

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0518
Proposed development:	Additions and Alterations to the Existing Dwelling including the Removal of an Existing Carport and Construction of an Attached Garage.
Property address:	11 Denintend Place, SOUTH PENRITH NSW 2750
Property description:	Lot 127 DP 246594
Date received:	23 August 2020
Assessing officer	Paul Buttigieg
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application additions and alterations to the existing dwelling including the removal of the existing carport and the addition of an attached garage to the existing single storey dwelling at 11 Denintend Place South Penrith. Under Penrith Local Environmental Plan (LEP), the proposal is defined as a dwelling house. The subject site is zoned R2 Low Density Residential and the proposal is a permissible land use in the R2 zone with Council consent.

An assessment under Clause 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions.

The Development Application is reported to the Local Planning Panel for determination as the property owner is a employee of Penrith City Council.

Site & Surrounds

The subject site is situated on the northern side of Denintend Place South Penrith towards the end of the cul-de-sac. It is 558m² in area, is orientated in a southern direction and the site is considered to be relatively flat.

An inspection of the site was undertaken on 11th September 2020 and the site is currently occupied by a single storey dwelling, inground swimming pool and ancillary structures.

The surrounding area is characterised by a mix of single and double storey residential dwellings.

Proposal

The development application seeks approval for additions and alterations to the existing dwelling including the removal of the existing carport and the addition of an attached garage.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development has an estimated cost of works less than \$50,000 therefore the proposal is not subject to Basix requirements.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

Additions and alterations to an existing dwelling house is permissible land use within the R2 Low density Residential under Penrith LEP 2010 with Council consent.

Clause 2.3 Zone objectives

The subject site is located within the R2 Low Density Residential zone under Penrith Local Environmental Plan 2010. Objectives of the zone include:

- To provide for the housing needs of the community within a low density residential environment
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling that are surrounded by private gardens.
- To enhance the essential character and identity of established residential areas.
- To ensure a high level of residential amenity is achieved and maintained.

The proposed development meets these objectives by demonstrating the design of the development to be compatible to the design of the existing dwelling, established landscape character of subject site and surrounding area.

Clause 2.7 Demolition requires development consent

The proposed development requires minor demolition work to be carried out. A waste management plan accompanies the application and will form part of the approved documentation for the development and a condition on the consent is provided, requiring compliance with AS2601 - 2001 - The demolition of structures.

Clause 4.3 Height of buildings

The subject site is identified through Penrith Local Environmental Plan 2010 - Height of Buildings Map - Sheet HOB_006 as being located in an area identified (I), which details the maximum building height permissible is 8.5m.

The roof of the proposed addition is lower than the peak of the existing roof. The overall building height is approximately 4.8m which demonstrates compliance with the clause.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments that apply to the proposal.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	Complies - see Appendix - Development Control Plan Compliance
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

Section 4.15(1)(a)(iv) The provisions of the regulations

In accordance with Section 94 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed dwelling is necessary and this has been conditioned for assessment and certification at Construction Certificate and Occupation Certificate stage.

Section 4.15(1)(b)The likely impacts of the development

Likely impacts of the proposed development as identified throughout the assessment process include:

(i) Context and Setting (environmental impacts and impacts on built environment)

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

The development will have only minor impact on the amenity of the area and the streetscape.

The development is compatible with the surrounding and adjacent land uses.

(ii) Access and transport

The development will have no adverse impact on the local road system.

The existing access arrangements and car parking on site will be adequate for the development.

(iii) Heritage

The property is not subject to any Heritage Order or identified as a heritage item under a planning instrument.

(iv) Soil

The proposed development will have no impact on soil erosion and sedimentation.

(v) Natural and Technological Hazards

The development is not subject to flooding, subsidence or slip.

(vi) Site Design

The proposed development is sensitive to environmental conditions and site attributes.

The proposed development safeguards the health and safety of the occupants.

With the above points being made the proposed dwelling meets the objective of the DCP. It is unlikely to have a significant adverse impact upon environment, adjoining dwellings or streetscape.

Section 4.15(1)(c)The suitability of the site for the development

The site is suitable for the following reasons:

- Site characteristics are retained
- Existing landscape design is maintained
- Residential amenity is achieved and maintained.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to the nearby and adjoining residents and no submissions were received.

Section 4.15(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014 , the proposal satisfies the aims, objectives and provisions of these policies.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA20/0518 for additions and alterations to the existing dwelling including the removal of the existing carport and the addition of an attached garage to the existing dwelling at 11 Denintend Place SOUTH PENRITH NSW 2750, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001 - Approved plans that are architecturally drawn](#)

The development must be implemented substantially in accordance with the plans numbered 5.20.2 and 5.20.3 as stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

4 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

5 [A special - Street tree](#)

"Given the non-compliance with landscaped area, increased concrete and to counter heat island effects, a new street tree (minimum 25l size) of a species agreed by Council, shall be planted and be in a healthy state prior to the issue of an Occupation Certificate".

Demolition

6 [B001 - Demolition of existing structures](#)

The carport on the subject site is to be demolished as part of the approved work.

7 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

8 [B003 - ASBESTOS \(amended from Council adopted version\)](#)

Prior to commencement of demolition works on site, a portaloos with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

9 [B004 - Dust](#)

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

10 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

11 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

12 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until [the landscaping, driveway and on-site parking areas have been completed for the development. / the land, that was subject to the works, have been stabilised and grass cover established.] Delete whichever is not applicable** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

13 D007 - Cut and fill of land requiring Validation Certificate –limited to footprint

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

14 D009 - Covering of waste storage area (Add if more than 40%)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

15 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

BCA Issues

16 **E001 - BCA compliance**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by: (a) complying with the deemed to satisfy provisions, or (b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b)

Construction

17 **H001 - Stamped plans and erection of site notice**

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

18 **H022 - Survey (as amended)**

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed.

19 **H030 – Roof finishes (rural property)**

The roof of the structure is to be a dull, non-reflective surface and colour. The external finishes of the dwelling are to compliment and blend with the established streetscape and amenity of the area.

The external facade of the dwelling addition including the roof is to be finished in accordance with the stamped approved plans.

20 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Roads Act Requirements

21 [I003 - Roads Act approval 1](#)

Penrith City Council is the Roads Authority under the Roads Act 1993 responsible for approving:

- Works on the road reserve, or
- The placement of hoardings, structures, containers, waste skips etc. on the road reserve.

The application for a Construction Certificate is to accompany documentation specifying that a Roads Act application, including payment of appropriate application and Inspection fees under the Roads Act, has been sought from Penrith City Council for the following works:

- (i) Placing of hoardings, containers, waste skips, etc. in the road reserve.
- (k) Replacement of damaged kerb and gutter for the full property frontage.

- All works on the road reserve including the placement of hoardings, containers, waste skips and the like on the road reserve shall be carried out in accordance with Penrith City Council's specifications.

Prior to the issue of an Occupation Certificate, Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's Asset Management Department on (02)47327777 to arrange an inspection of the works (and payment of inspection fees, if required).

Engineering

22 [K016 - Stormwater](#)

Roofwater drains shall be discharged into the street gutter or common line.

23 [K041 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Landscaping

24 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed other than those within 3 metres of the proposed building footprint or as shown on the approved plans without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

25 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

Payment of Fees

26 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

27 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

28 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The development proposal is considered to be in line with the principles, commitments and objectives of the Penrith Development Control Plan 2014 (DCP).

Part C - City-wide Controls

Section C1 Site Planning and Design Principles

The submitted design complies with this section of the DCP as follows:

The proposed design reduces garage dominance to the streetscape due to the orientation of the main garage door and accompanying windows. It has been designed to orientate the windows at the front of the dwelling (facing the street) to promote surveillance and provide effective security adopting the principles of Crime Prevention through Environmental Design (CPTED). The garage door will face the eastern side of the structure and won't be a prominent feature of the overall structure when viewed from the street. This will allow it to simply blend in with the design of the current dwelling in order to break up the visual bulk of the structure, reduce prominence and soften the overall appearance when viewed from the street.

The proposed garage structure will enhance the current façade of the dwelling by adding an element of articulation through the use of windows, also providing passive surveillance. In addition, the proposed structure will modernise the current dwelling with the plan to render the garage along with the current dwelling as well as the addition of a new roof as per the attached colour chart.

In support of the application a request for variation to control 4) Garages (a) 'Must be setback at least 1m behind the building line of the dwelling' in clause 2.1.5, Section D2

This control has already been varied with other existing dwellings in Denintend Place and therefore the proposal will not impose any adverse affect to the current streetscape and topography.

Dwelings in the locality similar in design are located at:

5 Denintend Place South Penrith;

18 Denintend Place South Penrith and

18 Mosley Avenue South Penrith

Section C6 Landscape Design

The submitted design complies with this section of the DCP as follows:

The submitted 'Landscape Plan' details the placement of the proposed landscape choices, which have been designed in order to compliment the design of the garage and existing dwelling. The landscaping will enhance the existing vegetation and preserve private open space corridors along our rear fence line. The plants have been selected to provide shading, privacy, preserve amenity and also act as screening between neighboring properties which complies with the Objectives in both Chapter C6 – Landscape Design and Chapter D2 – Residential Development – Clause 2.1.4 Landscaped Area of the DCP.

Section C10 Transport, Access and Parking

The submitted design complies with this section of the DCP as follows:

Vehicular access to the site will be from Denintend Place using the proposed driveway detailed on the site plan. The proposal will not contribute to any significant additional traffic movements. Denintend Place is a quiet neighbourhood street and overall does not have an excessive amount of traffic. The proposal will free up the driveway, as both vehicles will be parked inside the garage. The current carport doesn't sufficiently satisfy parking requirements or safe ingress and egress for both vehicles in its current form.

- The addition of the proposed garage will minimise the impact of vehicle access points on the public domain, creating space for landscaping and allowing the safe ingress and egress of both vehicles.

D2 Residential Development

D2 Residential Development – Single Dwellings DCP Checklist

2.1.2 Setbacks and Building Envelope

Front setback – Minimum 5.5m or average of adjoining properties. **No See discussion**

Secondary Street (where applicable) – Minimum 3m to external walls and minimum 5.5m to garage entrances **N/A**

Encroachments - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback **N/A**

Side setback – minimum 900mm **Yes LH- 900mm RH- >6m to proposed garage**

Rear setback – minimum 4m for single storey component or 6m for 2 storey component **N/A**
No change to existing

(non-habitable building or structure can be closer if minimal adverse impact on the subject property or any adjoining property) **N/A**

Building envelope compliance (encroachments permitted if improved design, appearance or utility and minimal impact)

2.1.3 Development on Sloping Land

Cut and fill does not exceed 600mm measured from NGL. **Yes**

Ground floor levels max 800mm above NGL **Yes**

Retaining wall forward of garage are masonry **N/A**

Lots with a side cross slope exceeding 5%, must respond to the slope of the land with either split level, drop edge beam, or bearer and joist design (or a combination of these) **N/A**

Where front to back slopes are steep (i.e. approximately greater than 9%) house designs must respond to the topography of the land with either split level, dropped edge beam, or timber frame floor (bearer and joist) design - or a combination of these. **N/A**

Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out. **N/A**

Driveway gradient to not exceed 20% **Yes**

On lots sloping downhill from the street, the privacy of adjoining dwellings down slope should be preserved by providing screening vegetation between observable platforms and adjoining private open space areas, or integrating features such as timber screens to decks, or partially opaque windows where privacy is essential and screening vegetation is impractical. **N/A**

2.1.4 Landscaped Area

The minimum landscaped area of a site is 50% of the site zoned R2 **No Minimal decrease in landscaped area, additional planting proposed. See discussion**

2.1.5 Building Design/Site Works

Articulate all building forms and facades **Yes**

Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries **N/A**

External walls are not to be longer than 8m between distinct corners or features such as projecting verandahs and awnings or banks of windows. **Yes Proposed garage walls <8m**

All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting. **N/A**

Garage setback at least 1m behind the building line of the dwelling **No See discussion**

Total width of all garage doors facing a primary or secondary road frontage must not exceed;

i) If the lot has a width less than 15m measured at the building line – 4.8m

ii) If the lot has a width of more than 15m measured at the building line – 6m. **Yes Doors proposed to be located on side elevation**

Corner lot is to be designed and orientated so as to address both street frontages and include appropriate design features and articulation **N/A**

Parking is to be provided at the rate of:

i) A minimum of one space behind the building alignment

ii) Two spaces for each dwelling with two or more bedrooms, at least one of which is located behind the building alignment. Stacked parking is acceptable for additional spaces. **Yes**

2.1.6 Solar Planning

Ensure that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones of the dwelling, and the living zones of any adjoining dwellings; **Yes**

Ensure that the proposed development provides a minimum of 3 hours sunlight between 9am

and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings **Yes**

Where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20% **N/A**

2.1.7 Garden Design and Fences

Retaining walls:

- a) generally should be no taller than 600mm;
- b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;
- c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles. **N/A**

Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall. **Yes No change to existing**

Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction **N/A**

A request for variation has been provided for the following DCP clauses:

Penrith DCP 2014 D2 Residential Development Clause 2.1.2 Setbacks and Building Envelope

B. Controls

1. Minimum front and side setbacks

- a) Front setback is the greater of either i) 5.5m, or
ii) The average of the setbacks of the adjoining properties
- c) Encroachments to front setbacks
ii) Garages, carports and parking spaces, other than stacked parking or driveways, are not permissible within the front setback

The below identifies how the proposed development will comply with the objectives in the DCP:

A. Objectives

Building setbacks and envelopes are established to:

- a) reflect the character of established garden suburbs,

- b) provide for establishment of vegetation and reasonable separation between buildings

How the objective is being achieved in the proposal:

The proposal includes a landscape plan that provides a combination of low hedges and small plants for privacy and screening along both side setbacks between neighbouring properties as well as the addition of small native plants to create a garden in the front yard.

The existing carport has hedging in front to create screening and we also plan to create a similar effect in front of the proposed garage.

The current driveway and paved area doesn't allow us to take advantage of potential landscaping options. The addition of our landscaping choices will compliment the built form and enhance the amenity of the current streetscape as well as providing a high level of landscape character.

- c) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.

How the objective is being achieved in the proposal:

The proposal won't protrude on the current privacy and amenity of our neighbouring properties.

The proposed garage is single level, therefore overlooking into neighbouring dwellings won't be an issue. The windows will face the street and won't affect privacy of the adjoining properties.

Screen planting will also be used on both side setbacks to add an additional element of privacy.

- d) To ensure that building design minimises overlooking problems

How the objective is being achieved in the proposal:

The proposal will not present any overlooking problems as the design is for a single level dwelling with the windows orientated to face the street and therefore won't overlook

neighbouring properties.

e) achieve site-responsive development

f) protect the amenity of occupants by controlling:

i) visual impacts relating to height and bulk of buildings;

ii) the impact of loss of privacy, overshadowing and loss of views.

How the objective is being achieved in the proposal:

The proposed landscape design takes into account our sites context, visual amenity and adequately responds to the character of our street and the site development. The proposal will not have any adverse affects on the overall amenity of neighbouring properties. The height of the single level proposed garage will not impact views, or present any overshadowing. The existing carport of the western neighbouring property (10 Denintend Place) will still protrude further in front than our proposed structure.

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B. Controls

4) Garages

a) Must be setback at least 1m behind the building line of the dwelling

The below identifies how the proposed development will comply with the objectives in the DCP:

A. Objectives

1) New buildings should show characteristics of established suburban neighbourhoods with;

a) dwellings oriented to face the street,

How the objective is being achieved in the proposal:

The proposed attached garage will be orientated to face the street with windows at the front when looking from the street and the garage roller door facing the east.

b) building forms that are stepped or articulated,

How the objective is being achieved in the proposal:

The proposal will add an element of articulation to the current dwelling with the use of pitched roofing, the addition of windows at the front of the attached garage as well as the addition of two new windows to the master bedroom of the existing dwelling.

c) development that relates to the shape of the surrounding garden areas, and

d) development that does not detract significantly from the privacy and amenity of existing dwellings and private gardens.

How the objective is being achieved in the proposal:

The Submitted 'Landscape Plan' shows how surrounding planting and garden areas will compliment both the proposed and existing structures. The proposed structure will not detract from the privacy of the existing dwelling as additional landscaping and screening will be provided to enhance the site's context and visual character.

2) Dwellings should be surrounded by private gardens, their facades should display a variety of materials and shading structures.

How the objective is being achieved in the proposal:

As evident in the 'Landscape Plan' the proposed structure will be surrounded by a mix of hedging, shrubs and medium sized palm trees. The different colours of the chosen plants will compliment the overall design structure.

3) Garages should be integrated with the overall architectural form of the dwelling and designed so as not to dominate the street frontage.

How the objective is being achieved in the proposal:

The proposed garage does not dominate the street frontage due to the orientation of the garage door facing the eastern side of the dwelling. The addition of two front windows will allow the structure to 'blend' in with the existing dwelling. The use of rendering and a new colorbond roof for both the existing and proposed dwelling will allow integration with the overall architectural form.

4) Development responds to topography of the site and minimizes site disturbance.

How the objective is being achieved in the proposal:

The proposed development adequately responds to the sites natural topography as the area is a flat surface and won't require any excessive cut or fill.