

106-118 Mayfair Road

MAYFAIR ROAD, MULGOA

Lot 1 DP 260373

Dwelling House

## Statement of Environmental Effects

April 2016

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Prepared for:



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## Executive Summary

This Statement of Environmental Effects has been prepared as part of a development application for the development of a residential dwelling on Lot 1 DP 260373 also known as 106-118 Mayfair Road Mulgoa. The vacant site is 9ha and is located south of Penrith near the Blue Mountains National Park.

This application seeks approval for construction of a single storey residential dwelling on Lot 1 DP 260373 and associated works.

This application is an appropriate response to the context of the area and in accordance with Section 79C of the Environmental Planning and Assessment Act. This application has addressed;

- Compliance with the Penrith LEP 2010;
- Relevant components of the Penrith DCP 2014;
- Will not impact on the heritage significance of Fernhill House;
- Satisfies bushfire mitigation requirements;
- Will not have significant impacts on local ecology and water catchments; and
- Is compatible with the local rural character.

## 1.0 Introduction

### 1.1 Purpose of Application

This Statement of Environmental Effects has been prepared for the vacant site at 106-118 Mayfair Road Mulgoa (Lot 1 DP 260373) (see Figure 1).

This application seeks approval for the construction of one single-storey dwelling house on the 9 hectare site and associated works which include:

- Associated earthworks, and
- Connection of essential services to the allotment.
- Construction of septic tank and rain water tank.

The use of a dwelling house is permissible under the current zoning of the land as E3 Environmental Management according to the Penrith LEP 2010.

### 1.2 Background

- On 22 January 2015 Council Officers met with the applicant in relation to potential construction of residential dwellings along Mayfair Road.
- On 29 January 2015 Council issued a letter to the applicant outlining the issues to be addressed as part of any Development Application for the development of the Mayfair Road sites.
- The 29 January 2015 letter from Council to the applicant is provided within Appendix A to this SEE.

### 1.3 Associated Documents

The documents tabled below form part of this application.

Table 1: Documents forming part of this application

Description	Prepared By
Survey Plan	Land Partners
Architectural Plans	MLJ Constructions
Ecological Assessment	GHD
Bushfire Assessment	GHD
Statement of Environmental Effects	ae design partnership

## 2.0 Legislation

This section outlines the relevant state and local environmental planning controls applicable to this development.

### 2.1 Local Planning Controls

Key planning controls in relation to the site are contained within the Penrith Local Environmental Plan 2010 (PLEP 2010) and the Penrith Development Control Plan 2014 (PDCP 2014).

#### Penrith LEP 2010

The subject site:

- Zoned E2 Environmental Conservation and E3 Environmental Management (see Figure 1).
- Heritage Item – General No. 873: "Fernhill" curtilage (see Figure 2).
- Scenic and Landscape Value – part of the site is within the vista of Fernhill Estate (see Figure 3).
- Minimum Lot size – AB2 20 hectares.
- Within the Mulgoa Valley as per the Clause Application Map.

Building height and FSR controls do not apply to this site.

The following relevant provisions of the PLEP 2010 are addressed in this Statement of Environmental Effects:

- Clause 1.2 Aims of Plan
- Clause 2.3 Zone objectives and Land Use Table – Zone E2 Environmental Conservation and E3 Environmental Management
- Clause 5.10 Heritage conservation
- Clause 7.1 Earthworks
- Clause 7.7 Servicing
- Clause 7.18 Mulgoa Valley

#### PDCP 2014

The following relevant sections of the PDCP 2014 are addressed in this Statement of Environmental Effects:

- Part C Controls applying to all Land Uses
- Part D Specific Land Uses/Activities
- Part E Key Precincts



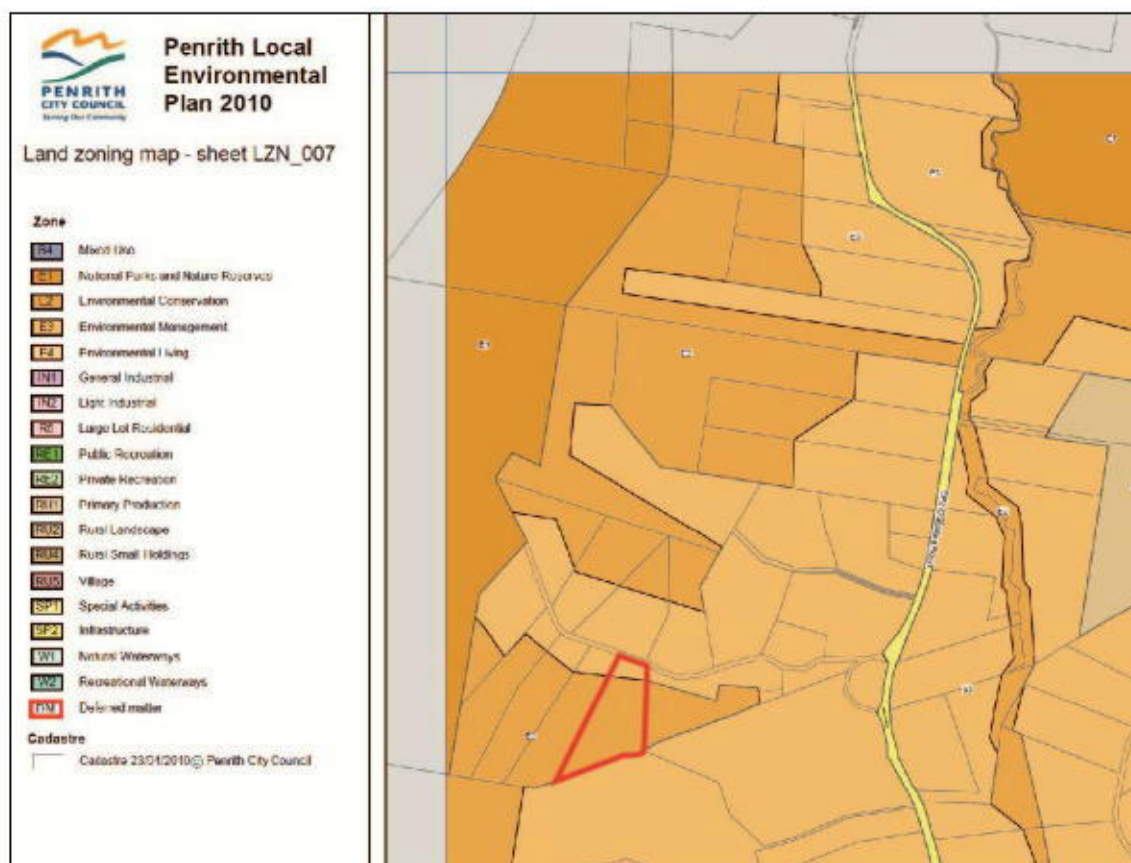


Figure 1: Excerpt Land Use Zoning Map LZN\_007 (PLEP 2010) with subject site superimposed.

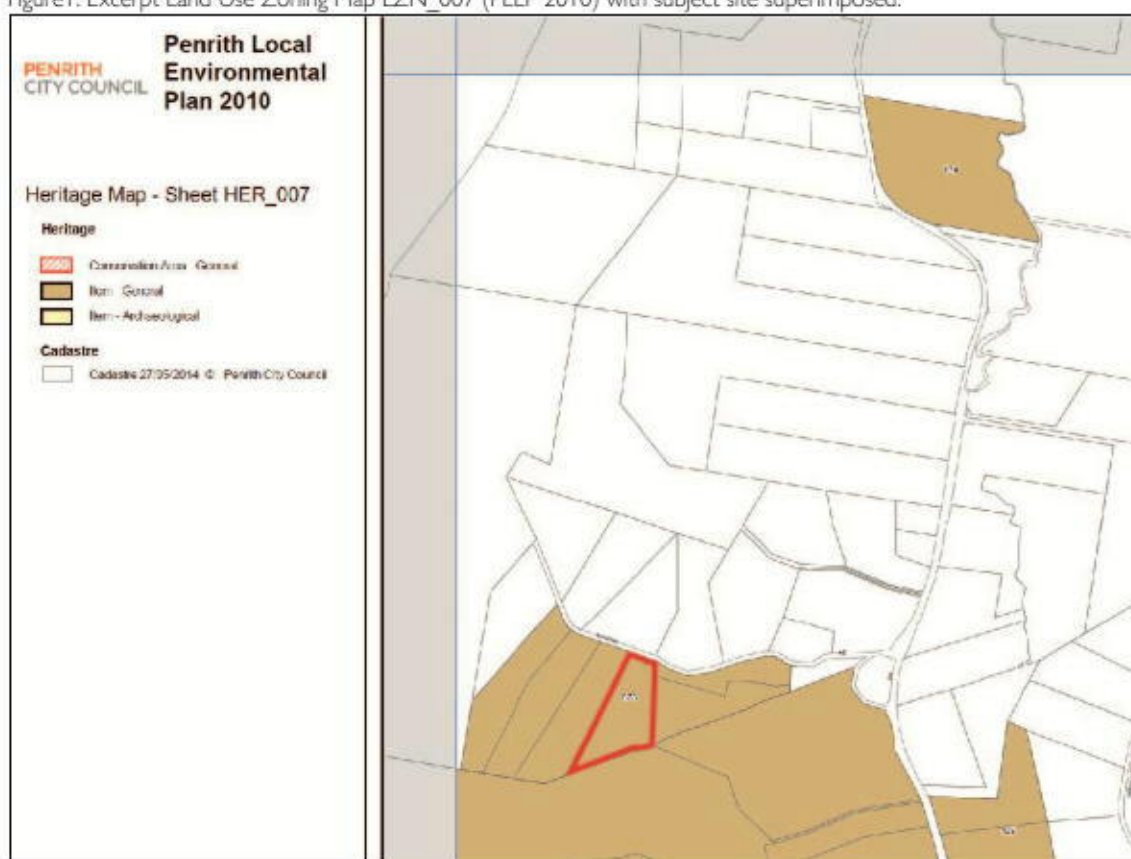


Figure 2: Excerpt Heritage Map HER\_007 (PLEP 2010) with subject site superimposed.

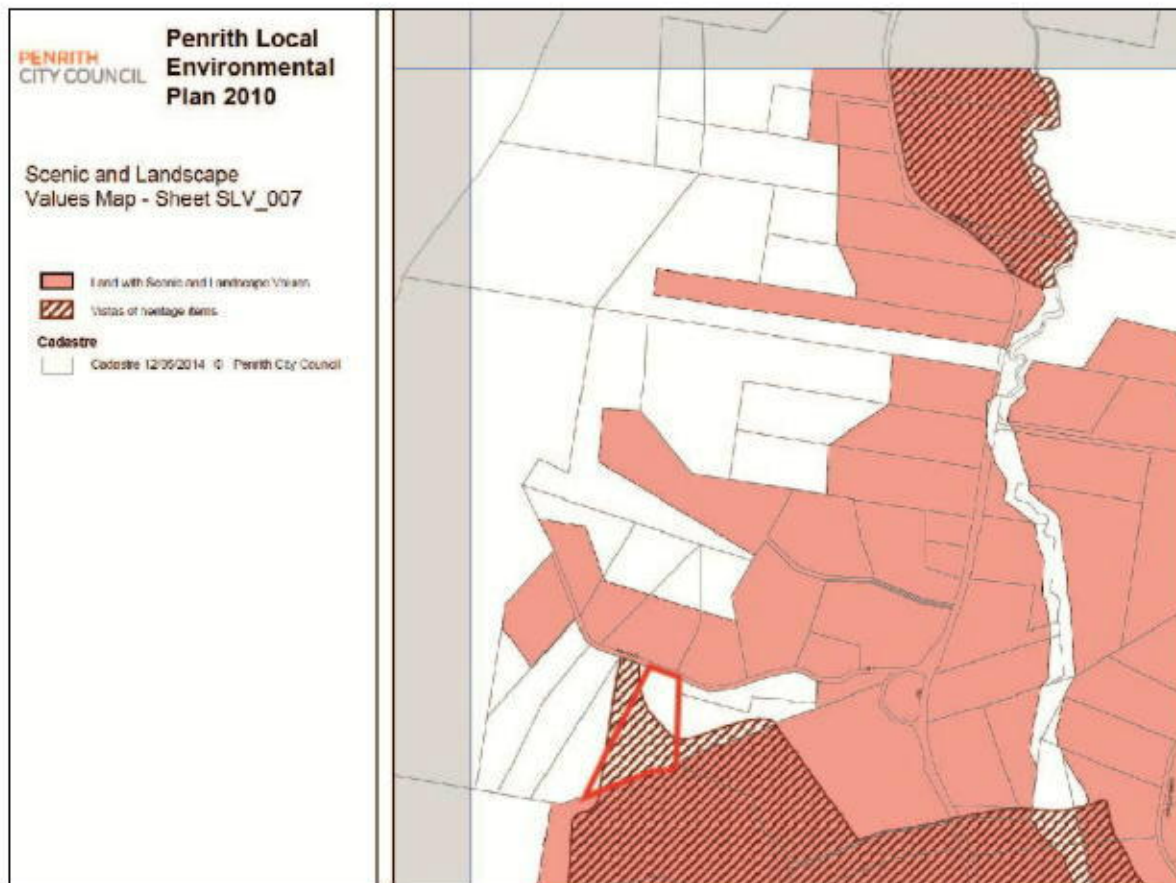


Figure3: Excerpt Scenic and Landscape Values Map SLV\_007 (PLEP 2010) with subject site superimposed.



## 3.0 Context

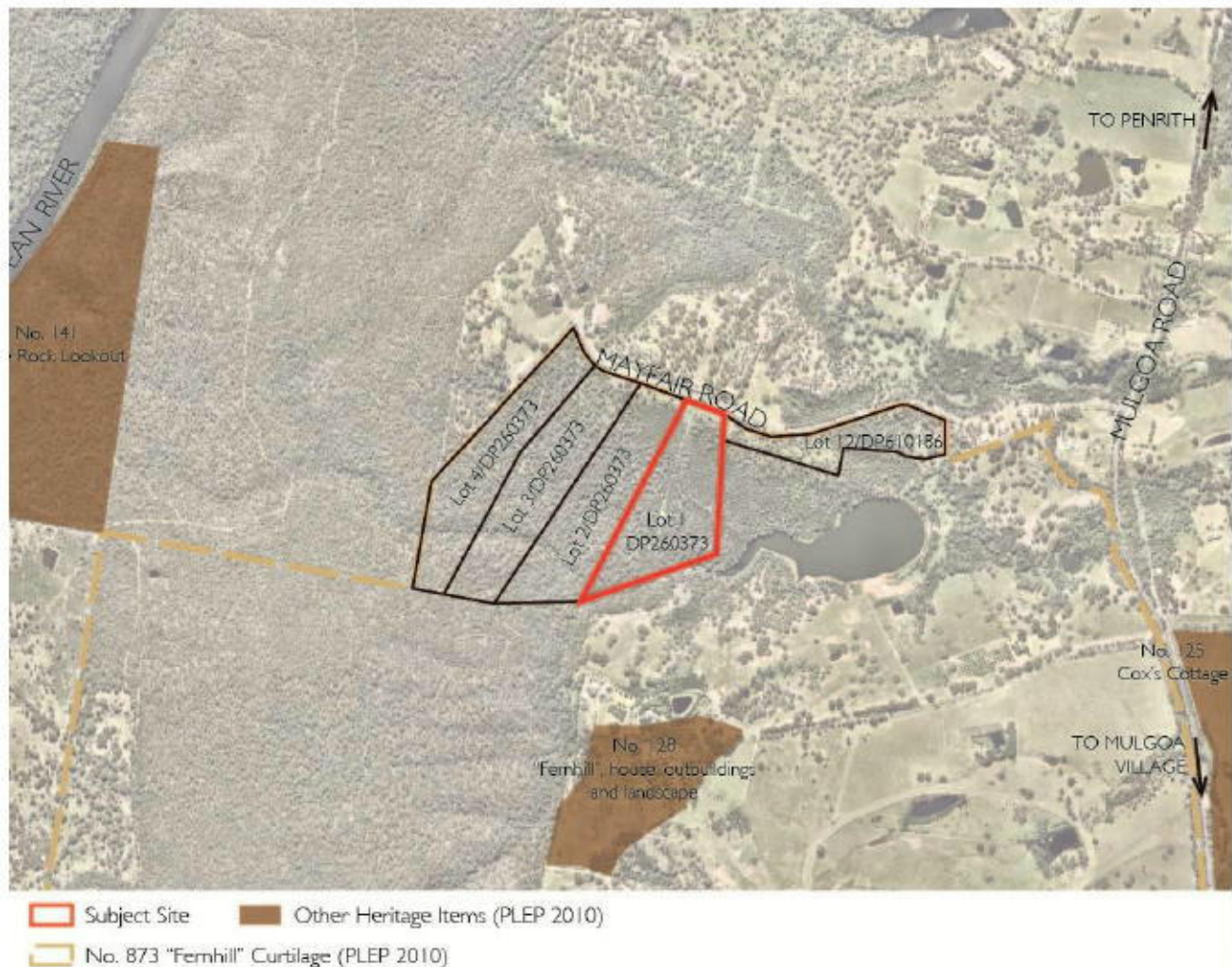


Figure 4: Site map

### 3.1 Site Analysis

#### 3.1.1 Physical Conditions

Mayfair Road (see Figure 4) is characterised by rural-residential properties and native vegetation. These are single storey dwellings on lots of approximately 4-10 hectares. Several lots along Mayfair Road are currently undeveloped and contain no existing dwellings or structures.

The subject site:

- Has a total area of approximately 9 hectares;
- Is currently vacant; and
- Has vegetation covering the majority of the site.

The site has primary frontage to Mayfair Road which leads to Mulgoa Road in the east and is a dead end in the west. There is a body of water (manmade dam) located to approximately 50m east of the proposed location

of the dwelling. The site slopes 10-15 degrees north to south with proposed development occurring in the flattest part of the E3 zoned land.

As illustrated in Figure 1, the existing site is primarily located within an E2 Environmental Conservation zone under the Penrith LEP 2010. The northern part of the site is classified as an E3 Environmental Management zone where the proposed development will occur.

### 3.1.2 Heritage

As seen in Figure 2, the subject site forms part of the heritage curtilage of Fernhill and the subject site is proximate to Fernhill Estate.

No heritage items are located on the site. Parts of this site are shown to have vistas of heritage items according to the Penrith LEP 2010 Scenic and Landscape Values Map (see Figure 3). None of the site is considered land with scenic and landscape values.

The Conservation Management Plan states that there are only views to Fernhill from the western section of Mayfair Road, not the eastern section where the subject site is located (Conservation Management Plan, Paul Davies Pty Ltd, p. 143). Views to the site from Fernhill House are interrupted by dense native vegetation that is preserved through a biobanking agreement.

Fernhill Estate has a Conservation Management Plan in place, which has been endorsed by the Heritage Council of NSW. This has been provided to Council.

## 4.0 The Proposal

This Statement of Environmental Effects has been prepared as part of a development application for a one storey residential dwelling on the vacant 9 hectare site at 106-118 Mayfair Road, Mulgoa, defined as a **dwelling house** under the Penrith LEP 2010. The dwelling has been located in northern section of the site.

The site has been positioned in its location as it is the most suitable location in relation to bushfire and ecological impacts. Please refer to ecological report and bushfire report prepared by GHD, which forms part of this application.

The single dwelling house with primary frontage to Mayfair Road as described below;

- 4 bedrooms.
- 2 bathrooms.
- Garage parking for 2 vehicles.
- Pitched roofs.
- Onsite sewage disposal.
- A 120,000L rainwater tank.

Details are shown on plans prepared by Brighton Designs (July 2015).

The proposed dwelling is to be located with a minimum 15 metre setback from its boundary with Mayfair Road.

The required cut and fill for the purpose of construction of dwelling house is minimised through location of proposed dwelling house where gradient is lowest (between 0° and 10°). Cut and fill will be minimised to 1 metre in accordance with DCP requirements.

Impacts to existing vegetation (land clearing and/or alteration) is minimised through:

- o Location of proposed dwelling where existing vegetation is lowest quality (as per Vegetation Assessment by GHD).
- o Radius of required Asset Protection Zones minimised through location of dwelling in response to slope of site and characteristics of surrounding vegetation.



## 5.0 Environmental Consideration

### 5.1 Development Merit and Land Use Compatibility

The development is compatible with the existing context of the locality.

- It is located within a semirural location
- There are other dwellings located along Mayfair Road, similar distances from Mayfair Road.
- The slope of the site is mitigated through stepping of the landscape through retaining walls.

#### 5.1.1 Scale and Built form

The scale of the proposed dwelling is consistent with existing surrounding dwellings. Visual impacts of the proposal will be minimised through;

- Utilising the existing vegetation on the site to mitigate the visual impacts and screen the proposal from surrounding dwellings.
- Setting the proposal back from Mayfair Road by a minimum 15 metres. The regrowth of vegetation to the south of the site will prevent the site being visible from Fernhill Estate.

The subject site is identified as having vistas of the surrounding heritage item, Fernhill Estate, but large amounts of vegetation to the south of the proposed development and the minimal height of the development will reduce the impact on the vistas.

#### 5.1.2 Landscape

The Ecological Assessment prepared by GHD states that consideration has been given to avoiding impacts on the natural environment through;

- Locating the indicative dwelling pads with the existing cleared land and areas with exotic grassland as far as practicable.
- Landscape works have been incorporated as part of the design to mitigate the slope of the site, particularly when viewed from the road.

#### 5.1.3 Infrastructure

This section addressed the existing capabilities and requirements for the one new dwelling proposed;

- The site can be connected by power.
- On site infiltration is proposed for the site.
- Onsite tank water is proposed for the site.

In summary the proposed dwelling can be serviced by gas, sewer, water, telecommunications and electricity.

#### 5.1.4 Heritage

A Conservation Management Plan was prepared by Paul Davies Pty Ltd for Fernhill. This plan has been endorsed by the Heritage Council and Office of Heritage.

The site is located within the heritage curtilage of Fernhill House located approximately 450 metres south of the subject site (see Figure 2). It is identified in the Conservation Management Plan that a large number of properties have been classified as within the "Curtilage of Fernhill" according to Penrith LEP 2010, which includes the subject site. The Plan states however that these properties do not have heritage value in their own right (Conservation Management Plan, Paul Davies Pty Ltd, p. 60).

There is a section of dense vegetation separating Fernhill from the subject site which interrupts views between the sites. The site is identified as being within vistas of heritage items according to the Penrith LEP 2010 Scenic and Landscape Values Map (see Figure 3). As the proposed dwelling is one storey it will not have a major impact on the landscape value of Fernhill House as dense bushland will still be located between Fernhill House and the proposed development. While the site is within the vista of Fernhill Estate, the proposed development is not within the classified area.

## 5.2 Bushfire Assessment

The site is classified as being on Bush Fire Prone Land according to the Rural Fire Service (RFS) Australia and New Zealand Land Information Council (ANZLIC) due to the presence of bushfire prone land adjoining the site. The site is identified as Bush Fire Prone Vegetation Category 1.

According to the Bushfire Assessment conducted by GHD (2015), the subject site;

*"can comply with the "acceptable solutions" for each "performance measure" within Chapter 4 of Planning for Bushfire Protection (PBP) (NSWRFS 2006)" (GHD, Bushfire Assessment, p. 14).*

Bushfire mitigation measures that will be incorporated into the development according to the Bushfire Assessment conducted by GHD (2015) shown in Figure 5 include;

- Provision and management of an Asset Protection Zone (APZ):
  - o 24 metres between western boundary and proposed development.
  - o 26 metres between eastern boundary and proposed development.
  - o 5 metre clearance space between the rear and eastern clearance and asset protection zones.
- Installation of gas supplies in accordance with AS 1596.

This provides an acceptable zone for protection purposes for the property.



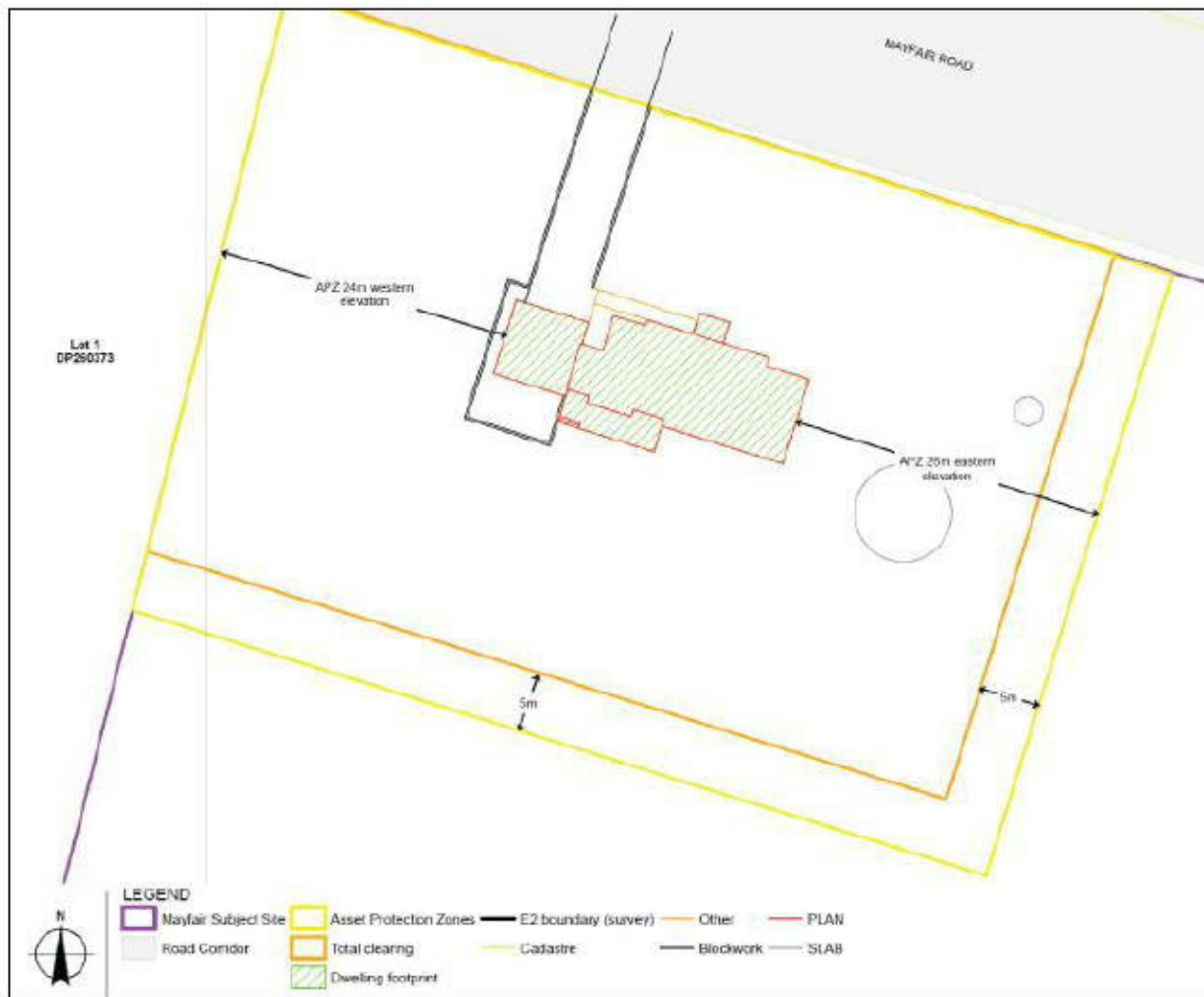


Figure 5: Asset Protection Zone for site.

## 5.3 Vegetation Impact Assessment

Ecological Assessment by GHD (2015) has shown that the following species types are present within the subject site:

- Grey Box – Forest Red Gum grassy woodland on hills.
- Forest Red Gum – Grey Box shrubby woodland.

The assessment identified two Threatened Ecological Communities within the subject site;

- Moist Shale Woodland (EEC).
- Cumberland Plain Woodland (CEEC).

The proposal would result in the clearing of native vegetation for the purposes of the residential lot, APZ and all associated earthworks.

The Ecological Assessment states that the proposal would;

*“Comprise a relatively minor increase in the degree of habitat fragmentation or indirect effects. The proposal would not sever any important vegetated links or isolate any areas of habitat. Impacts on*

*native flora and fauna are substantially less than would be associated with an undisturbed 'green field' site" (GHD, Ecological Assessment p.35).*

The siting of the dwelling house is appropriate as it is located within the portion of the site having lowest density vegetation. Therefore, land clearing of high quality vegetation for the purposes of construction of dwelling houses and creation and maintenance of asset protection zones is minimised.

## 6.0 Environmental Planning Assessment

The proposed development and associated works at 106-118 Mayfair Road, Mulgoa is assessed under Part 4 of the Environmental Planning and Assessment Act (1979).

### 6.1 Penrith Local Environmental Plan 2010

#### CL 1.2 Aims of Plan

OBJECTIVES		COMMENTS
1) <i>This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 33A of the Act.</i>		Noted.
2) <i>The particular aims of this Plan are as follows:</i>		
a) <i>to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,</i>	✓	The construction of a single dwelling within a 9 ha allotment is a reasonable development proposal, which will have a negligible impact on Penrith.
b) <i>to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,</i>	✓	The proposal is consistent with the rural residential character of the locality.
c) <i>to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,</i>	✓	Noted.
d) <i>to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,</i>	✓	Noted.
e) <i>to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and</i>	✓	The proposal will allow for rural living opportunities by providing residential accommodation in rural setting.

<i>functions of Penrith's rural lands and the social well-being of its rural communities,</i>		
f) <i>to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,</i>	✓	The proposal is consistent with the Fernhill Conservation Management Plan 2014.
g) <i>to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,</i>	✓	Appropriate bushfire mitigation measures have been included in this proposal (Refer to Bushfire Report prepared by GHD).
h) <i>to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.</i>	✓	The proposal has incorporated the principles of sustainable development and achieves the BASIX requirements.

#### CL 2.3 Zone objectives and Land Use Table – Zone F2 Environmental Conservation

OBJECTIVES		COMMENTS
<i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i>	✓	The site is classified as being within the vistas of heritage items or being land with scenic and landscape values according the Penrith LEP 2010 Scenic and Landscape Values Map but high levels of vegetation will remain due to a biobanking agreement which will negate the visual impact of the proposed development.  An ecological report (which forms part of this application) identifies the impact of the proposed development on the local environment.
<i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i>	✓	It will not significantly impact on the ecological, scientific, cultural or aesthetic values of the area.
<i>To protect, manage, restore and enhance the ecology, hydrology and scenic values of riparian corridors and waterways, wetlands, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation and dependent ecosystems.</i>	✓	This area is not located within close proximity to any riparian corridors and waterways, groundwater resources, biodiversity corridors, areas of remnant indigenous vegetation or dependent ecosystems.



<i>To allow for low impact passive recreational and ancillary land uses that are consistent with the retention of the natural ecological significance.</i>	✓	The proposed development is not located within the E2 zone. A single dwelling will provide a low impact of the land without decreasing the ecological significance of the site.
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### CL 2.3 Zone objectives and Land Use Table – Zone E3 Environmental Management

OBJECTIVES		COMMENTS
<i>To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.</i>	✓	As above.
<i>To provide for a limited range of development that does not have an adverse effect on those values.</i>	✓	As above.
<i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i>	✓	It is permissible under the current land use zoning of E3 Environmental Management as are the lots to the north, east and west.  The adjoining site to the south is zoned E2 Environmental Conservation. There will not be a conflict between these land uses.
<i>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.</i>	✓	A single dwelling will not unreasonably increase the demand for public services and facilities in either Mulgoa Village or Penrith.

### CL 5.10 Heritage Conservation

I. OBJECTIVES		COMMENTS
The objectives of this clause are as follows:		
a) to conserve the environmental heritage of Penrith,	✓	There are no views from the subject site to Fernhill House as (identified within the Scenic and Landscape Values Map) it is interrupted by dense vegetation. The proposal will not detract from the heritage significance of Fernhill.
b) to conserve the heritage significance of heritage items and heritage conservation	✓	The proposal will not detract from the heritage significance of Fernhill House. The proposed



areas, including associated fabric, settings and views,		development is not located within significant vistas of Fernhill House.
c) to conserve archaeological sites,	N/A	The site is not identified as an archaeological site.
d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A	The site is not an area of Aboriginal heritage significance,
<b>2. REQUIREMENT FOR CONSENT</b>		
<i>Development consent is required for any of the following:</i>		
a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i> i. <i>a heritage item,</i> ii. <i>an Aboriginal object,</i> iii. <i>a building, work, relic or tree within a heritage conservation area,</i>	N/A	The site is located on the northern edge of the curtilage of Fernhill House. The site cannot be viewed from Fernhill as it is blocked by dense vegetation that is to be retained under a biobanking agreement.
b) <i>altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</i>	N/A	The proposal will not alter a heritage item.
c) <i>disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</i>	N/A	The subject site is not identified as an archaeological site.
d) <i>disturbing or excavating an Aboriginal place of heritage significance,</i>	N/A	The site is not identified as an Aboriginal place of heritage significance.
e) <i>erecting a building on land:</i> i. <i>on which a heritage item is located or that is within a heritage conservation area, or</i> ii. <i>on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</i>	✓	The site is located within the curtilage of Fernhill House.
f) <i>subdividing land:</i> i. <i>on which a heritage item is located or that is within a heritage conservation area, or</i>	N/A	The proposal does not include the subdivision of land.

ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.		
<b>EFFECT OF PROPOSED DEVELOPMENT ON HERITAGE SIGNIFICANCE</b>		
<i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i>	✓	<p>The proposal will not affect the heritage significance of Fernhill House.</p> <p>The dwelling will not be able to be seen from Fernhill House at it is interrupted by dense vegetation.</p> <p>The site is considered to add no heritage value to the heritage significance if Fernhill Estate.</p>
<b>CONSERVATION MANAGEMENT PLANS</b>		
<i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i>	✓	<p>A Conservation Management Plan has been prepared by Paul Davies Pty Ltd and endorsed by the Heritage Council and Office of Heritage in relation to Fernhill. In this document it states that the subject sites does not have heritage value in its own right (Conservation Management Plan, Paul Davies Pty Ltd, p. 60).</p>

## Part 7 Additional local provisions

### CL 7.1 Earthworks

OBJECTIVES		COMMENTS
1) The objectives of this clause are as follows: a) 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,	✓	<p>The proposed earthworks will be minor. The cut and fill will be minimised to a maximum of one metre cut and one metre fill.</p> <p>There will be no fill removed or added to the site.</p>
b) to allow earthworks of a minor nature without separate development consent.	✓	The earthworks will be minor. Cut and fill will be minimised.
2) Development consent is required for earthworks unless: a) the work is exempt development under this Plan or another applicable environmental planning instrument, or	✓	Development consent will be required for the earthworks.

b) the work is ancillary to other development for which development consent has been given.	N/A	
3) Before granting development consent for earthworks, the consent authority must consider the following matters:		
a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	✓	There will be minimal impact on the soil or drainage pattern of the site.
b) the effect of the proposed development on the likely future use or redevelopment of the land,	✓	The proposal will result in one dwelling house on the currently vacant site.  There is minimal potential for future development due to the site being a rural allotment.
c) the quality of the fill or the soil to be excavated, or both,	✓	Cut will be reused onsite as fill to minimise waste. The cut and fill will be balanced onsite.
d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	✓	The proposal will be screened from surrounding properties by existing vegetation.
e) the source of any fill material and the destination of any excavated material,	✓	Cut will be reused onsite as fill to minimise waste meaning the cut and fill will be balanced.
f) the likelihood of disturbing relics,	✓	The site is not identified as having archaeological value.
g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area,	✓	The earthworks will have a minimal impact on surrounding vegetation and waterways.
h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	✓	A retaining wall is used to manage the sites fall, when viewed from the road.
i) the proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	✓	The earthworks will not adversely impact on Fernhill House as stipulated earlier within this report.

#### CL 7.7 Servicing

OBJECTIVES		COMMENTS
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1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.	✓	The proposed dwelling will be able to be serviced.
2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:		
a) the development will be connected to a reticulated water supply, if required by the consent authority, and	✓	An onsite rainwater tank is proposed for the site.
b) the development will have adequate facilities for the removal and disposal of sewage, and	✓	An onsite septic tank is proposed for the site and has been accredited as a sewage management facility for use in a single domestic premises in NSW (refer to NSW Government Certificate of Accreditation).
c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and	N/A	N/A
d) the need for public amenities or public services has been or will be met.	N/A	Public amenities and services are not required.
3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority.	N/A	The site is not zoned RU5 Village or R5 Large Lot Residential.
4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.	N/A	The proposal is not for a subdivision.

#### Cl. 7.18 Mulgoa Valley

OBJECTIVES		COMMENTS
1) The objectives of this clause are as follows:		
a) to establish specific planning controls for land in the Mulgoa Valley ( <b>the valley</b> ),		
b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,	✓	The proposal is consistent with the rural residential landscape of the locality. It does not impact on

		<p>agricultural land or the setting of Mulgoa Village.</p> <p>The proposed development is not visible from Fernhill House and will not impact on the heritage significance of Fernhill.</p>
c) <i>to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,</i>	✓	The proposal will have minimal impact on the rural and natural landscape of the locality. It will not impact on the agricultural or heritage qualities of the landscape.
d) <i>to ensure traffic generating development is suitably located so as not to adversely affect the safety, efficiency and rural character of roads, particularly Mulgoa Road.</i>	✓	There will be minimal traffic generated from this proposal. Traffic generated will be able to be serviced by existing infrastructure.
2) <i>This clause applies to land identified as "Mulgoa Valley" on the <u>Clause Application Map</u>.</i>	✓	The subject site is located within Mulgoa Valley.
3) <i>Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following:</i>		
a) <i>that any proposed building will not be located on a ridgetop and will not intrude into the skyline when viewed from a road or other public place,</i>	✓	The dwelling is not located on a ridgetop and will not intrude into the skyline.
b) <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>	✓	The dwelling will not be visible from Fernhill House due to dense vegetation between Fernhill and the subject site. The proposal will not detract from the heritage significance of Fernhill.
c) <i>that the proposed form and siting of buildings, colours, landscaping and building materials are appropriate for the rural character of the valley,</i>	✓	The design of the dwelling is consistent with the rural character of the valley. Refer to finishes that forms part of this application.
d) <i>that the proposed development will not detract from the "Vistas of heritage items" specified on the <u>Scenic and Landscape Values Map</u>,</i>	✓	The site is identified as a significant vista according to the PLEP 2010 Scenic and Landscape Values Map but this does not include the area of the site where development is proposed. Dense vegetation between the sites will minimise impact.



e) <i>that extensive areas of vegetation will not be cleared for the proposed development,</i>	✓	The land proposed to be cleared will form part of an Asset Protection Zone. Vegetation outside this zone will be retained.
f) <i>that adequate provision has been made for the landscaping of the land to which the development relates and about whether any trees or other vegetation on the land should be preserved,</i>	✓	Vegetation outside of the Asset Protection Zone will be retained.  Landscaping is incorporated into the proposal.
g) <i>that the agricultural viability of holdings and potential of the land will not be adversely affected,</i>	✓	The proposal will not impact agricultural land.
h) <i>that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,</i>	✓	The site does not contain Aboriginal heritage resources. The proposal will not adversely affect non-Aboriginal cultural heritage resources.
i) <i>that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,</i>	✓	The dwelling will not be visible from Mulgoa Road or Mulgoa Village.
j) <i>that the safety and efficiency of Mulgoa Road will not be adversely affected,</i>	✓	The proposal will cause a minor increase in traffic that will not adversely affect Mulgoa Road.
k) <i>that any upgrading required to maintain safety and efficiency will not detract from the present rural character of Mulgoa Road.</i>	N/A	
4) <i>Before granting development consent for the subdivision of land to which this clause applies, the consent authority must be satisfied that consent for a building could be granted in accordance with subclause (3) on each lot proposed to be created.</i>	N/A	The proposal is not for a subdivision.

## 6.3 Penrith Development Control Plan 2014

C1 SITE PLANNING AND DESIGN PRINCIPLES		
C1.1 SITE PLANING		
OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>Ensure that the site's context has been analysed and considered to ensure that development is designed on a 'whole of building' approach; and</i>	✓	The context of the site within Mulgoa Valley has been considered.

b) <i>Protect and enhance areas with high scenic and landscapes values that contribute to the character of the City of Penrith.</i>	N/A	The site is not identified as having scenic and landscape values according to the Penrith LEP 2010.
<b>C1.2 DESIGN PRINCIPLES</b>		
OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>To ensure that development is undertaken in a sustainable manner; demonstrating this through the application of the Building Sustainability Index (BASIX), Green Star and/or Australian Buildings Greenhouse Ratings certification system, where appropriate;</i>	✓	It meets the NSW government's requirements for sustainability in terms of water, thermal comfort and energy according to the BASIX Certificate.
b) <i>Ensure that development is designed on a 'whole of building' approach by:</i>		
i) <i>responding to the site's context, the desired scale and character of an area, and minimising impacts on key views, scenic values and where applicable, rural character;</i>	✓	The proposed dwelling is suitable for the rural residential character of the area. It does not impact on key views from Fernhill House.
ii) <i>responding to climatic and contemporary environmental conditions by:</i> <ul style="list-style-type: none"> <li><i>encouraging passive solar building design;</i></li> <li><i>allowing reasonable daylight access to all developments and the public domain;</i></li> <li><i>reducing the necessity for, or improve the control of, mechanical heating and cooling;</i></li> <li><i>reducing the energy consumed by installed appliances and equipment;</i></li> <li><i>improving the indoor environmental quality of occupants;</i></li> <li><i>minimising greenhouse gas emissions;</i></li> </ul>	✓	It meets the NSW government's requirements for sustainability in terms of water, thermal comfort and energy according to the BASIX Certificate.
iii) <i>minimising likely bulk and scale impacts of a building;</i>	✓	The maximum height is one storey. Existing vegetation is used to screen the dwelling.  A retaining wall and landscape treatment is proposed to mitigate the slope of the site.
iv) <i>considering the natural topography and landform and minimise excavation and likely visual impacts of the development;</i>	✓	Landscape treatment such as a retaining wall has been incorporated within the development to manage

		the slope and minimise the amount of excavation.
<p>v) <i>ensuring that the development (including the public domain):</i></p> <ul style="list-style-type: none"> <li><i>has incorporated the Crime Prevention Through Environmental Design (CPTED) principles of surveillance, access control, territorial management and space management into its design; and</i></li> <li><i>is accessible and useable for all members of the community.</i></li> </ul>	N/A	
<b>C2 VEGETATION MANAGEMENT</b>		
<b>C2.1 PRESERVATION OF TREES AND VEGETATION</b>		
Refer to Ecological Assessment prepared by GHD.		
<b>C2.2 BIODIVERSITY CORRIDORS AND AREAS OF REMNANT INDIGENOUS VEGETATION IN NON-URBAN AREAS</b>		
Controls within C2.2 do not apply as the subject site is not identified as Natural Resources Sensitive Land within the Natural Resource Sensitive Land Map (PLEP 2010).		
<b>C2.3 BUSHFIRE MANAGEMENT</b>		
Refer to Bushfire Report prepared by GHD. Recommendations provided within Section 5.0 are informed by the Bushfire Management Report prepared by GHD, forming part of this application.		
<b>C3 WATER MANAGEMENT</b>		
<b>C3.1 THE WATER CYCLE/WATER CONSERVATION</b>		
All water is proposed to be managed on site through inclusion of a rainwater tank.		
<b>C3.6 STORMWATER MANAGEMENT AND DRAINAGE</b>		
Stormwater is to be managed according to council's requirements. Refer to Site Plan prepared by Brighton Designs for further detail.		
<b>C3.7 WATER RETENTION BASINS/DAMS</b>		
An onsite sewer is a component of the proposal. It has been certified that the Ultra Clear model ST10 AWTs has been accredited as a sewage management facility for use in a single domestic premises in NSW (refer to NSW Government Certificate of Accreditation).		
<b>C3.8 RAINWATER/STORAGE TANKS</b>		
A rainwater tank forms part of proposal. The objectives and controls of this section have been considered in its location and design. This section will be addressed during the detailed design phase.		
<b>C5 WASTE MANAGEMENT</b>		
A waste management plan forms part of this proposal.		



## C6 LANDSCAPE DESIGN

The site is classified as Category 1. Only a minor portion of the site is to be landscaped. A retaining wall is to be used to manage the slope of the site.

## C7 CULTURE AND HERITAGE

The site is located within the heritage curtilage of Fernhill (see Figure 2). The Conservation Management Plan prepared by Paul Davies Pty Ltd states that the subject site does not have heritage value in its own right (Conservation Management Plan, Paul Davies Pty Ltd, p. 60).

There are no heritage items located on the site. The subject site is located within the vistas of the major heritage items and is not identified as having scenic and landscape values according to the Penrith LEP 2010 Scenic and Landscape Values Map (see Figure 3).

## C13 INFRASTRUCTURE AND SERVICES

An onsite sewer is proposed as part of this application. The onsite sewer will be in accordance with the objectives and controls of this section.

## D1 RURAL LAND USES

OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;</i>	✓	This proposal provides a residential dwelling within a rural setting.
b) <i>To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social wellbeing of rural communities;</i>	✓	A large portion of the site will remain under a covenant, which restricts development. The dwelling house is consistent with a rural dwelling located on Mayfair Road, Mulgoa.
c) <i>To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;</i>	✓	The proposed single dwelling will allow for a rural residential development.
d) <i>To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;</i>	✓	The construction of the dwelling house will provide a nominal increase in construction employment.
e) <i>To increase the awareness of ecologically sustainable rural land use practices amongst landholders, landusers and the community generally, and promote responsible stewardship of Penrith's rural lands;</i>	✓	A large portion of the site is retaining its existing vegetation.

f) <i>To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;</i>	✓	The proposed dwelling will have no impact on agricultural land holdings.
g) <i>To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;</i>	✓	The proposed dwelling will not cause land use conflict. A dwelling house on a 9 hectare allotment is consistent with surrounding land uses.
h) <i>To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);</i>	✓	An ecological report and bushfire report forms part of this application.
i) <i>To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;</i>	✓	The dwelling is located on a 9 hectare site. Impacts on the catchments would be negligible.  A rainwater tank is provided on site to provide water supply. The dwelling will not be connected to the local water supply.  An onsite sewer would be provided. It has been assessed to not have an impact on local catchments.
j) <i>To maintain and improve the water quality of watercourses within the City;</i>	N/A	The proposal will not impact on surrounding watercourses.
k) <i>To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors;</i>	✓	Refer to Ecological report prepared by GHD, which forms part of the application.
l) <i>To consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development;</i>	✓	The one dwelling house will be able to be served by existing gas, sewer, water, telecommunications and electricity infrastructure. Mayfair Road will be able to accommodate the minor increase in traffic.
m) <i>To promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and</i>	✓	The proposed use is consistent with the rural residential environment along Mayfair Road.
n) <i>To ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not</i>	✓	The proposed development will have a negligible impact on traffic.



<i>adversely affected by development on adjacent land.</i>		
<b>D1.1 RURAL CHARACTER</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
a) <i>To preserve the rural character of the City of Penrith, including its scenic and landscape qualities;</i>	✓	There is no change to the subdivision pattern, retaining the rural environment within the area.
b) <i>To retain and protect each of the elements that make up the rural character of Penrith; and</i>	✓	A single dwelling house is consistent with the rural character of Mayfair Road.
c) <i>To address the visual impact assessment requirements for major applications, as required.</i>	N/A	This development is not a major development.
<b>CONTROLS</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
<p><i>To preserve the rural character of the City of Penrith, all major development should seek to retain and protect the scenic, landscape and rural character of the City (where the relevant land uses are permissible within the zone and in accordance with the controls in Penrith LEP 2010 and this DCP).</i></p> <p><i>Major development applications may be required to provide more detailed studies including, but not limited to, a Visual Impact Assessment (See section on 'Site Planning and Design Principles' and Appendix F3 'Submission Requirements').</i></p>	N/A	This development is not a major development.
<b>D1.2 RURAL DWELLINGS AND OUTBUILDINGS</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
a) <i>To ensure that development does not detract from the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of rural areas;</i>	✓	Proposed development does not negatively detract from the scenic landscape nor have any negative impacts on the environment or agricultural viability of land.
b) <i>To provide separation between residential uses and noise generating sources;</i>	N/A	
c) <i>To provide buffers between residential buildings and land uses to minimise the potential for land use conflict and additional pressure on agriculture or other rural activities;</i>	N/A	

d) <i>To ensure that external finishes used have minimal detrimental impact on the visual amenity of an area;</i>	✓	Refer to finishes as part of this application.
e) <i>To encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development; and</i>	✓	This application provides a building and associated landscape which is consistent with the rural landscape values of Mayfair Road.
f) <i>To encourage a diversity of interesting rural dwellings and outbuildings, which respect the inherent character of the locality.</i>	✓	The proposed dwelling will not have a negative impact on the rural character within Mulgoa.
<b>D1.2.1 SITING AND ORIENTATION OF DWELLINGS AND OUTBUILDINGS</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
a) <i>The specific objective of this section is to ensure dwellings and outbuildings are sited in accordance with the general objectives listed above.</i>		
<b>CONTROLS</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
<i>I. Site Planning</i>		
a) <i>Dwellings and associated buildings should be sited to maximise the natural advantages of the land in terms of:</i>		
i) <i>Protecting the privacy of proposed and existing buildings;</i>	✓	No existing dwellings. No dwellings within the vicinity would be impacted by the proposed development.
ii) <i>Providing flood-free access to the dwelling and a floodfree location for the dwelling itself;</i>	✓	No flood impacts.
iii) <i>Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;</i>	✓	A bushfire report forms part of this application. An Asset Protection Zone is proposed.
iv) <i>Maximising solar access;</i>	✓	All bedrooms achieve good solar access.
v) <i>Retaining as much of the existing vegetation as possible; and</i>	✓	The existing vegetation outside the Asset Protection Zone is to be retained.
vi) <i>Minimising excavation, filling and high foundations by avoiding steep slopes (greater than 1 in 6).</i>	✓	The dwelling is to be located on the portion of the site with the most even gradient.

		Slopes greater than 1 in 6 are avoided.
b) <i>The design of the development must consider all components including fencing, outbuildings, driveways and landscaping.</i>	✓	No outbuildings have been proposed.  Fencing, driveways and landscaping design have been considered.
c) <i>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.</i>	N/A	The proposal is for a single dwelling with attached garage. One driveway is proposed.
<b>2. Landscape/Scenic Character</b>		
a) <i>Buildings on sloping land should be sited (where natural features permit) so they do not intrude into the skyline.</i>	✓	The single storey dwelling will not intrude into the skyline. Existing vegetation will screen the dwelling.
b) <i>Buildings should not be placed on the ridgeline or peak of any hill unless there are no alternative locations possible.</i>	✓	The dwelling would not be placed on a ridgeline or the peak of a hill.
c) <i>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.</i>	✓	Existing vegetation on the site is used to provide privacy from passing traffic and existing dwellings.
d) <i>Roads should be designed and located to run with the contours of the land.</i>	✓	No new roads are proposed.
e) <i>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.</i>	✓	The roofline of the dwelling is composed of simple shapes. There is no level changes in this proposal.
f) <i>Simple rooflines should be used to minimise the likelihood of twigs and leaves building up in valleys and presenting a bushfire hazard.</i>	✓	The simple pitched roofline is proposed for the dwelling.
<b>DI.2.2 SETBACKS AND BUILDING SEPARATIONS</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
<i>Dwellings and outbuildings are to be sufficiently setback from roads, property boundaries and watercourses.</i>		



a) <i>To maintain sight distances for vehicular safety; and</i>	✓	<p>The dwelling is setback 16.72 metres from the front boundary line. This is to keep the proposed development within the E3 Conservation Management Zone where the dwelling is permitted.</p> <p>There are no impacts on the area by minimising the setback as the dwelling will fit into the character for the area.</p>
b) <i>To preserve trees and other vegetation, and provide adequate areas for landscaping.</i>	✓	<p>Existing vegetation outside of the Asset Protection Zone will be retained.</p> <p>Opportunities for landscaping are provided at the front of the dwelling.</p>
CONTROLS	COMPLIANCE	COMMENTS
1. <i>Setbacks from Roads</i>		
a) <i>A minimum setback of 15 metres from public roads is required for all dwellings and outbuildings. Formal parking areas are not permitted within the setback.</i>	✓	<p>The dwelling is setback 16.72 metres from the front boundary line. Formal parking areas are not included within this setback.</p> <p>There are no impacts on the area by minimising the setback as the dwelling will fit into the character for the area.</p>
b) <i>A variety of setbacks will be encouraged to prevent rigidity in the streetscape.</i>	✓	Mayfair Road contains a variety of setbacks. The proposal would not create rigidity in the streetscape.
c) <i>A minimum setback of 30 metres is required to all classified roads (except Mulgoa Road), Luddennam Road, Greendale Road and Park Road. In some cases, larger setbacks may be required. Please contact Council to discuss.</i>	N/A	Mayfair Road is not a classified road.
d) <i>A minimum setback of 100 metres is required to Mulgoa Road for all dwellings and outbuildings (except in the Mulgoa Village).</i>	✓	The site is not located within 100 metres of Mulgoa Road.
2. <i>Setbacks from Watercourses</i>		



a) <i>A minimum setback of 100 metres is required from the Nepean River. This is measured from the top of the bank. The river includes all elements, such as lagoons and backwaters. Council will determine the minimum setback required if the "bank" is difficult to define.</i>	N/A	The site is not located within 100 metres of the Nepean River.
b) <i>A minimum setback of 75 metres is required from South Creek for all dwellings and outbuildings.</i>	N/A	The site is not located within 75 metres of South Creek.
c) <i>A minimum setback of 40 metres is required from any other natural watercourses for all dwellings and outbuildings to minimise impacts on the watercourse.</i>	N/A	The site is not located within 40 metres of a natural watercourse.
<b>3. Building Separations and Side Boundary Setbacks</b>		
a) <i>Dwellings on adjacent properties should be considered when determining the location of a proposed dwelling to ensure that separation distances are maximised as far as is reasonably possible to maintain amenity for each dwelling and minimise noise and privacy intrusions.</i>	✓	The adjacent sites are also proposed to be single dwellings. All dwellings will be located to maximise separation distances.
b) <i>The minimum side setback for dwellings is 10 metres where the allotment is 2 hectares or larger.</i>	✓	The side setbacks are greater than 10 metres.
c) <i>The minimum side setback for dwellings is 5 metres where the allotment is less than 2 hectares.</i>	N/A	The site is greater than 2 hectares.
d) <i>Dwellings on one allotment should be separated as much as reasonably possible from any farm buildings or other buildings on adjacent allotments where there is potential for noise generation from those farm buildings/other buildings. Minimum separations depend on the nature of the farm buildings/activity occurring on the adjacent allotment. Minimum setbacks are set out in Sections 1.4 'Agricultural Development' and 1.5 'Non-Agricultural Development' of this chapter.</i>	✓	The adjacent sites will be at least 400 metres from the proposed dwelling. This is sufficient separation to mitigate potential noise generation.
<b>DI.2.3 SITE COVERAGE, BULK AND MASSING</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>

a) <i>To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area; and</i>	✓	The site coverage of the proposal is 221.94m <sup>2</sup> . This is considered appropriate for the 9 hectare allotment in a rural residential setting.
b) <i>To ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.</i>	✓	The proposal is for one dwelling house and is to include a water tank and onsite sewer. This is considered appropriate for the 9 hectare allotment.
CONTROLS	COMPLIANCE	COMMENTS
1) <i>Dwellings shall have a maximum ground floor footprint of 500m<sup>2</sup> (including any undercover car parking areas).</i>	✓	The site coverage of the proposal is 221.94m <sup>2</sup> .
2) <i>Dwellings shall have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.</i>	✓	The dwelling would have a maximum ground floor dimension of 30 metres. The longest lengths do not exceed 18 metres.
3) <i>The maximum floor space of any second storey is to be 70% of the floor space of the lower storey of the dwelling.</i>	✓	The dwelling is a single storey and does not contain a second storey.
4) <i>No more than three (3) undercover car parking spaces can face towards a public road or place. Any additional garages should be setback behind the building line and screened.</i>	✓	The proposal provides two undercover car parking spaces in the attached garage.
5) <i>A maximum ground floor footprint of 600m<sup>2</sup> will be permitted on any one allotment, including the dwelling and all associated structures, but excluding 'farm buildings' and any 'agricultural or non-agricultural development' referred to in other parts of this chapter.</i>	✓	The ground floor footprint is less than 600m <sup>2</sup> .
D1.2.4 HEIGHT, SCALE AND DESIGN		
OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>An appropriate height and scale for the size of the site and character of the area; and</i>	✓	The single store dwelling is consistent with surrounding single storey dwellings in the locality. It is consistent with the rural residential character of Mulgoa.
b) <i>A high quality of design that is sympathetic to the rural character but also promotes innovation.</i>	✓	The design is sympathetic to the rural character of the locality through a single level development with retaining wall and planter to mitigate

		visual building appearance at tallest point of building.
CONTROLS	COMPLIANCE	COMMENTS
<i>1. Height and Scale</i>		
<i>a) Dwellings shall be no more than two storeys in height, including garage and storage areas.</i>	✓	The proposal including the garage and storage areas is single storey.
<i>b) If liveable rooms are located in the area immediately below the roof then this level will be counted as a storey.</i>	N/A	Liveable rooms are not located in the area below the roof of the proposal.
<i>c) The maximum height of the ceiling of the top floor of all buildings should not exceed 8 metres above natural ground level.</i>	✓	The maximum height of the ceiling of the top floor is 6 metres above natural ground level.
<i>d) On sloping sites, split level development is preferred. The floor level of the dwelling at any point should not be greater than 1 metre above or below the natural ground level immediately below the floor level of that point. Cut and fill should be limited to 1m of cut and 1m of fill as shown in Figure D1.7.</i>	✓	<p>The proposal complies with the maximum of 1 metre cut/fill.</p> <p>Cut will be reused onsite as fill.</p> <p>The floor levels are within 1 metre of the natural ground level.</p> <p>The overall building height complies with the maximum 8 metre building height.</p>
D1.2.7 MATERIALS AND COLOURS		
OBJECTIVES	COMPLIANCE	COMMENTS
<i>a) Use materials that are durable and of high quality; and</i>	✓	Refer to finishes as part of this application.
<i>b) Use colours that are sympathetic to the rural character and minimise any visual impact from the development.</i>	✓	<p>The proposal is to use colours that are sympathetic to the bushland rural character of the locality.</p> <p>Colours proposed include Colorbond 'Bushland' for the roof, 'Cottage Green' for the gutters, 'Classic Cream' for the windows and garage door and PGH Blackett bricks for the façade.</p> <p>Refer to the colour schedule for a complete list.</p>
CONTROLS	COMPLIANCE	COMMENTS



1) Colours of external finishes should be in keeping with the natural surroundings, be non-reflective and utilise earthy tones, unless it can be demonstrated that the proposed colours and finishes will have no visual impact or will complement the rural character.	✓	The colours and bricks used in the dwelling will be sympathetic to the rural landscape. Non-reflective materials will be used and they will utilise earthy and bushland tones.
2) Building materials with reflective surfaces such as large expanses of glass, unpainted corrugated iron, concrete blocks, sheet cladding or similar finishes should be avoided. Where these materials are unavoidable, they should be screened with landscaping to minimise visual impact.	✓	Large expanses of reflective material are not used in this design. Existing vegetation is to be used to screen the building.
3) Re-sited dwellings may be considered in rural areas, however, the external finishes may be required to be upgraded to Council's satisfaction.	N/A	The proposal is not a re-sited dwelling.

#### E9 MULGOA VALLEY

OBJECTIVES	COMPLIANCE	COMMENTS
a) To conserve the rural landscape of the Mulgoa Valley;	✓	The dwelling design will be sympathetic to the rural landscape of Mulgoa Valley.
b) To protect the setting of the villages of Mulgoa and Wallacia within the rural landscape;	✓	The dwelling will not impact on the setting of the villages of Mulgoa and Wallacia.
c) To conserve heritage items and vistas within the Valley;	✓	The dwelling does not impact any heritage item, including view corridors or vistas from Fernhill House.
d) To protect natural ecological elements within the Valley;	✓	Existing vegetation outside of the Asset Protection Zones on the lot are to be retained.  Vegetation to the south of the site is to be retained under a biobanking agreement.
e) To protect the agricultural capability of prime agricultural land; and	✓	The proposal does not impact on agricultural land.
f) To ensure that development in the Valley is consistent with conserving its rural and natural landscape, heritage and agricultural qualities.	✓	The proposal is consistent with the rural and natural landscape of the Valley. It does not impact on heritage or agricultural components of the Valley.



E9.1 SITING AND BUILT FORM CONTROLS		
E9.1.1 HERITAGE ITEMS AND VISTAS		
OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>To protect the surviving early colonial rural landscape from any further degradation;</i>	✓	The proposal does not degrade the colonial rural landscape.
b) <i>To ensure development does not prejudice the remaining evidence of the Cox family's associations with the Valley, its houses and gardens;</i>	✓	The proposal does not impact heritage in regards to the Cox family.
c) <i>To preserve and enhance the visual relationship between the sites of Cox's Cottage, St Thomas's Church and Fernhill;</i>	✓	The proposal does not impact the visual relationship between Cox's Cottage, St Thomas's Church and Fernhill.
d) <i>To conserve the surviving structures, features and gardens at the major historic and archaeological sites;</i>	✓	No heritage structures, features or gardens are located on the subject site.
e) <i>To protect the visual catchments of heritage items by appropriately siting development having regard to the significance of the setting;</i>	✓	The proposal is located on the edge of Fernhill curtilage, however cannot be seen from Fernhill. Therefore this will be protecting the visual catchment of Fernhill House.
f) <i>To prevent development within the historic landscapes and curtilages of heritage items which may detract from the significance of those sites; and</i>	✓	The dwelling house will not detract from the significance of Fernhill as it is consistent with development in the locality.
g) <i>To prevent any activity which could destroy the potential archaeological resources of any heritage items.</i>	✓	No heritage items are located on the site.
CONTROLS	COMPLIANCE	COMMENTS
1) <i>No structures are to be located in the view corridors linking the heritage items of Cox's Cottage, St Thomas's Church and Fernhill.</i>	✓	The proposal is not located within the view corridors linking these Heritage items.
2) <i>Figures E9.1 and E9.2 show the extent of the historic landscapes and curtilages in Mulgoa Valley and should be used in assessing the impact development may have on them. Buildings are to be screened from view from heritage items and their curtilages. (Figures E2.1 and E2.2 are located at the end of Section 2.2).</i>	✓	The dwelling is screened from view of Fernhill House by existing vegetation to the south retained under a biobanking agreement.

3) <i>The vistas from the major heritage items in Mulgoa Valley are shown on the Penrith LEP 2010 Scenic and Landscape Values Map. No development is permitted in the vistas of these heritage items unless they are for the purpose of restoring, rehabilitating or preserving elements of the heritage items, such as fences, outbuildings, gates, roadways or plantings. Such structures should be designed and sited so as not to detract from the vistas.</i>	x	<p>The subject site is located within the vistas of the major heritage items according to the Penrith LEP 2010 Scenic and Landscape Values Map.</p> <p>Proposed development will not be occurring within the affected area and will not detract from current vistas.</p>
4) <i>Landscaping, including trees, should be sensitively sited to complement rather than interfere with the vistas.</i>	✓	Trees will provide screening between the proposed development and Fernhill Estate.
<b>E9.1.2 Siting</b>		
<b>OBJECTIVES</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
<i>To ensure that buildings are sited to protect and enhance the rural and natural landscape of the Valley, particularly when viewed from roads and other public places.</i>	✓	<p>Existing vegetation is used to screen the dwelling from traffic along Mayfair Road.</p> <p>The dwelling is setback 16.72 metres from Mayfair Road to mitigate impacts on the rural and natural landscape and remains in the E3 zone. This will allow the property not to have a negative impact on protected land.</p>
<b>CONTROLS</b>	<b>COMPLIANCE</b>	<b>COMMENTS</b>
1) <i>Buildings are to be located on mid-slopes to avoid visual impact on ridges and to avoid the banks of watercourses.</i>	✓	The dwelling is not located on a ridge or the bank of a watercourse.
2) <i>Buildings are to be setback at least 30 metres from public roads and at least 100 metres from Mulgoa Road. This control may be varied depending on the topography of the site.</i>	x	<p>The dwelling is setback 16.72 metres from the front boundary due to the topography of the site and to reduce to the risk of damage during a bushfire through the creation of an APZ.</p> <p>The setback allows the dwelling and the APZ to remain within the E3 – Environmental Management zone with a 24 metre western easement and a 26 metre eastern easement.</p> <p>The location of the dwelling minimises the impact on the biobank within the E2 zone located south of the development. If the dwelling were to be setback 30 metres from</p>

		<p>Mayfair Road, the APZ would breach the biobanking area causing both safety and environmental issues.</p> <p>The dwelling is located on the most level section of the site to minimise cut and fill.</p> <p>Existing vegetation on the site will be used to screen the proposed dwelling from Mayfair Road with a road reserve which incorporates dense vegetation.</p> <p>A 15 metre front setback was agreed upon by Penrith City Council in a letter dated 29/01/2015 to the applicant.</p>
3) <i>Buildings are to minimise excavation, filling and high foundations by avoiding slopes greater than 1 in 6.</i>	✓	<p>Excavation and filling are minimised. Cut from the site will be reused onsite as fill.</p> <p>Slopes greater than 1 in 6 are avoided.</p>
4) <i>The longest façade of a building is to be parallel to the contours of the land.</i>	x	<p>The longest façade of the dwelling is not parallel to the contours of the land due to site constraints and the topography of the land.</p>
5) <i>Buildings are to be grouped to minimise the visual impact of buildings in an open rural landscape.</i>	N/A	<p>The proposal is for a single dwelling house on a 9 hectare allotment consistent with the rural landscape. It is not located in an open rural landscape.</p>

#### E9.1.3 BUILDING FORM, MATERIALS AND COLOURS

OBJECTIVES	COMPLIANCE	COMMENTS
a) <i>To ensure building forms are in keeping with the traditional buildings of the Mulgoa Valley;</i>	✓	<p>The dwelling design is sympathetic to the rural bushland character of existing dwelling.</p>
b) <i>To ensure building materials match or complement those of older rural buildings and heritage items; and</i>	✓	<p>The materials proposed are sympathetic with the character of existing buildings. The materials proposed include PGH Blackett brick and Colorbond 'Bushland' for the roof.</p>
c) <i>To ensure building colours are derived from the local natural landscape, especially the stone and soil, and from the traditional</i>	✓	<p>Colours proposed include Colorbond 'Bushland', 'Classic Cream' and 'Cottage Green' as well as Dulux 'Mid Brunswick Green'.</p>



<i>colours of the historic buildings of the Valley.</i>		These colours reflect the traditional colours of existing dwellings in the valley.
CONTROLS	COMPLIANCE	COMMENTS
1) <i>Buildings are to be a maximum of two storeys in height.</i>	✓	The dwelling is one storey.
2) <i>Pitched roofs are preferable with a slope of between 30 and 45 degrees. Skillion roofs by themselves are to be avoided except as verandahs or for extensions.</i>	✓	The roofs of the proposal are pitched. Skillion roofs are not proposed.
3) <i>Large elements, especially flat surfaces, are to be avoided. Building façades and roof lines are to be broken into small elements. Garden structures, such as trellises and pergolas, can assist in breaking up large elements.</i>	✓	Flat surfaces are avoided in the façade design. Windows, doors and verandahs break up the facades.
4) <i>Buildings are to be designed with a horizontal rather than vertical emphasis. For example, elements such as verandahs and wide eaves can add a horizontal emphasis.</i>	✓	The dwelling has a horizontal emphasis and includes a front verandah.
5) <i>Windows and doors, expressed as openings in solid walls, are to have a vertical rather than a horizontal emphasis, and large unbroken glazed panels are to be avoided.</i>	✓	The windows and doors have a vertical emphasis. Large unbroken glazed panels are not included in the design.
6) <i>Building materials are to match or complement those of older rural buildings and heritage items. Examples of appropriate materials are:</i>	✓	The proposed building materials are sympathetic with the bushland character of the locality and complement existing buildings.
a) <i>Walls – Dressed Hawkesbury sandstone, rendered brickwork, rendered concrete blockwork, pise, mud brick, earth wall construction, painted weatherboard (horizontal), corrugated iron and timber slab construction; and</i>	✓	The walls are proposed to be PGH Blackett brick.
b) <i>Roofs – Slate, timber shingles, clay tiles of traditional shape and colour, corrugated iron and ribbed sheet metal.</i>	✓	The roof is proposed to be either unpainted iron or Colorbond 'Bushland'.
7) <i>Building colours are to be derived from the local natural landscape, especially the stone and soil, and from the traditional colours of the historic buildings of the Valley. Examples are:</i>	✓	The walls are proposed to be PGH Blackett brick.
a) <i>Walls – Light Indian Red, Biscuit, Light Stone, Drab, Light Red/Brown, Light</i>		The roof is proposed to be either unpainted iron or Colorbond 'Bushland'.



<p><i>Cream, Pink Beige and Brown Pink. Lighter colours are also acceptable, but avoid white and variegated and mottled colours in brickwork;</i></p> <p><i>b) Roofs – Unpainted iron, Light Olive Green, Paynes Grey, slate grey and blue/grey; and</i></p> <p><i>c) Trim – Bold rich deep colours such as Maroon, Terracotta and Brunswick Green.</i></p>		<p>Gutters are proposed to be Colorbond 'Cottage Green', the windows and garage to be painted 'Classic Cream'.</p> <p>Verandah posts are proposed to be Dulux 'Mid Brunswick Green.'</p>
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#### E9.1.5 ACCESS, PARKING AND SERVICES

OBJECTIVES	COMPLIANCE	COMMENTS
<p><i>a) To ensure the visual impact of access roads, parking areas and services is minimised.</i></p>		<p>The proposal includes one driveway and an attached garage. Existing vegetation will be used to minimise the visual impacts of these elements.</p>
CONTROLS	COMPLIANCE	COMMENTS
<p><i>1) Driveways and access roads shall follow the contours of the land as much as possible and be of the minimum width.</i></p>	✓	<p>The driveway follows the contours of the site as much as possible.</p> <p>The proposed driveway will be of the minimum width.</p>
<p><i>2) Driveways and access roads shall be constructed of compacted gravel, or paved or sealed in a dark coloured material if located on steep slopes.</i></p>	✓	<p>The driveway is to be constructed of decomposed granite.</p> <p>The driveway is not located on a steep slope.</p>
<p><i>3) Parking areas shall be separated from access roads and from the buildings they serve by planting and other landscaping.</i></p>	✓	<p>No other parking areas besides the garage are proposed.</p>
<p><i>4) Large parking areas shall not be visible from public roads.</i></p>	✓	<p>The proposal does not include a large parking area.</p>
<p><i>5) Services should be appropriately located and screened by walls and vegetation to form part of a coherent group.</i></p>	✓	<p>Existing vegetation is to be used to screen the dwelling and the associated watertank and onsite sewage system from traffic along Mayfair Road.</p>

#### E9.1.6 FENCES AND ENTRANCES

OBJECTIVES	COMPLIANCE	COMMENTS
<p><i>To ensure fences, gates and entrances are in harmony with the existing landscape and character of the Mulgoa Valley Precinct.</i></p>	✓	<p>An existing steel post and wire fence is to be retained along the front boundary of the site.</p>
CONTROLS	COMPLIANCE	COMMENTS

a) <i>If practicable, avoid fences on road frontage boundaries.</i>	✓	There is an existing metal wire fence along the front boundary of the site. This fence is to be maintained for the proposal. New fences are not proposed on the Mayfair Road frontage boundary.
b) <i>Fences should be simple and unpretentious, and in keeping with traditional forms; e.g. unpainted timber post and rail, timber post and wire, or steel post and wire. Masonry fences, such as brick, blockwork or stone, should be avoided.</i>	✓	The existing fence on the site is steel post and wire.
c) <i>Gates and entrances should also be simple, and in keeping with traditional forms. Examples are:</i> i) <i>Rendered and pointed brickwork, blockwork, sandstone, painted timber or post and rail;</i> ii) <i>Decorated gateposts with the property name carved or painted onto the gatepost or painted onto a wide timber top rail; and</i> iii) <i>Decorated iron, steel or timber gates.</i>	✓	No gates are proposed in this development.
d) <i>Gates and entrances should relate to the materials and colours of the building to which they belong.</i>	✓	No gates are proposed in this development.
<b>E9.1.7 SIGNAGE</b>		
Advertising and signage does not form part of the proposal.		
<b>E9.2 OTHER CONTROLS</b>		
<b>E9.2.1 MULGOA ROAD</b>		
The subject site is not located along Mulgoa Road is not visible from Mulgoa Road.		

## 7.0 Conclusions and Suitability

The proposal to construct a single storey dwelling on Lot 1 DP 260373 is considered appropriate for the following reasons;

- It is located on the northern edge of Fernhill Curtilage and does not impact on significant vistas due to high levels of vegetation and the placement of the proposed development on the site.
- The design, materials and colours are sympathetic with the bushland character of the landscape.
- The single storey dwelling has minimal bulk and scale with is further minimised through screening by existing vegetation.

- It will not impact on surrounding water catchments.
- Bushfire and ecology impacts have been considered (see attached reports produced by GHD)

It is considered that the proposal is an appropriate response to its context, relevant local planning instruments and the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Accordingly it is recommended that the application should be recommended for approval.