
STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed new farm shed at 259 West Wilchard Road, Castlereagh



Prepared for Mrs Kelly Smith

By: Nuala Cavanagh BTP (Hons) UNSW

Griffin Planning

nuala@griffinplanning.com.au

mob: 0403239443

Date: 21 December 2019



TABLE OF CONTENTS

| | |
|--|-----------|
| 1. INTRODUCTION AND EXECUTIVE SUMMARY | 3 |
| 1.1 DEVELOPMENT PROPOSAL | 4 |
| 2. SITE ANALYSIS | 6 |
| 2.1 LOCALITY DESCRIPTION | 6 |
| 2.2 TOPOGRAPHY | 11 |
| 2.3 DRAINAGE AND FLOODING | 11 |
| 2.4 FLORA AND FAUNA | 12 |
| 2.5 ABORIGINAL AND EUROPEAN HERITAGE | 12 |
| 2.6 SERVICES AND INFRASTRUCTURE | 12 |
| 2.7 PREVIOUS DEVELOPMENT | 12 |
| 3. PLANNING CONTROLS | 13 |
| 3.1 SECTION 4.14 OF THE EP & A ACT 1979 BUSHFIRE PRONE LAND | 13 |
| 3.2 SEPP NO. 55 – REMEDIATION OF LAND | 13 |
| 3.3 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011 | 14 |
| 3.4 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER (NO. 2 -1997) | 15 |
| 3.5 STATE ENVIRONMENTAL PLANNING POLICY (PENRITH LAKES SCHEME) 1989 | 16 |
| 4. PENRITH DEVELOPMENT CONTROL PLAN 2014 | 24 |
| 5. JUSTIFICATIONS FOR VARIATIONS TO THE DCP | 31 |
| 5.1 PART D1-FARM BUILDINGS: 1.3.2 (2) - FLOOR SPACE. | 31 |
| 6. THE LIKELY IMPACTS OF THE DEVELOPMENT | 33 |
| 6.1 THE NATURAL ENVIRONMENT | 33 |
| 6.2 THE BUILT ENVIRONMENT | 34 |
| 6.3 SOCIAL IMPACT | 34 |
| 7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT | 36 |
| 8. PUBLIC INTEREST | 36 |
| 9. CONCLUSION | 38 |



1. INTRODUCTION AND EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by Griffin Planning for Mrs Kelly Smith in support of a development application (DA) classified as local development under Part 4 of the Environmental Planning and Assessment Act 1979 (EP and A Act). The DA seeks approval for a farm shed at 259 West Wilchard Road, Castlereagh; the legal title of which is described as **Lot 6 of DP 1209152**. The DA is a second application lodged for the site this year and is for a rural shed ancillary to the proposed dwelling house which was submitted to Penrith City Council in November 2019 (Council's file reference DA19/0836). The SEE addresses:

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

The subject site is located within the Penrith Local Government Area and the proposed development is permissible with consent in accordance with State Environmental Planning Policy (Penrith Lakes Scheme) 1989 as an ancillary structure to the proposed dwelling house lodged under file DA19/0836. Whilst the structure will not be built unless the dwelling house is also built; the proposed farm shed will allow for the continued use of the site for rural purposes; associated with the grazing of a small number of cattle. This SEE assesses the proposal against the SREP and against the relevant heads of consideration under Section 4.15 of the EP and A Act 1979.

Previously a shed with an enclosed area of 216m² and a total covered area of 288m² was approved for the site on the 26.4.19 under file DA18/1106. This application proposes a rural shed with an enclosed area of 442m². The proposed shed has been sited and designed to complement the proposed dwelling and minimise the bulk of the development when viewed from the site. The proposed shed will house equipment and feed associated with the use of the site for grazing of cattle.



1.1 DEVELOPMENT PROPOSAL

The proposal is to construct a farm shed with an area of 442m² south of the proposed dwelling which has been lodged with Penrith City Council. The shed will provide storage for the following:

- Equipment and feed storage associated with the use of the site for grazing cattle. The property has a Property Identification Code (PIC) number designated for the site - PIC number is NI466878. There are approximately 70 cattle on site at present.
- Storage of bobcat, truck and excavator associated with the small farm
- Fabrication area and works bench
- Storage of tools and space for working on machinery and cars

The ground floor of the shed will be constructed above a 3 metre high retaining wall partially supporting a reinforced concrete slab and also supported by concrete footings and piers to structural engineers details.

The maximum height of the shed from the finished floor level will be 7.2 metres. Due to the topography of the site - part of the shed will be 10.2 metres above ground level when measured from the natural ground level and the building will be supported on piers and a concrete block retaining wall. The shed will extend over the existing building pad on site. This will allow for the existing ground levels to be largely retained and will allow for the natural flow of water around and beneath the shed.

The shed will be setback 10 metres from the southern boundary, and a minimum of 10 metres from the end of the proposed awning to the proposed dwelling. The shed will be setback approximately 82 metres to Castlereagh Road.

The shed is sited so as to minimise the bulk of the development when viewed from Castlereagh Road. The shed form is broken up by the use of a variety of materials and finishes and through feature walls which complement feature walls used within the proposed dwelling design. The shed will be constructed of colourbond with a stone wall to match



residence.

Full details of the proposal are provided in the following documentation accompanies this SEE and forms the development application:

- Architectural plans and site plan by Des Du Rieu Drafting Dist dated 11.12.2019 and numbered 551
- Bushfire threat assessment - prepared by Control Line Consulting dated 24.09.19
- Geotechnical report for soil stability
- On site waste water report prepared by Broadcrest Consulting dated December 2019
- Concept Stormwater Management Plan prepared by Broadcrest Consulting Pty Ltd dated 20.12.19
- Flood risk assessment and evacuation plan - prepared by Urban City Consulting Pty Ltd dated 18.8.17
- Landscape plan prepared by Leafscape Designs dated 19.6.19



2. SITE ANALYSIS

The legal description of the allotment is Lot 1 DP 1181666. The property is not affected by any easements or restrictions. The site has an area of 5.79ha and is currently vacant and vegetated by mostly grasslands with a scattering of trees. The site has a slope up to the eastern side of the property. Part of the site has been modified to provide a level building pad.

2.1 LOCALITY DESCRIPTION

The subject site is located on the south eastern intersection of West Wilchard Road and Castlereagh Road and has a frontage of 393 metres to Castlereagh Road. The site has vehicular access off West Wilchard Road and a frontage to that road of 136 metres. The locality is defined by the Nepean River and eastern escarpment of the Blue Mountains and is significant in the history of the establishment of NSW as an early rural settlement. The site is approximately 9 km north of Penrith and 13km south of Richmond. Development within the vicinity is typified by low density rural lifestyle properties within a bushland setting.





FIGURE 1: LOCALITY MAP: SUBJECT SITE

To the east and north of the site; land uses are defined as low density rural/ residential. Land to the west of the site comprises the Penrith Lakes Scheme and larger rural allotments.



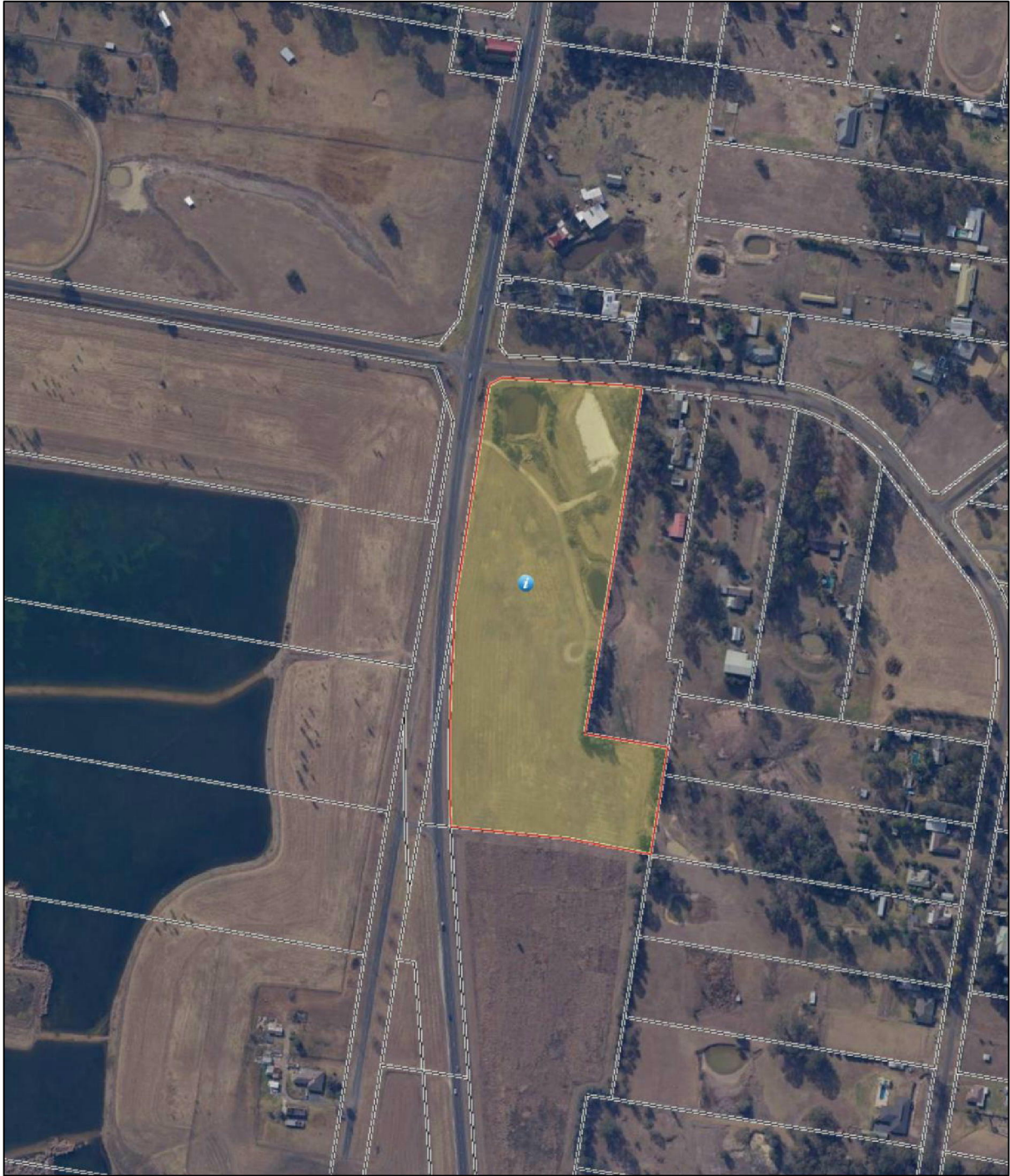


FIGURE 2: AERIAL IMAGE OF PROPERTY



TABLE 1: SITE PHOTOS



FIGURE 3:VIEW OF FRONTAGE OF PROPERTY LOOKING SOUTH WEST



FIGURE 4:VIEW FROM PROPERTY LOOKING SOUTH EAST FROM BUILDING PAD



The proposed rural shed is consistent in size and form with other rural sheds within the locality.



FIGURE 5: SHED SIZES NORTH OF SUBJECT SITE



2.2 TOPOGRAPHY

The site provides flood plain topography at its western and southern section and rises steeply in the north eastern sections. A level building platform is provided in the north eastern section.

2.3 DRAINAGE AND FLOODING

The site provides a drainage line at the northern section, which is represented as lower order stream and two rural type dams. The location of these drainage features are shown in Figure 1 and 6.

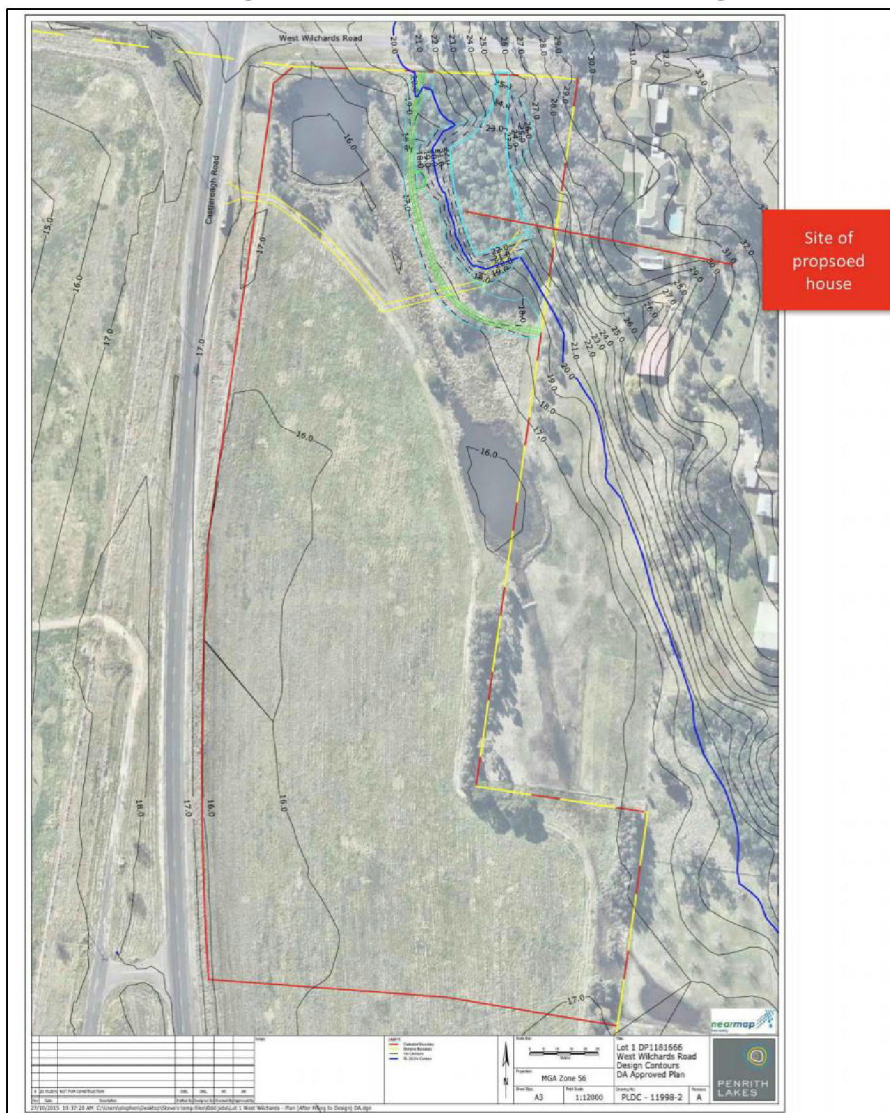


FIGURE 6: SITE TOPOGRAPHY

The watercourse and the broader site drains southwards where it initially enters the Lewis Lagoon and then the Wildlife Lake stormwater treatment trains regime currently provided at the north eastern extent of the Lakes Scheme.



The flood levels of the proposed development site are at RL 23m AHD which is above those identified by both Penrith City Council (20.6m AHD) and the Minister under the Stage 1 Water Management Plan 2012 (21.7m AHD) for the site.

2.4 FLORA AND FAUNA

The site has largely been cleared of vegetation, however does contain a sparse covering of vegetation in the lower sections of the site and a larger copse of trees along the eastern side of the site. A detailed flora and fauna report accompanies this development application.

2.5 ABORIGINAL AND EUROPEAN HERITAGE

The site does not contain any items of heritage. The site was investigated for Aboriginal archaeology as part of the original subdivision of the area associated with the Lakes Scheme. An Aboriginal Heritage Impact Permit was granted over the broader Lakes Scheme site inclusive of the subject site. A copy of this permit was provided as part of the Das in 2018 for earthworks and the previously approved dwelling house.

2.6 SERVICES AND INFRASTRUCTURE

The site has reticulated water but is unsewered. Power and communication services are available to the site.

2.7 PREVIOUS DEVELOPMENT

The site has formerly been part of the Penrith Lakes Scheme and as such has experienced sand and gravel extraction pursuant to The Lakes Scheme issued on the 9 September 1988.



3. PLANNING CONTROLS

The following section will address all relevant planning controls applicable to the site in accordance with Section 41.5 (1)(a) of the Environmental Planning and Assessment Act, 1979.

Note that the subject site is a deferred matter from the standard instrument - Penrith Local Environmental Plan 2010. However; there are no draft zoning policies applicable to the site at this time.

3.1 SECTION 4.14 OF THE EP & A ACT 1979 BUSHFIRE PRONE LAND

The subject site is mapped as bush fire prone land. Accordingly the development application is accompanied by a bush fire threat assessment which identifies that the bush fire rating for the property is LOW and works are to comply with AS3959 BAL 12.5. The proposed rural shed is setback a minimum of 10 metres from the dwelling house. The proposal meets the requirements and objectives of Planning for Bushfire Protection and satisfies the requirements of this section.

3.2 SEPP No. 55 – REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that a remediation work meet certain standards and notification requirements



The site has been evaluated for contamination and remediation via the Site Audit and Final Validation Report as part of the Lakes Scheme lands. The audit concludes that remediation and validation works have been appropriately implemented. The audit concludes that the site is suitable for residential land use.

The previous development application approved by Council was accompanied by a Virgin Excavated Natural Material (VENM) report for all imported material - which concluded that only natural VENM materials have been placed on the site and therefore presents no significant risk to human health or the environment.

Attached to this report is a geotechnical site classification for the house pad at the subject site that recommends a Class M classification be adopted for the house pad for a residential dwelling in accordance with AS2870-2011.

3.3 SEPP (STATE AND REGIONAL DEVELOPMENT) 2011

This SEPP aims to identify state and regionally significant development and the development assessment process for such development. Schedule 2 to the SEPP identifies certain sites that have been declared to provide state significant development. This schedule references the Penrith Lakes and an extract is provided below:

8 Development at Penrith Lakes Site

Development on land identified as being within the Penrith Lakes Site on the State Significant Development Sites Map if the development is for the purposes of extraction, rehabilitation or lake formation (including for the purposes of associated infrastructure on land located within or outside that Site).

The site is located with the identified Penrith Lakes, however the development is not for the purposes of extraction, rehabilitation or lake and therefore the SEPP is not relevant to this development proposal.



3.4 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER (No. 2 -1997)

The site is subject to assessment under the provisions of SREP 20. The proposed development has regards to the relevant specific planning policies and recommended strategies contained within that plan as follows:

- 1) Total Catchment management - the proposed development incorporates water sensitive urban design principles which will ensure that the quality and quantity of stormwater leaving the site will not have an adverse impact on the receiving waters within the catchment.
- 2) Environmentally sensitive areas - the proposed development is on land which is already cleared.
- 3) Water quality - see point 1 above
- 4) Water quantity - see point 1 above
- 5) Cultural heritage - the proposed development will not adversely impact on any items of cultural heritage
- 6) Flora and fauna - the proposed development is located on already cleared land and will result in minimal clearing of vegetation from the site in order to comply with the requirements of Planning for Bushfire Protection.
- 7) Riverine Scenic quality - the proposed development is consistent with the landscape character of the locality and is sited so as to provide a substantial buffer to Castlereagh Road which will maintain the scenic quality of the area.



3.5 STATE ENVIRONMENTAL PLANNING POLICY (PENRITH LAKES SCHEME) 1989

SEPP (Penrith Lakes Scheme) 1989 applies to the site and is the primary planning instrument applicable to the site. The following addresses relevant clauses within the policy as they relate to the proposed development.

2. Aims of Policy

The aims of the plan are as follows:

- (a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,*
- (b) to identify and protect items of the environmental heritage,*
- (c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,*
- (d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,*
- (e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.*

The proposal has regards to the above and is not inconsistent with the aims of the plan.

7. Development generally

A person shall not carry out development on land to which this Policy applies except development authorised by or under this Policy.



This application is made to Penrith City Council under the provisions of this plan. The proposed use is permissible with consent. The site is zoned Residential under the provisions of this plan.

8 Development for the purposes of implementing the Penrith Lakes Scheme

(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Policy applies.

Not relevant as the development proposal does not seek to implement the Penrith Lakes Scheme.

9 Interim development on unzoned land

Not relevant as the site is zoned Residential.

Part 3 Permitted or prohibited development on zoned land

The site is zoned Residential as shown in Figure 4 below.



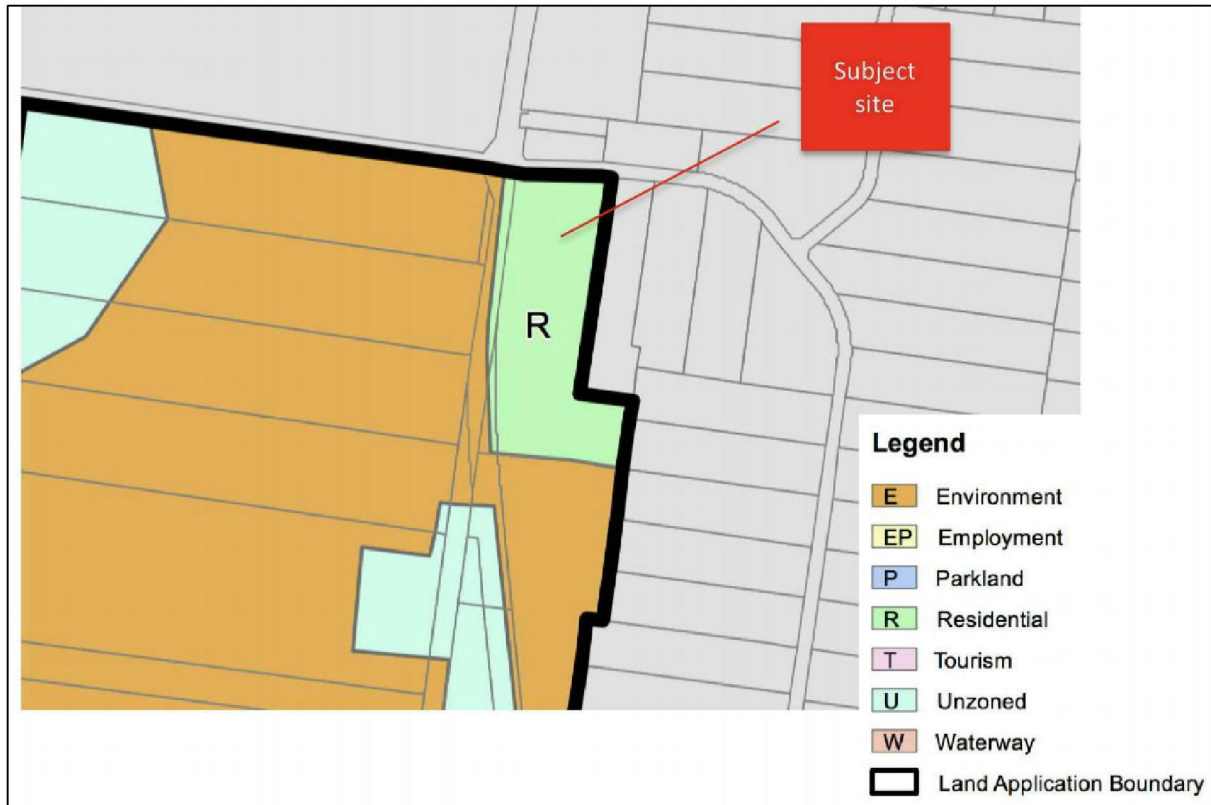


FIGURE 7: ZONING OF THE SITE

The objectives of the Residential zone under this policy are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic value.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To minimise the potential for conflict between development in residential areas and land uses within adjoining zones.*
- *To ensure that land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land and water quality management practices.*

The proposal seeks to develop the land for a farm shed on an allotment with special aesthetic values pertinent to the use of the land for rural purposes. The farm shed is contingent upon the development of the site for residential purposes and can therefore be seen as ancillary to



the dwelling and therefore permissible with consent. The continued use and maintenance of the site as a small rural lifestyle property is dependant upon the provision of adequate infrastructure to support the small scale rural activities necessitating the farm shed as proposed within this application.

The special aesthetic values associated with the locality relate to the rural outlook which is characteristic of the area. The proposed development provides for low impact development which will not have an adverse impact on these special values and will retain the character of the locality. The operation of the property for grazing requires the consent of the Local Land Services which has issued a PIC number for the site as detailed within the site description at Section 1 of this report.

The development has been sited on the most appropriate location within the property in order to ensure minimum visual impact and with regards to the environmental constraints of the site.

The documentation which accompanies this development application demonstrates that the land use is within the environmental and infrastructure capacities of the site.

All works will be undertaken utilising appropriate land and water quality measures.

The development therefore causes no inconsistency with the relevant zone objectives.

25 Residential development

(1) Development consent must not be granted for development on land zoned Residential unless the consent authority is satisfied that the number of dwellings on all land zoned Residential will not exceed 30.

The subject site facilitates residential development of a single dwelling house on one of the nominated allotments designated by the SEPP. The proposal is submitted to be read in conjunction with the recently



submitted application for a dwelling house. Accordingly the development will not result in an exceedance of the specified dwelling entitlements under the SEPP.

(2) Development consent must not be granted for development on land zoned Residential unless the consent authority has considered the following:

(a) an Aboriginal cultural heritage assessment for the land (being a written report detailing the results of the assessment and recommendations for actions to be taken before, during and after an activity to manage and protect Aboriginal objects and declared Aboriginal places identified by the investigation and assessment) that has been prepared by a suitably qualified person,

An Aboriginal Archaeological Assessment was conducted for the locality under the parent subdivision application which concludes that any development will have minimal if any impacts on heritage items or Aboriginal places. AN Aboriginal Heritage Impact Permit has already been issued for the subject site under previously approved development application. The development is therefore considered to satisfy this clause of the SEPP.

(b) a geotechnical assessment that has been prepared by a suitably qualified person and demonstrates that a stable development platform exists for the development,

A geotechnical assessment has been prepared to accompany the development application and approves the proposed building envelope for residential development.

(c) an evacuation plan that is prepared by an emergency services organisation and endorsed by the NSW State Emergency Service as being appropriate for the development.

Molino Stewart Pty Ltd; an environmental and natural hazards consultancy, has been involved in flood emergency planning in the Hawkesbury Nepean Valley since the company's inception in 1995. This consultancy has prepared a flood evacuation strategy for all of the properties zoned



Residential in the SEPP and this advice has been provided to Council to explain the subject land and other adjacent residential zoned lands within the SEPP can safely evacuate in an extreme flood.

In summary, the evacuation plan for the subject property is to evacuate by vehicle within the ample warning period (at least 7 hours) and if not then occupants can walk/drive out on rising grade on West Wilchards Road above the flood and to stay with neighbours until the flood subsides. The Flood Emergency Response Plan and Action Guide accompanies the development application.

28 Heritage Assessment

The objectives of this clause are as follows–

- (a) to conserve the environmental heritage of Penrith,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The site is not affected by any heritage items or conservation areas. The site has been subject to an Aboriginal Archaeological assessment prior to the subdivision approval of the subject site with no significant sites or matters to be addressed. The proposal to erect a farm shed on the subject site will have no adverse impact on heritage values in the locality.

31 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental*



impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. No earthworks are proposed as part of the subject development. All earthworks to create the building platform form part of a separate development application.

No earthworks are proposed as part of this development application. Previous earthworks at the site were approved under file DA18/0089.

33 Flood planning

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

(a) to minimise the flood risk to life and property associated with the use of the land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

The development application is accompanied by a flood impact statement for the dwelling house which can be read in conjunction with this proposal for the farm shed.

The proposed farm shed is to be located adjacent to the platform area provided in the north-eastern section of the site is approximately 21m AHD, which is well above that flood level and the required freeboard. The proposal will be constructed on piers and allows for the free flow of flood levels beneath the structure. The proposed farm shed does not provide any habitable areas. The development therefore causes no inconsistency with the clause objectives.



Schedule 2 - Matters to be included in the Statement of Environmental Effects

This SEE satisfactorily addresses the requirements and objectives of the SEPP. The proposal is for a relatively minor development within the locality and will not affect the implementation of the broader planning objectives for the Penrith Lakes.



4 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following provides an assessment against the relevant clauses of the Penrith DCP 2014. Further assessment is not provided where matters have been dealt with under the SEPP and SREP considerations in the above report. Note that DCPs provide more detailed development standards that are designed to be applied flexibly in response to variable site conditions and aspects. Assessment needs to weigh the benefits of complying with all design standards against the actual site outcomes and usability of the development.

TABLE 2: COMPLIANCE TABLE - PENRITH DCP 2014

| COMPLIANCE TABLE Penrith DEVELOPMENT CONTROL PLAN 2014 | | |
|--|--|--|
| Clause | Provision | Statement of Compliance |
| C1 Site Planning and Design Principles | | |
| 1.1.1 | <p>Site Analysis</p> | <p>All matters pertaining to site constraints and environmental planning matters have been addressed previously in this report.</p> <p>The development application is accompanied by the following detailed reports which also address relevant environmental issues:</p> <ul style="list-style-type: none"> • Site plan • Geotechnical reports • Flood impact assessment • Flora and fauna review • Bushfire threat assessment • Waste water report |
| 1.1.2 | <p>Key Areas with Scenic Views</p> <p>Any areas with views to and from the Nepean River.</p> <p>Part B. Principles</p> <ul style="list-style-type: none"> • Protect and enhance the visual diversity and scenic quality of gateways and view sheds within the City of Penrith, including detailed, mid and long range views; • Protect and enhance the key regional natural features that contribute to the character of Penrith as a City, including the Blue Mountains escarpment, the Nepean River, other riparian corridors and bushland reserves; • Protect, maintain and enhance other important natural features, including ridgelines, hillsides, watercourses and riparian corridors, vegetation and landform; • Protect, maintain and enhance backdrops and settings that contribute to the local identity; | <p>The property has views across the Penrith Lakes to the escarpment. The site is not mapped as having scenic or landscape values in figure C1.1 as the site is excluded from Penrith LEP 2010. A visual impact assessment is therefore not required to accompany the development application.</p> <p>However the following demonstrates how the proposal has regards to the Principles set out in Part B of this clause:</p> <p>The siting and design of the proposed dwelling is located with a deep setback to Castlereagh Road and the majority of the property will be retained as open grasslands which contribute to the visual characteristics of the area. The proposed farm shed will enable the maintenance of the scenic views of the property as a small farm.</p> <p>The proposal maintains the existing land forms on the site.</p> <p>The proposed development will not obstruct views to or from public places due to the topography of the land.</p> |



| | | |
|---------------------------------|---|--|
| | <ul style="list-style-type: none"> • Protect, maintain and enhance views and vistas from vantage points, including main road corridors and other public places; • Conserve and enhance historic landscapes, properties and their curtilages; • Plan and site new development to enhance local identity. Development is to effectively integrate with the surrounding landscape so that any change as a result of the new development does not compromise the character of the landscape. Issues such as context, scale, size, built form and height, setbacks/buffers, landform, structural space (private and public), streetscape, vegetation and infrastructure are to be addressed; • Strengthen local identity through consistency and/or compatibility of design. Design development to take into account issues such as scale, form, line, colour, texture, lighting, existing vegetation, open space and landscaping; • Use vegetation to frame scenic views, provide interest or change, define new space, provide backdrops and visually connect all other elements within the setting; and • At gateways, reinforce the distinct experience of arrival or passing from one landscape character type to the next, through legible site planning and design. | <p>The adjacent dwelling to the east has a floor level of approximately AHD 32 metres which ensures that existing views will not be obstructed as a result of the proposed dwelling having a FFL of 21 metres.</p> <p>The proposed design of the new shed is articulated and will be screened by landscaping.</p> <p>The siting of the development on the north eastern corner of the site will retain the large open spaces adjacent to Castlereagh Road which will maintain and enhance the local identity.</p> <p>The proposed farm shed includes high quality design and finishes to ensure that the shed is compatible with the proposed dwelling.</p> <p>The proposed landscaping will also enhance the presentation of the development to Castlereagh Road.</p> |
| 1.2.4 | Responding to sites topography and landform | The proposed construction techniques for the shed will ensure that there is minimal land modification required for the development. A geotechnical report accompanies this development application verifying the stability of the site in relation to the proposal. |
| 1.2.5 | Crime prevention through design | The proposed farm shed will not result in any increase in crime threat to the locality. The proposed farm shed will enable the secure storage of all equipment and machinery associated with the use of the property. |
| C2 Vegetation Management | | |
| 2.1 | (6) Trees and new development | The building envelope is cleared – existing trees on site will be retained. A landscape plan accompanies this development application. |
| 2.3 | Bushfire management | The application is accompanied by a bushfire threat assessment. |
| C3 Water Management | | |
| 3.2 | Catchment management and water quality | Onsite stormwater management and effluent treatment has been designed to minimize any adverse impacts. |



C4 Land management

| | | |
|-----|-------------------------------|---|
| 4.1 | Site stability and earthworks | Earthworks to create the building platform are kept to within 1 metre for cut or fill across the site. The proposal can be consistent with any Council requirements for site management in the construction phase. |
| 4.3 | Erosion and sedimentation | The plans include details for erosion and sedimentation control during the course of development. |

C5 Waste Management

| | | |
|-----|-------------------------------|---|
| 5.1 | Waste management plans | Waste management during construction will be undertaken in accordance with Council's requirements. These details can be provided at CC stage. The development can comply. |
| 5.2 | Development specific controls | Waste storage areas are available within the proposed residence. The proposed layout and design is consistent with Councils requirements for waste management. |

C6 Landscape design

| | | |
|-----|----------------------|--|
| 6.1 | Development category | The development application is accompanied by a landscape plan |
|-----|----------------------|--|

C10 Traffic and parking

| | | |
|---------|----------------------|---|
| 10..5.2 | Access and driveways | A new driveway will be provided which will extend the driveway to the proposed ancillary shed to the house along the eastern boundary in order to provide vehicular access to the proposed farm shed. Access for farm vehicles for use on the site will be via West Wilchard Road and through the existing driveway off Castlereagh Road. The proposed driveway can comply with Council's development standards in relation to construction. |
|---------|----------------------|---|

C13 Infrastructure and Services

| | | |
|------|--------------------------------------|--|
| 13.2 | Utility and infrastructure provision | The farm shed will require the extension of electricity to the building. No additional WC are proposed on the plans. |
|------|--------------------------------------|--|

D1 Rural Land Uses

| | | |
|--|--|--|
| | | |
|--|--|--|



1.2.1

Siting and orientation of dwellings and outbuildings

a) Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:

- i) Protecting the privacy of proposed and existing buildings;
- ii) Providing flood-free access to the dwelling and a flood-free location for the dwelling itself;
- iii) Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;
- iv) Maximising solar access;
- v) Retaining as much of the existing vegetation as possible; and
- vi) Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).

b) The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.

c) Where practical, all buildings on a site, including dwellings and outbuildings, should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.

2. Landscape Scenic Character

a) Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.

b) Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.

c) Where practical, buildings should be sited to take advantage of existing vegetation to provide privacy from passing traffic and public places, screening from winds and a pleasant living environment.

d) Roads should be designed and located to run with the contours of the land.

e) Rooflines and ridgelines should reflect the setting of the dwelling, incorporating simple shapes to step a building down with a sloping site or level change.

f) Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.

Setbacks and building separations

The proposal is consistent with the site planning controls in that the development:

- Retains privacy of existing and proposed development
- Provides flood free access from the shed to the street
- Minimises risk of bush fire by locating the building site in the least fire prone location on the site and at a safe separation of 10 metres from the adjoining proposed dwelling
- Retains existing vegetation on site;
- Minimises excavation

The proposed farm shed is clustered with the proposed dwelling and shed as detailed under DA19/0836

The proposed shed will not protrude into the sky line and is not proposed to be located on the ridgeline. The FFL is 21 metres and the land continues to rise behind the building site for the shed.

There are no plantings existing to screen the shed on the western side of the proposed building site; however landscape plans detail proposed screen planting.

The proposed access road to the shed will follow contour lines. An existing driveway which is traverses the slope at right angles is proposed to be removed which will improve the presentation of the building form.

The proposed roofline is a simple gabled roof with a skillion pitched over as an awning on the northern elevation.

The proposed shed will have a maximum height of 7.2 metres and will be approximately 700mm higher than the dwelling house.



| | | |
|-----------------------------|--|---|
| | <p>1) Setbacks from Roads</p> <p>a) A minimum setback of 15m from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.</p> <p>b) A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</p> <p>c) A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham). Please contact Council to discuss.</p> <p>d) A minimum setback of 100m is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</p> <p>2) From watercourses (40 metres)</p> <p>3) For dwellings from side boundaries (land greater than 2 hectares) (10 metres)</p> | <p>The proposed farm shed will be set behind the proposed dwelling and ancillary shed as viewed from West Wilchard Road and in excess of 80 metres from Castlereagh Road. The proposed development is sited so as to minimise visibility from Castlereagh Road and West Wilchard Road.</p> <p>The proposal is approximately 57 metres from the lagoon located on the southern boundary of the site.</p> <p>The proposed farm shed is setback a minimum of 10 metres from the rear boundary.</p> |
| 1.2.3 | Site coverage, bulk and massing | This clause is not applicable to the assessment of the farm building; however for reference the proposed site coverage proposed under DA19/0836 is 657.82m ² . |
| 1.2.4 | <p>1) Height and Scale</p> <p>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</p> <p>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8m above natural ground level.</p> <p>2) Design and Quality</p> <p>a) The design of dwellings and associated structures should be sympathetic to the rural character of the area.</p> | <p>The proposed farm building is 7.2 metres in height and complies with this clause</p> <p>The proposal complies with this clause.</p> <p>The proposed farm shed presents is sympathetic to the rural character of the area.</p> |
| 1.3 – Farm Buildings | | |
| 1.3.1 | <p>Farm Buildings – siting and orientation</p> <p>1) 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 conflict.</p> <p>2) Farm buildings should have complementary colours and finishes to the dwelling house and surrounding environment.</p> | <p>The proposal has regards to this clause and sites the proposed farm building close to the residential structures proposed under DA19/0836.</p> <p>The proposal has regards to this clause and provides colours, finishes and materials which are compatible with the proposed materials used in the dwelling.</p> |



| | | |
|---------------------|---|---|
| | <p>3) 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 as shown in Figure D1.11.</p> <p>4) Farm buildings should be sited on the land so any disturbance to native vegetation is minimal.</p> <p>5) The narrowest elevation of farm buildings should face the road.</p> <p>6) Farm buildings shall be set back a minimum of 40m from any watercourse.</p> <p>7) Farm buildings should be setback behind the building line of the existing dwelling house on the property.</p> <p>8) Farm buildings should be a minimum distance of 10m from a dwelling located on the same allotment as the farm building.</p> <p>9) Farm buildings should be a minimum distance of 20m from a dwelling located on an adjacent allotment to the farm building.</p> <p>10) Landscape buffers should be provided, where possible, between farm buildings and nearby dwellings to minimise the visual impact of the farm building.</p> <p>11) Farm buildings should be a minimum distance of 5m from the side boundaries.</p> | <p>The proposed farm building will not require cut or fill but is designed to be elevated over a drop and will be supported on a retaining wall and concrete piers. This results in minimal impact on the existing ground levels. There is no vegetation on the land proposed for the farm building.</p> <p>The farm building is sited so as to present the narrowest elevation to Castlereagh Road.</p> <p>The farm building is located approximately 57 metres from the lagoon on the property.</p> <p>The farm building is set behind the building line as viewed from West Wilchard Road and Castlereagh Road.</p> <p>The farm building is a minimum of 10 metres from the dwelling on the same allotment as the farm building.</p> <p>The nearest dwelling on the allotment to the east is 41 metres from the property boundary. The proposal complies with this clause.</p> <p>The landscape plan prepared to accompany this application provides screening planting along the property boundary to the east.</p> <p>The farm building is setback 10 metres from the nearest side boundary.</p> |
| <p>1.3.2</p> | <p>Farm buildings – Floor space, height and design</p> <p>2) For allotments between 3 hectares and 10 hectares in size, the maximum accumulative building footprint of all farm buildings on an allotment shall not exceed 400m².</p> <p>5) A farm building should not be more than 8m high.</p> <p>6) 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.</p> <p>7) Where a farm building is higher than the dwelling on the land, the building must be located behind the dwelling and screened from view by vegetation (or similar).</p> | <p>The subject site has an area of 5.79 hectares. The proposed site coverage for the farm building is 442.06m².</p> <p>The proposal does not comply with this clause. A variation to the development standard is sought.</p> <p>The farm building is 7.2 metres high and complies with this clause.</p> <p>The maximum external wall height of the shed is 5 metres and complies with this clause.</p> <p>The farm building will have a maximum height of 7.2 metres and will be approximately 700mm higher than the dwelling house and is located behind the dwelling house and screened from view by vegetation.</p> |



| | | |
|---------------------|---|---|
| | <p>8) The design of farm buildings 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.</p> <p>9) Farm buildings should have a maximum external wall length of 15m between distinct corners or significant features such as awnings.</p> <p>10) Farm buildings shall have a minimum roof pitch of 15° and a maximum roof pitch of 25°.</p> <p>11) All elevations of farm buildings that face the street are to present a suitable level of detailing to minimize their visual bulk. Features which can be used include windows, awnings and verandahs.</p> | <p>The proposed farm building comprises a traditional gable roof design with a skillion over the proposed awning.</p> <p>The proposal provides external wall lengths of 18 metres and 24 metres but is broken up with distinct features using a variety of materials and finishes to reduce the bulk of the building.</p> <p>The proposed roof pitch is 15°.</p> <p>The angled elevation which will present to Castlereagh Road includes windows and a variety of materials and colours which will reduce the visual bulk of the development.</p> |
| <p>1.3.3</p> | <p>Materials and colours</p> <p>1) 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.</p> <p>2) Farm buildings shall be constructed of non-reflective materials. Where traditional materials, such as unpainted corrugated iron, are used, the building must be screened by landscaping to minimise its visual impact.</p> <p>3) The construction of farm buildings should utilise a range of materials to aid in the articulation of the building form.</p> <p>4) Where farm buildings are below the 1:100 ARI flood level, they are to be constructed of materials that can withstand flooding.</p> | <p>The proposed colours are recessive and neutral tones which will blend with the natural colours of the locality.</p> <p>The materials are non reflective colourbond.</p> <p>The proposal complies with this requirement.</p> <p>The proposal complies with this requirement.</p> |



5. JUSTIFICATIONS FOR VARIATIONS TO THE DCP

Note that the Environmental Planning and Assessment Act, 1979 makes it clear that the DCP is to provide additional detailed development controls specific to sites and localities. The assessment of development applications against the DCP standards are to be addressed in a flexible manner. Where there is justification for the departure the variation to the development standards can be supported by Council.

5.1 PART D1-FARM BUILDINGS: 1.3.2 (2) - FLOOR SPACE.

The objectives to this clause are:

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

The proposal has consideration to the objectives of the clause in the following ways:

- The proposed farm building has been sited and designed to minimise the visual impact on the landscape by its orientation at an angle to Castlereagh Road and behind the proposed dwelling and by the use of materials and colours which will complement the proposed dwelling and recede the bulk of the development.
- In addition a substantial landscaping proposal is included as part of the proposal and will result in a significant improvement in the presentation of the property to the street.
- The proposed shed will be setback from Castlereagh Road by approximately 80 metres reducing the visual impact.



- The siting of the shed on the side of the slope to the building platform will allow for the clustering of buildings and will reduce the bulk of the development due open subfloor area.
- The sizing of the proposed shed will allow for the storage of feed and equipment to manage and care for the cattle on the property and is of an appropriate scale to undertake this use.
- The proposed design of the shed is a contemporary farm building which has regards to classic forms of rural buildings including a gabled roof and awning over the northern elevation. The design of the farm building will enhance the rural landscape and character of the area.
- The proposal is designed to integrate with the site and with regards to the particular needs of the property.

The development standard sought to be varied:

Subclause (2) stipulates a maximum floor area of 400m² for allotments between 3-10 hectares in size. The subject site has an area of 5.79hectares; within the mid range of the site area and the proposed farm building is 442.06m² which constitutes a 10.5% variation to the development standard which is considered to be minor.

Given that the proposal includes high levels of design and significant landscaping; it is considered that the proposed development achieves the desired outcomes for the site despite requiring a variation to the numeric development standard.

The departure from the variation will not have any impact on the public interest as the development is suitable for the site. The proposal is considered to have regards to the objectives of the clause.



6. THE LIKELY IMPACTS OF THE DEVELOPMENT

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

6.1 THE NATURAL ENVIRONMENT

The site comprises significant natural features which include slopes, flood prone lands, a watercourse and native vegetation. The proposed development has regard to these natural features by designing the farm building footings on piers and with a retaining wall which will minimise any impacts on the existing land forms and will be located well above the flood level.

Some limited clearing of vegetation will be required surrounding the development site in accordance with the requirements to provide an Inner Protection Area as detailed within the supplementary bushfire threat assessment to this report. The vegetation in this area is of limited value and supplementary planting (including native species) is proposed which will enhance the natural qualities of the site.

In addition the development is accompanied by a stormwater management plan which incorporates on site infiltration and 'first flush' device which will clean stormwaters; as well as erosion and sedimentation controls to ensure that stormwater from the new development will not cause adverse environmental impacts. The site drains to the Penrith Lakes Scheme which has been designed to accommodate and manage stormwaters from surrounding land uses.

As a consequence it can be concluded that the development will not cause an adverse impact on the natural environment.



6.2 THE BUILT ENVIRONMENT

The area is characterized as a rural lifestyle locality with lots varying in size and scale but averaging between 2 and 6 hectares. The proposed farm building is consistent with the surrounding land uses as can be seen in figure 5 in this report. The siting of the development will not protrude above the skyline and will retain and enhance the existing character of the built environment.

The development of the proposed farm building is ancillary to the development of the dwelling house and will not result in any significant increases in traffic from the property. The site is proposed to be serviced by a new driveway on West Wilchard Road. Safe egress and ingress to the site is available at the proposed crossover point.

The proposed dwelling is located in excess of 80 metres from Castlereagh Road and this distance will mitigate any adverse acoustic or visual impacts from Castlereagh Road.

The proposed design of the farm building includes high quality finishes and features and is designed to complement the proposed dwelling and is sited at an angle to ensure that the building will not present a bulky development as viewed from Castlereagh Road. The siting of the development will allow for the maintenance of views from neighbouring lots to the Penrith Lakes and Blue Mountains.

Accordingly it is concluded that the development will not result in any adverse impacts to the built environment.

6.3 SOCIAL IMPACT

The proposal will allow for the provision of a farm building within a semi rural area and reinforce the rural character of this locality within the Penrith LGA. The development will not cause any strain on existing social services within the area. This is considered to be a positive social impact.



6.4 ECONOMIC IMPACT

The proposal will allow for the operation of a small scale rural land use within the Sydney basin which will contribute to the local economy. This is considered to be a positive economic impact.



7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

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

- i. The proposal provides a site responsive design and provides a farm building that is in character with the existing character of the locality.
- ii. The proposed design is consistent with the overarching objectives for development as stated within Penrith City Council's environmental planning controls.
- iii. The use of the site for small scale rural activities reflects the historic use of the area and maintains and enhances the character of the locality.

8. PUBLIC INTEREST

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

- i. The development will achieve compliance with all objectives for the site and will be compatible with the character of the surrounding locality as demonstrated throughout this report
- ii. The proposal provides a high quality farm building within a rural landscape
- iii. The proposal will not drain any public resources in the construction and life of the development;



- iv. The proposal will establish a high standard of quality residential development that will positively contribute to the locality.

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



9. CONCLUSION

This Statement of Environmental Effects for the proposed development has considered:

- i. an analysis of the subject site and of the surrounding locality;
- ii. an analysis of the proposal against the provisions of the Penrith LEP 2010, Penrith Development Control Plan 2014, relevant SEPPs and deemed SEPPs, and other relevant statutory controls that apply to the site.
- iii. the circumstances of the case;
- iv. the public benefit of the development;

and finds that the proposal is suitable for the site and in the public interest. The proposal has regards to the objects of the Environmental Planning and Assessment Act, 1979 and represents orderly and economic development of land. The development application is accompanied by the requisite reports which have guided the form and siting of the development and accommodating infrastructure to ensure that the development does not have an adverse impact on the natural environment and will result in a high quality design which maintains the scenic vistas of the locality.

