i>PDCP2014</i> for setbacks and building separation cannot be met in the <i>RU5 – Village</i> zone. <i>PDCP2014</i> does not address <i>RU5 - Village</i> zones adequately and Council officers are required to look at building setbacks <u>on their merit</u>.</p> <p>The proposed residential development is located in a suitable area on the site and proposes suitable setbacks.</p> <p>The <u>front setback</u> of the development at 5.633m to Allan Road is generally considered to be satisfactory and suitable in relation to the neighbouring front setbacks. This front setback is also in line with intended lot sizes and the setbacks achievable on these lots.</p> <p>Setbacks are therefore considered to be suitable for a similar residential zone (for example, as listed under <i>PDCP2014</i> for the residential zones).</p> <p>The <u>secondary street setback</u> of the development at 4.9m to Bellbird Avenue is also generally considered to be satisfactory and suitable.</p>

		<p>The location of the new dwelling house is therefore considered to be in a suitable location on the site.</p> <p>Excavations for the development involve the construction of a suitable cut and fill building platform with a maximum excavation of about 150mm for the dwelling house and 100mm fill.</p> <p>All filling and excavation (cut) can be accommodated on the site with adequate area and distance on the site being available for grading of all fill.</p> <p>The development of the site involves only one building and the grouping provisions as recommended by the DCP are satisfied.</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore considered to be satisfied.</p>
9.1.3 – Building form, materials and colours	<ul style="list-style-type: none"> • <i>Two storey maximum</i> • <i>Recommended high pitched roofs (30 to 45 degrees). Avoid skillions</i> • <i>Break up facades</i> • <i>Horizontal emphasis</i> • <i>Window and door details</i> • <i>Specific colours and finishes apply</i> 	<p>The development proposes a low scale and low height single storey residential building, with a 20 degree pitched roof design.</p> <p>The single storey pitched roof design limits the height of the dwelling house to approximately 5.25m. This single storey design and pitched roof is considered to comply with this part of <i>PDCP2014</i>.</p> <p>Wall façade and roof articulation is considered to be good, while door and window placement is also considered to be suitable.</p> <p>The dwelling house incorporates porches and alfrescos as covered areas which are typical of traditional modern house designs.</p> <p>No large expanses of reflective surfaces or glass surfaces are proposed and the chosen materials and finishes will have a minimum impact upon the locality.</p> <p>All colours as proposed are considered to be satisfactory and in keeping with the surrounding area and neighbouring development.</p> <p>A schedule of external colours and finishes has been prepared and accompanies the development application.</p> <p>The proposed colours and finishes are also considered to be generally in accordance with the <i>PDCP2014</i> recommendations.</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore considered to be satisfactory.</p>

9.1.4 – Planting	<ul style="list-style-type: none"> • <i>Retain existing stands of vegetation and historic plantings</i> • <i>Re-vegetation using recommended species</i> 	<p>The development proposes no tree or vegetation removal (none are present on the site).</p> <p>Additional plantings will be incorporated by the owners of the site in accordance with the planting species recommended by <i>PDCP2014</i>.</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore considered to be satisfactory.</p>
9.1.5 – Access, parking and services	<ul style="list-style-type: none"> • <i>Driveways to follow contours of land</i> • <i>Limit parking areas.</i> • <i>Appropriate location of services (power/ telephone)</i> 	<p>The proposed new driveway and entrances for the development are considered to be satisfactory.</p> <p>Driveway gradients and slope are satisfactory, and no street infrastructure restricts access.</p> <p>All services for the development are existing and satisfactory. Electrical and telephone services are all underground.</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore considered to be satisfactory.</p>
9.1.6 – Fences and entrances	<ul style="list-style-type: none"> • <i>General requirements for fences and entrances.</i> 	<p>No driveway ‘entrances’ or front fencing is proposed, with standard driveway access to Bellbird Avenue (being the secondary street) being proposed.</p> <p>Pedestrian entrances as facing Allan Road are also considered to be suitable.</p> <p>Secondary street fencing and a gate between the dwelling and the northern boundary is proposed along Bellbird Avenue to enclose the rear yard area of the corner lot. This fencing is proposed as powdercoated aluminium fencing to a height of 1.8m and will be recessed behind the garage building line by approximately 1.5m.</p> <p>Suitable boundary fencing will also be provided upon completion of the development.</p> <p>The provisions of this part of <i>PDCP2014</i> are therefore not applicable.</p>
9.1.7 – Signage	<ul style="list-style-type: none"> • <i>General requirements for signage</i> 	<p>The provisions of this part of <i>PDCP2014</i> are not applicable (no signage is proposed or required).</p>
9.1.8 – Mulgoa Road	<ul style="list-style-type: none"> • <i>General requirements for development impacting on Mulgoa Road</i> 	<p>The provisions of this part of <i>PDCP2014</i> are not applicable as the development will have no impact on the operation or function of Mulgoa Road.</p>

There are no other relevant provisions of *Penrith City Development Control Plan 2014* that apply to the site.

“any planning agreement entered into”

The development is not associated with any planning agreement or any draft planning agreement entered into under section 93F of the *Environmental Planning and Assessment Act, 1979*.

“the regulations”

No masterplans are applicable for the development.

The only other matter prescribed by the regulations is ‘demolition’. No demolition is however required for the development.

“any coastal zone management plan”

The development site and area is not subject to the NSW Government’s Coastal Policy.

“the likely impacts of that development”

The development will have minimal impact on the environment, neighbourhood and locale. The likely impacts of the development are further expanded on the following pages.

UTILITIES:	Water, telephone, sewer and electricity are all available to the site. All service providers will be consulted with prior to and during construction.
PUBLIC DOMAIN:	The development will not impact on the public domain in any manner.
CONTEXT & SETTING:	<p>The proposed development will be located within a newly released residential / rural village area where a number of similar styles of development will be built.</p> <p>The development will not significantly impact upon the area and has been designed to accompany some of the features of the area, such as suitable bulk of single storey buildings, suitable building setbacks, and a scale and design which are considered to be appropriate for the housing character of the Mulgoa area.</p> <p>The impact of the intended development on the context and setting of the locale is therefore considered to be very positive and satisfactory.</p>
ACCESS, TRANSPORT & TRAFFIC:	<p>Access to the development is to be via a new driveway for the new dwelling. Some public transport is available to the area (mainly the local bus network).</p> <p>The applicant will need to liaise with Penrith City Council with respect to the approval and construction of all new vehicle crossover points, as provided for under the <i>Roads Act, 1993</i>.</p>
HERITAGE:	There are no heritage provisions applicable to the site. The site is not located within a heritage conservation area and no item of environmental heritage is located on the site. The site is also not identified as being within a heritage 'vista'.
OTHER LAND RESOURCES:	The development will not impact on the value of the land in terms of agricultural potential or other land resources (which is considered to be minimal).
WATER:	<p>The development will have no significant impact on water resources or water conservation. The BASIX assessment for the development also lists proposed water conservation techniques (for example, rainwater tanks).</p> <p>Roofwater drainage for the development will be conveyed to the street drainage system, which drains to Bellbird Avenue. On-site detention on this site is not required.</p>
SOILS:	<p>The development will have no significant impact on soils. Erosion and sediment controls are to be provided during construction (refer to sediment and erosion control plans prepared for the development).</p> <p>There are no known acid sulfate problems with the soil. The potential for land contamination on this site is minimal.</p>
AIR & MICROCLIMATE:	The development will have no significant impact on the air and microclimate of the area.
ENERGY:	The development will have no significant impact on energy. A BASIX Certificate has been prepared for the development and accompanies the application.
TECHNOLOGICAL HAZARDS:	There are no known technological hazards pose a risk for the development.
FLORA & FAUNA:	The development will have no significant impact on the flora and fauna of the area.

SAFETY, SECURITY AND CRIME PREVENTION:	<p>Satisfactory measures to be employed for the residential premises.</p> <p>The swimming pool is proposed to be constructed with isolation safety fencing. All swimming pool safety fencing will therefore comply with the <i>Swimming Pools Act, 1992, Swimming Pool Regulation 2008</i> and <i>AS1926.1-2012 – Swimming pool safety</i>.</p>
WASTE:	<p>The development will have no significant impact upon waste generation. A waste control container to be provided on the site during construction.</p> <p>All waste generation and disposal will occur in accordance with the <u>waste management plan</u> that accompanies the Statement.</p>
NOISE/VIBRATION:	<p>The development will have no significant impact from noise or vibration from road noise or by rail noise.</p> <p>Construction of the development will also not cause any significant noise or vibration.</p> <p>The site is also outside of the ANEF contours that apply for Badgery's Creek Airport and is not affected by Mulgoa Road.</p>
SOCIAL IMPACT:	<p>The development will have no significant social impact and any impact would be positive.</p> <p>The social impact upon adjoining land owners will also be minimal due to the higher quality of design and construction proposed.</p>
ECONOMIC IMPACT:	<p>The development will have a positive economic impact on locale and will not significantly affect property values.</p>
SITE DESIGN AND INTERNAL DESIGN:	<p>The site design and internal design is considered to be satisfactory and in accordance with the provisions of <i>PDCP2014</i>.</p>
NATURAL HAZARDS:	<p>The site is identified as being located on bushfire prone land. A bushfire attack level (BAL) report prepared by "Bushfire Management Consultants" has been prepared and this assessment identifies the construction requirements for the dwelling house as being BAL12.5 on all elevations. All construction will occur to the BAL12.5 level of AS3959-2009.</p> <p>No other natural hazards pose a threat to the development (for example, flooding or similar natural hazards).</p>
CUMULATIVE IMPACTS:	<p>There are no significant or potential cumulative impacts that will occur as a result of the development.</p>
CONSTRUCTION:	<p>All construction works are to be done in accordance with development consent, prescribed conditions of the <i>Environmental Planning and Assessment Regulation 2000</i>, and the <i>National Construction Code – Volume 2 Building Code of Australia – Class 1 and 10 buildings</i>.</p> <p>A construction certificate would be required to construct the new dwelling and swimming pool.</p>

“the suitability of the site for the development”

DOES THE PROPOSAL FIT THE LOCALITY:	<p>The development proposal is considered to fit the Mulgoa locality well.</p> <p>The development has been designed in accordance with all the planning provisions applying to the site and will therefore be incorporated well into the locale.</p>
ARE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT:	<p>The positive site attributes combined with the appropriate siting of the development are considered to be conducive to development.</p> <p>There are no significant risks or factors associated with the site that cannot be ameliorated or that would affect the intended development.</p>

“the public interest”

The development may be required to be neighbour notified under Council’s Development Application system processes (single storey dwellings generally, however, do not require this).

Although the public interest will be gauged through the neighbour notification, the development will have minimal impact on public infrastructure as a whole and on the surrounding neighbourhood.

The development will also not significantly affect any neighbouring properties in terms of privacy, overshadowing, amenity, economic loss or any other impacts.

The public interest test for the development proposal is therefore considered to be satisfactory.

CONCLUSION:

As shown in this statement of the environmental effects, the proposed single storey dwelling house and swimming pool development is considered to be a satisfactory proposal.

The statement of environmental effects has addressed the planning controls applying to the site and has found the proposal to be in conformity with these controls.

The applicant has demonstrated compliance with all of the development controls and standards applying to the land, through the commissioning of a compatible design that will integrate well with the neighbourhood and have minimal impacts on neighbours.

Based on the overall merits of the proposal and compliance with the relevant development controls applying to the site, it is hoped that approval for the development will be granted.

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APPENDIX – PHOTOS AND VISUAL IMPACT STATEMENT

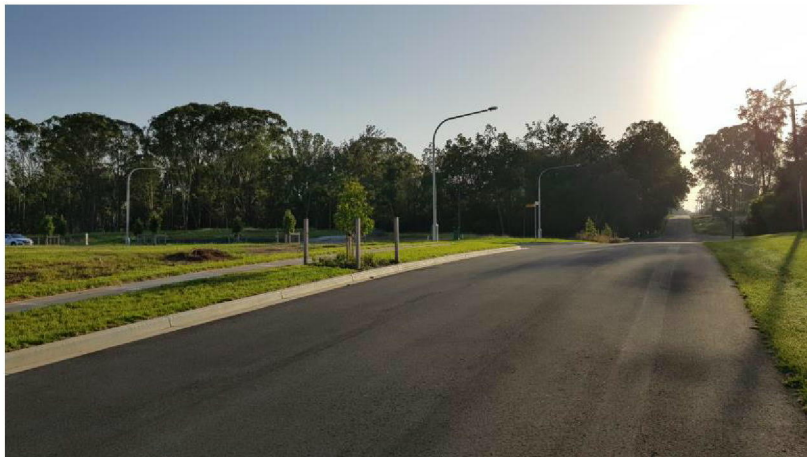
The following is a presentation of the visual impacts of the site and proposed development.



Photos 1 and 2 – View of frontage of site along Bellbird Avenue. Note landscaped canopy to rear along Allan Road.

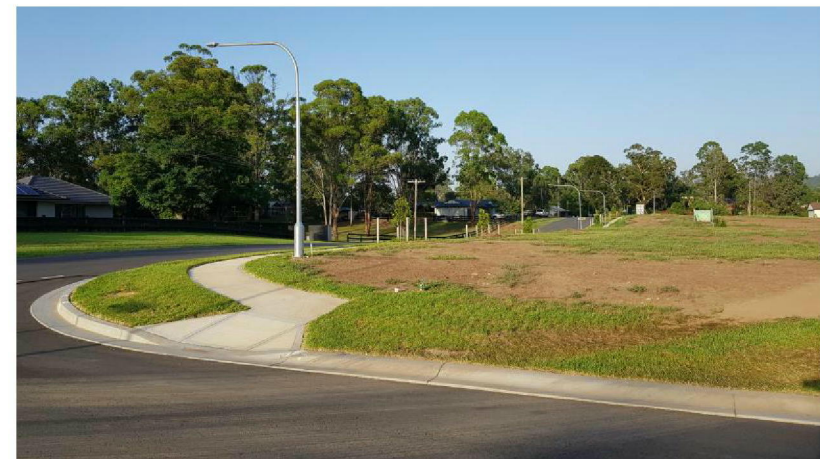


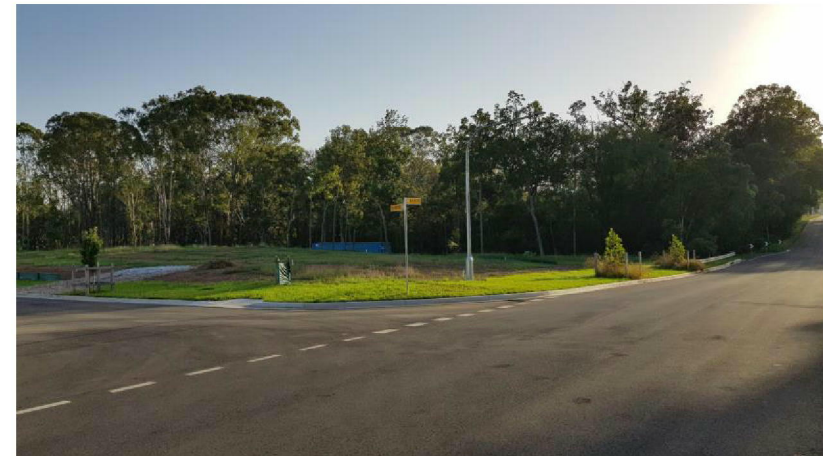
Photos 3 to 6 – View of site from west to east along Bellbird Ave and Allan Road. Building will be located below backdrop of vegetation canopy.





Photos 7 to 10 – View of site from east to west along Allan Road.





Photos 11 to 12 – Final view of site along Bellbird Avenue and lot opposite site.

Conclusion to Visual Impact Statement

As shown in the above photographs that present the visual impacts of the development, the proposed development has **no significant visual impact**. The new dwelling house and swimming pool development will be in keeping with the surrounding rural/residential land uses and the developments single storey height and location further limits any visual impacts. The new development will have no heritage impacts.

The visual impact of the development is therefore considered to be minimal and is considered to **comply with the objectives** of clause 7.5 of *Penrith Local Environmental Plan 2010* that requires:

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

The proposed development fully complies with these objectives.