

STATEMENT OF ENVIRONMENTAL EFFECTS

Amended in March 2021 in accordance with Council request for additional information.

Please see the last 4 pages of this document that specifically address the issues raised.

PROPOSED FARM BUILDING
AT 116 CHAIN-O-PONDS ROAD MULGOA
Lot 22 DP244610

DESCRIPTION OF PROPOSAL

The proposal is for the construction of a metal framed farm building. The farm building is to be constructed using metal framing, concrete floor slab and colourbond metal wall and roof sheeting.

The subject property is 10.12 hectares in size. The building is to be located about 377m behind the existing residence.

The proposed farm building will form an integral part in keeping a large amount of farm equipment out of the weather and elements.

The proposed farm building will be used to store tractors, a farm ute, farm yard water cart, water pumping equipment for agricultural irrigation, Hay baling equipment and storing hay. The owners have just completed work on fence maintenance to commence agricultural activities rearing sheep, goats and cattle. There will also be equipment for fruit picking.

The property has good areas of pasture in the areas at the front of the property, around the house and to the right of the dam behind the house, which will be used for hay cultivation and baling. Hay is seasonal and depending on weather conditions may need to be stored across an entire winter season, and then in summer, if weather is favourable, can mean over supply of hay and the requirement of storing excess. This can require the need for large space and storage area due to the unpredictability of the season, hence the footprint needed for the building.

In addition the owner's father runs a large market garden in Orchard hills. He is due to retire and the owners of 116-132 Chain-O-Ponds Rd are due to inherit a large amount of farm equipment currently stored in his large farm shed. This will include another 2 tractors and implements, farm truck, large scale spray boom equipment, harvesting implements and various other large agricultural equipment.

The respective owners are from a 3rd generation farming family and have deep and passionate appreciations of the land and what it provides having all grown up on rural properties in Orchard hills. The owners want to keep the property free of mess and unsightly clutter outside and make use of the space to the full potential, whilst also keeping and complementing the rural character the area.

We also feel that the size of the proposed farm building is quite appropriate to the size of the property, especially considering the amount of uses listed above and is relative to other sheds in the surrounding rural area. Style and size is also relative to many of the other farm buildings and storage sheds in the surrounding rural locality.

PENRITH LOCAL ENVIRONMENTAL PLAN

The zoning for this property is E3 – Environmental Management

Farm Buildings is listed as Permitted with Consent.

Zone objectives are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To ensure development is compatible with the environmental capabilities of the land and does not unreasonably increase the demand for public services or public facilities.*
- *To preserve and improve natural resources through appropriate management practices.*

Each of these objectives has been considered and we are of the opinion that this proposal is consistent with all of the objectives.

PENRITH DEVELOPMENT CONTROL PLAN 2014

D1 – RURAL LAND USES

1.3 FARM BUILDINGS

GENERAL OBJECTIVES

- *To establish the rationale and controls for environmentally appropriate development.*
- *To ensure the siting, size, design, external appearance and uses of farm buildings do not detract significantly from the rural and environmental qualities of the locality.*
- *To ensure that farm buildings promote and support sustainable agricultural and other permissible rural land uses in the rural areas of the City.*
- *To ensure farm buildings are sited with regard to good site planning principles.*

Each of these objectives has been considered and we are of the opinion that this proposal is consistent with all of the objectives.

1.3.1 SITING AND ORIENTATION

B. OBJECTIVES

- *To integrate farm buildings with the landscape so they complement the rural character of an area and are not visually dominant.*
- *To ensure that farm buildings are located to have minimum adverse impact on the environment and on the potential use of the land for agriculture.*
- *To provide separation between potential noise generating sources.*
- *To provide areas of landscaping between buildings.*

Each of these objectives has been considered and we are of the opinion that this proposal is consistent with all of the objectives.

C. CONTROLS

- *Farm buildings and outbuildings should be clustered in one location on properties. Where possible, this should be close to dwellings, but not where this will result in land use conflicts.*

This is to be the only farm building on this property. Any location nearer to the existing dwelling would have had a detrimental effect on the amenity of the dwelling.

- *Farm buildings should have complimentary colours and finishes to the dwelling house and surrounding environment.*

The colours chosen for this building are natural tones that will compliment and blend in with the existing natural environment.

- *Farm buildings should not be erected on land having a slope in excess of 15%. Cut and fill for farm buildings should be limited to 1m of cut and 1m of fill.*

The slope of the land where this building will be located is 4%. There is to be no cut. The amount of filling will vary from 150mm in one corner to a maximum of 1100mm in the diagonally opposite corner. This is done so that there are no drainage issues caused by rain water flowing across the site. Since only a small section of fill is over the 1m height, we believe that the minor non-compliance is justified in this case.

- *Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.*

This proposal calls for the removal of 6 existing trees. The trees are located at the edge of an existing stand of trees that contains about 90 trees in total. This location is optimal for this farm building as it leaves adequate space in front for safe manoeuvring of farm vehicles.

The removal of the 6 trees will be compensated by planting 12 trees at the edge of the turning area to help screen the building from the road.

- *The narrowest elevation of farm buildings should face the road.*

While not complying with this control, the location of the shed at approximately 377m from the street makes the orientation of little significance.

- *Farm buildings should be set back a minimum of 40m from any watercourse.*

As can be seen on the accompanying survey plan and site plan, the proposed farm building is located in the vicinity of a watercourse. Council has instructed us that any works are to be in accordance with NRAR requirements.

An assessment has been carried out on the NRAR WATERFRONT LAND E-TOOL. That assessment shows that Controlled Activity Approval is not required for this proposal. The assessment is attached to this application.

- *Farm buildings should be set back behind the building line of the existing dwelling house on the property.*

The proposed farm building is located approx. 170m behind the existing dwelling and complies with this requirement.

- *Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.*

The proposed farm building is located approx. 170m from the existing dwelling and complies with this requirement.

- *Farm buildings should be a minimum distance of 20m from a dwelling located on an adjoining allotment to the farm building.*

The proposed farm building is located approx. 290m from the nearest existing dwelling on an adjoining allotment and complies with this requirement.

- *Landscape buffers should be provided where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.*

A landscape buffer has been provided that satisfies this clause.

- *Farm buildings should be a minimum of 5m from the side boundary.*

The proposed building is to be located 26m from the side boundary.

1.3.2 FLOOR SPACE, HEIGHT AND DESIGN

B. OBJECTIVES

- *To control the size of farm buildings to minimise their visual impact on the landscape.*
- *To ensure that the size of farm buildings is consistent with the intended use and the size of the property.*
- *To encourage improved design of farm buildings so they enhance the rural landscape and character of an area.*
- *To ensure that farm buildings use a range of design measures to suit individual circumstances.*

Each of these objectives has been considered and we are of the opinion that this proposal is consistent with all of the objectives.

C. CONTROLS

- *For allotments more than 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 600m².*

The size of the subject allotment is 10.12 hectares therefore the proposed building size of 600m² complies with this clause. Note that there is a metal garage adjacent to the residence. This is the only garage to the residence and should not be considered as a farm building in terms of accumulative farm building footprint.

- *A farm building should not be more than 8m high.*

The proposed building is marginally higher than 8m and only at the very ridge. The maximum height at the ridge is 8.3m. Given the distance to the street is 377m the minor non-conformity is insignificant.

- *The maximum external wall height of a farm building shall be 5m. External wall height means the distance from the natural ground level to the underside of the eaves.*

The maximum wall height of the proposed building is to be between 5.2m and 5.8m from the natural ground level. Once again, given that the distance to the street is 377m, the minor non-conformity is considered insignificant.

- *Where the farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation.*

This clause is complied with. The proposed building is both a long way behind the dwelling and screened from view by vegetation.

- *The design of farm buildings should comprise traditional roof shapes to provide visual relief to the building, reducing the buildings dominance over its setting and to provide interest and character to the locality. Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.*

As mentioned earlier, the proposed building is approximately 377m from the street. In addition to that, due to the contours of the subject property and the proposed landscaping treatment, the building will hardly, if at all, be seen from the street.

- *Farm buildings should have a minimum roof pitch of 15° and a maximum roof pitch of 25°.*

The proposed building will have a roof pitch of 15°.

- *All elevations that face the street are to present a suitable level of detailing to minimise their visual bulk. Features which can be used include windows, awnings and verandahs.*

As mentioned earlier, the distance from the street, the contours of the land and the landscaping treatment render this clause not really applicable under the circumstances.

1.3.3 MATERIALS AND COLOURS

B. OBJECTIVES

- *To ensure that the colours used are consistent with the prevailing colours of the locality.*
- *To ensure that building materials used in farm building design reflect the rural setting and consist of traditional materials that are present in the locality.*

Each of these objectives has been considered and we are of the opinion that this proposal is consistent with all of the objectives.

C. CONTROLS

- *The colour of farm buildings shall complement the colours of the natural vegetation and background of the property, such as grey, brown, beige and green.*

The colours chosen for this building are natural tones that will compliment and blend in with the existing natural environment.

- *Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened landscaping to minimise its visual impact.*

The proposed building will be constructed using non reflective colourbond steel for walls and roof.

- *The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.*

The elevation that faces the street has 3 large roller shutters and 2 access doors that provide articulation. Also, as mentioned earlier, the distance from the street, the contours of the land and the landscaping treatment also assist in this regard.

- *Where farm buildings are below the 1:100 year ARI flood level, they are to be constructed of materials that can withstand flooding.*

Not relevant in this case since the farm building has a floor level of 61.70m AHD and is therefore well above the ARI flood level.

E. LIFTING THE BAR

- b) Where farm buildings include large roof surfaces, guttering systems and water tanks are connected to capture rainwater and store for re-use.*

Part of this proposal is to do exactly that. Please see accompanying stormwater drainage drawing.

- c) Farm buildings are designed to allow natural ventilation for cooling to avoid the need for mechanical ventilation.*

In this case, the large roller shutters located on the front elevation will provide great natural ventilation.

The following is in response to letter from Penrith City Council dated 7th October 2020, written by Luke Caruana, Environmental Health and Building Surveyor.

RESPONSE TO POINT 1.

The proposed farm building will form an integral part in keeping a large amount of farm equipment out of the weather and elements.

The proposed farm building will be used to store tractors, a farm ute, farm yard water cart, water pumping equipment for agricultural irrigation, Hay baling equipment and storing hay. The owners have just completed work on fence maintenance to commence agricultural activities rearing sheep, goats and cattle. There will also be equipment for fruit picking.

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In addition the owner's father runs a large market garden in Orchard hills. He is due to retire and the owners of 116-132 Chain-O-Ponds Rd are due to inherit a large amount of farm equipment currently stored in his large farm shed. This will include another 2 tractors and implements, farm truck, large scale spray boom equipment, harvesting implements and various other large agricultural equipment.

The respective owners are from a 3rd generation farming family and have deep and passionate appreciations of the land and what it provides having all grown up on rural properties in Orchard hills. The owners want to keep the property free of mess and unsightly clutter outside and make use of the space to the full potential, whilst also keeping and complementing the rural character the area.

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RESPONSE TO POINT 2.

In relation to previous unauthorised development on the site, we have consulted Councils Compliance Unit in order to resolve the issue.

Please see attached email from Mr Indar Singh, dated February 5, 2021. Essentially Councils position is that no action will be taken in relation to the unauthorised works. Some replacement planting is to be undertaken of similar species that were removed. The attached landscaping plans have been amended accordingly.

RESPONSE TO POINT 3.

The dam must have been dry at the time of the Surveyors site inspection. The plans have been amended accordingly.

RESPONSE TO POINT 4.

The development plans clearly show the extent of the proposed works. An assessment is provided by Kieran Edwards from Allinone Backyard Solutions that explains that the proposal will not affect any more than the 6 trees as previously indicated.

While the property is on fire prone land, an APZ is not required for a farm building because it is not a habitable structure. Therefore no additional trees are affected.

RESPONSE TO POINT 5.

A Biodiversity Development Assessment Report has been provided by Michelle Evans from First Field Environmental that addresses this requirement. The end result as far as this application is concerned is that the proposal poses minimal detrimental effects to the environment.

RESPONSE TO POINT 7.

The applicant does not intend to de-water the dam.

RESPONSE TO POINT 8.

An assessment has been carried out on the NRAR WATERFRONT LAND E-TOOL. That assessment shows that Controlled Activity Approval is not required for this proposal. The assessment is attached to this application.

RESPONSE TO POINT 9.

The clearing of vegetation in this area was undertaken before we bought the property.

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The location allows for maximum agricultural use potential, by leaving the good pasture areas free. By choosing this location within the property we can minimise the loss of usable land for agricultural purposes. The location of the proposed shed is very shaded and does not provide for good hay cultivation, maximising the agricultural and natural potential of the property. Building the shed on open grass pasture areas will render a large loss of usable hay cultivation area and animal feed lot area.

The surrounding trees and vegetation will allow for good natural noise buffer from any farm equipment noise associated with natural use and maintenance of equipment. The tree cover will also lessen the visual impacts for surrounding property.

The shade from trees and vegetation will assist in keeping space cool in summer months, alleviating any need for mechanical ventilation and cooling, thus reducing the impacts on environment and offsetting the carbon footprint.

The neighbour on the left side of the property at 100 Chain-o-ponds Rd, has a large shed on the neighbouring/common boundary line. This means both sheds will be in a fairly close proximity, and means any associated noise will be in same vicinity rather than another area of the property and far enough from home dwellings so as to not disturb.

This will also assist in keeping working spaces close to have minimal adverse impacts on the environment and any native fauna. It will also ensure the buildings complement the natural rural character and are not visually dominant. Both sheds would blend in.

Most of the land elsewhere on the property has quite substantial slope. The proposed location only has a 4% slope. Reducing much need for excessive cut and fill earthworks, thereby reducing environmental impacts. Other locations of the property would be unsuitable.

The property does not have town water connection. Dams to the front and rear of the proposed farm shed will provide good access to water should the need arise for future drought events where water is a valuable commodity for agriculture and in potential emergencies. This will lessen the need for pumping water over large distance reducing any environmental impacts and reducing the carbon footprint.

The farm building will need to be secure. The farm equipment is highly valuable. Some of the inherited equipment also has a lot of significant family value to the owners. The proposed location allows a good amount of security as it will not be seen from the road. The tree cover and natural vegetation also provides visual security.

The proposed location on the left, rear side of the property reduces any negative impacts on surrounding neighbours view from their home dwellings. In particular the neighbour to the right at 134 chain-o-ponds road, who would have a very negative impact visually if the farm building was in a location on the right side of the property. The owners have a very good personal relationship with this neighbour having known her and the Mifsud family for many years before purchasing the property in 2016. The owners are very mindful in keeping this relationship friendly and always have her front of mind when doing anything on the property that would impact her negatively. The proposed location is well hidden from her view by the natural vegetation and also a very good distance away from her to reduce any negative impacts on her view and outlook to the rear will have no negative impact visually and the neighbours to the left would not be impacted either given the distance from their dwelling.

The proposed location also means use of the existing rear access gravel track/fire trail reducing any need to construct a new driveway thereby reducing any negative environmental and visual impacts.

