

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA21/0524
<b>Proposed development:</b>	Demolition of Existing Dwelling and Construction of a New 2 (Two) Storey Dwelling
<b>Property address:</b>	11 Denintend Place, SOUTH PENRITH NSW 2750
<b>Property description:</b>	Lot 127 DP 246594
<b>Date received:</b>	20 July 2021
<b>Assessing officer</b>	Paul Buttigieg
<b>Zoning:</b>	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a development application for demolition of existing structures, pool to be retained and construction of new 2 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

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The subject site is situated on the northern side of Denintend Place South Penrith towards the end of the cul-de-sac. It is 558m<sup>2</sup> 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 6th August 2021 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

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The development application seeks approval for demolition of existing structures, pool to be retained and construction of new 2 storey dwelling.

## Plans that apply

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

## Planning Assessment

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### • 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.

### 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 greater than \$50,000 therefore the proposal is 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**

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**

Construction of a 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 with established landscape character of the subject site and surrounding area.

**Clause 2.7 Demolition requires development consent**

The proposed development requires 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 overall building height is 8090mm 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 proposed 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
- Residential amenity is achieved.

## 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

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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

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1. That DA21/0524 for demolition of existing structures, pool to be retained and construction of new 2 storey dwelling at 11 Denintend Place SOUTH PENRITH NSW 2750, be approved subject to the attached conditions.

## General

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

The development must be implemented substantially in accordance with the plans drawn by David Walker, numbered 921.1 to 921.7 inclusive and dated 17/08/2021 Issue B, and stamped approved by Council, the application form, the BASIX Certificate 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.

## Demolition

5 [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**.

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

**Prior to commencement of demolition works on site**, a portaloo 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.

7 [B004 - Dust](#)

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

8 [B005 - Mud/Soil](#)

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

9 [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

10 [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 and the land, that was subject to the works, have been stabilised and grass cover established.** 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.

11 [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."}

12 [D009 - Covering of waste storage area](#)

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.



13 **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 waste management plan.

Waste materials not specified in the 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**

14 **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).

## **Health Matters and OSSM installations**

15 **F006 - Water tank & nuisance**

The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## **Construction**

16 **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.

17 **H002 - All forms of construction**

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

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 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the manufacturer's specifications, and
- Sydney Water and NSW Health requirements

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

20 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

21 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

22 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

23 **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.

## Swimming Pools

24 **J004 - Pool fence (residential)**

At all times, the swimming pool is to be surrounded by a child-resistant barrier that:

- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

## Engineering

25 **K016 - Stormwater**

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

26 **K026 - Stabilised access**

All land required for vehicular access within the site is to be stabilised.

27 **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.

## 28 [K202 - Roads Act \(Minor Roadworks\)](#)

Prior to the issue of a Construction Certificate a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for any of the following works:

- a) Provision of a vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

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 **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

## 29 [K501 Roads Authority clearance](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

## Landscaping

### 30 [L001 - General landscaping \(applies to most building works\)](#)

All landscape works are to be constructed in accordance with the stamped approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

## Payment of Fees

### 31 [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

### 32 [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.

33 **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).

### D2 Residential Development

<b>D2</b>	<b>Residential Development – Single Dwellings</b>	<b>Complies Y/N</b>	<b>Comments</b>
<b>2.1.2</b>	<b>Front setback – Minimum 5.5m or average of adjoining properties.</b>	<b>Yes</b>	<b>5500mm</b>
	<b>Secondary Street (where applicable) – Minimum 3m to external walls and minimum 5.5m to garage entrances</b>	<b>N/A</b>	
	<b>Encroachments - Verandahs and pergolas are permitted to encroach 1.5m beyond the setback</b>	<b>Yes</b>	<b>1200mm</b>
	<b>Side setback – minimum 900mm</b>	<b>Yes</b>	<b>Western Side- 900mm Eastern Side- 2100mm</b>
	<b>Rear setback – minimum 4m for single storey component or 6m for 2 storey component</b>	<b>Yes</b>	<b>Ground Floor- 4500mm First Floor-8500mm</b>
	<b>(non-habitable building or structure can be closer if minimal adverse impact on the subject property or any adjoining property)</b>	<b>N/A</b>	
	<b>Building envelope compliance (encroachments permitted if improved design, appearance or utility and minimal impact)</b>	<b>No</b>	<b>Request for Variation submitted. See discussion below.</b>
<b>2.1.3</b>	<b>Cut and fill does not exceed 600mm measured from NGL.</b>	<b>Yes</b>	
	<b>Ground floor levels max 800mm above NGL</b>	<b>Yes</b>	
	<b>Retaining wall forward of garage are masonry</b>	<b>N/A</b>	

	<b>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)</b>	N/A	
	<b>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.</b>	N/A	
	<b>Garden retaining walls within lots are not to exceed 0.9m in height. Any remaining slope is to be graded out.</b>	N/A	
	<b>Driveway gradient to not exceed 20%</b>	Yes	
	<b>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.</b>	N/A	
<b>2.1.4</b>	<b>The minimum landscaped area of a site is</b>  <b>Zone    Minimum landscaped area % of the site</b>  <b>R2 50%</b>	Yes	
<b>2.1.5</b>	<b>Articulate all building forms and facades</b>	Yes	





	<p><b>Parking is to be provided at the rate of:</b></p> <p><b>i) A minimum of one space behind the building alignment</b></p> <p><b>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.</b></p>	Yes	
2.1.6	<p><b>Solar Planning</b></p> <p><b>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;</b></p>	Yes	
	<p><b>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</b></p>	Yes	
	<p><b>Where existing overshadowing by buildings and fences reduces sunlight to less than this, sunlight is not further reduced by more than 20%</b></p>	N/A	

2.1.7	<b>Retaining walls:</b> <b>a) generally should be no taller than 600mm;</b> <b>b) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</b> <b>c) should be separated from any driveway by a landscaped verge at least 500m wide, to prevent impact damage from vehicles.</b>	N/A	
	<b>Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites, including the height of any retaining wall.</b>	N/A	<b>No change to existing.</b>
	<b>Fences along boundaries forward of the front building alignment should not be taller than 1.2m and consist of see-through construction</b>	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**

Control-

**2. Building Envelope**

a) Development is to be contained within the building envelope for the site. As shown in Figure D2.1 below, the building envelope means a height plane over the site at 45° from a specified height above natural ground level at the side boundaries of the site.

b) Encroachments – consideration may be given to minor encroachments to the building envelope for:

i) Eaves and gutters

ii) Chimneys and antennas

iii) Pergolas, or

iv) Where it is demonstrated the encroachment is necessary to improve the design, external appearance or utility of the building and the variation will not impact adversely on the amenity of an adjoining property.

**Key Points of the Development**

- The lot is 558sqm in area.
- The lot tapers out along the eastern side boundary, becoming wider at the rear.
- The lot has a front boundary width of 13.01m and rear boundary width of 23.81m.
- The existing inground swimming pool is to be retained.
- A side setback of 2100mm is proposed to the eastern side of the proposed dwelling, allowing for access to the rear yard and for storage purposes.
- The development complies with Solar Planning Objectives of the DCP.
- The proposed dwelling has walls that stagger on the eastern side responding to the lot width being wider at the rear.
- The proposed dwelling encroaches the building envelope on both sides.

- The eastern elevation of the proposed dwelling has a minor point encroachment.
- The western elevation encroaches for the full length of the proposed dwelling.
- There have not been any submissions made regarding the proposed development.
- A request for variation is sought for the building envelope encroachment referencing clause D2.1.2 b) iv) of the DCP.

### **Relevant Objectives of the proposed variation to the DCP:**

#### 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,
- c) To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space,
- d) To ensure that building design minimises overlooking problems,
- 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:**

- A landscape plan has been submitted which details the use of soft areas and proposed plant species.
- The proposed landscaping incorporates minimal hard surfaces, a mixture of trees, shrubs and hedges which in turn reduce the bulk and scale of the dwelling when viewed from the street.
- The proposed landscaping is consistent with other lots within Denintend Place.
- The lot is 50% landscaped allowing ample space for proposed and future planting.
- A variety of front setbacks are provided along Denintend Place.
- The proposed setbacks are similar to the existing dwelling.
- Reasonable separation has been maintained between buildings and reflects the character of the area.
- Privacy from private open spaces is provided for by the use of proposed screen planting, including trees and hedges.
- The adjoining lots have a similar ground level as the subject lot.
- High sill windows to the side elevations of the first floor have been proposed.
- The proposed rear setback to the first floor is 8500mm.
- Acoustic privacy is maintained through dwelling setbacks, landscaping and dwelling design.
- Bedrooms, a study and bathrooms are located on the first floor with a sitting room centrally placed.
- A combination of high sill and frosted windows have been provided to side elevations of the first floor.
- The proposed rear setback to the first floor is 8500mm with a separation of 16000mm to the adjoining dwellings to the rear.
- The lot has an irregular shape, tapering on the eastern side and becoming wider towards the rear.
- The proposed dwelling has been designed around the retention of an existing swimming pool.
- The proposed dwelling has walls that stagger on the eastern side responding to the lot width becoming wider towards the rear.
- A landscaped area of 50% has been achieved.
- Full compliance with the building envelope control would impact on the living space and amenity of the dwelling.
- The proposed dwelling utilises articulation to all elevations.
- Long walls are broken up by varied finishes, materials and banks of windows.
- On balance the proposed dwelling will be visually appealing when viewed from the street.
- The proposed dwelling will not have any adverse impacts to adjoining dwelling in terms of privacy, overshadowing or loss of views.

### Conclusion

The request for variation is supported and recommended for approval as the development meets the objectives of the DCP and is site responsive, unlikely to have a significant adverse impact upon the surrounding environment, adjoining properties or the streetscape.

**PROJECT**

Proposed Residence at N°11  
LOT. 127 D.P. 246594 Denintend PL  
SOUTH PENRITH.  
for Mr & Mrs. J & N White

**DAVID WALKER PTY LTD      ACN   078 551 578**

Building Designer

P O BOX 1411 BOWRAL NSW 2576

PH: 0439 100 712

Email: [dwalkerarch@bigpond.com](mailto:dwalkerarch@bigpond.com)

Designed by:      D. Walker

Scale:              1:100    1:200 site plan

Date:                4.7. 21

Issue:

Alteration:

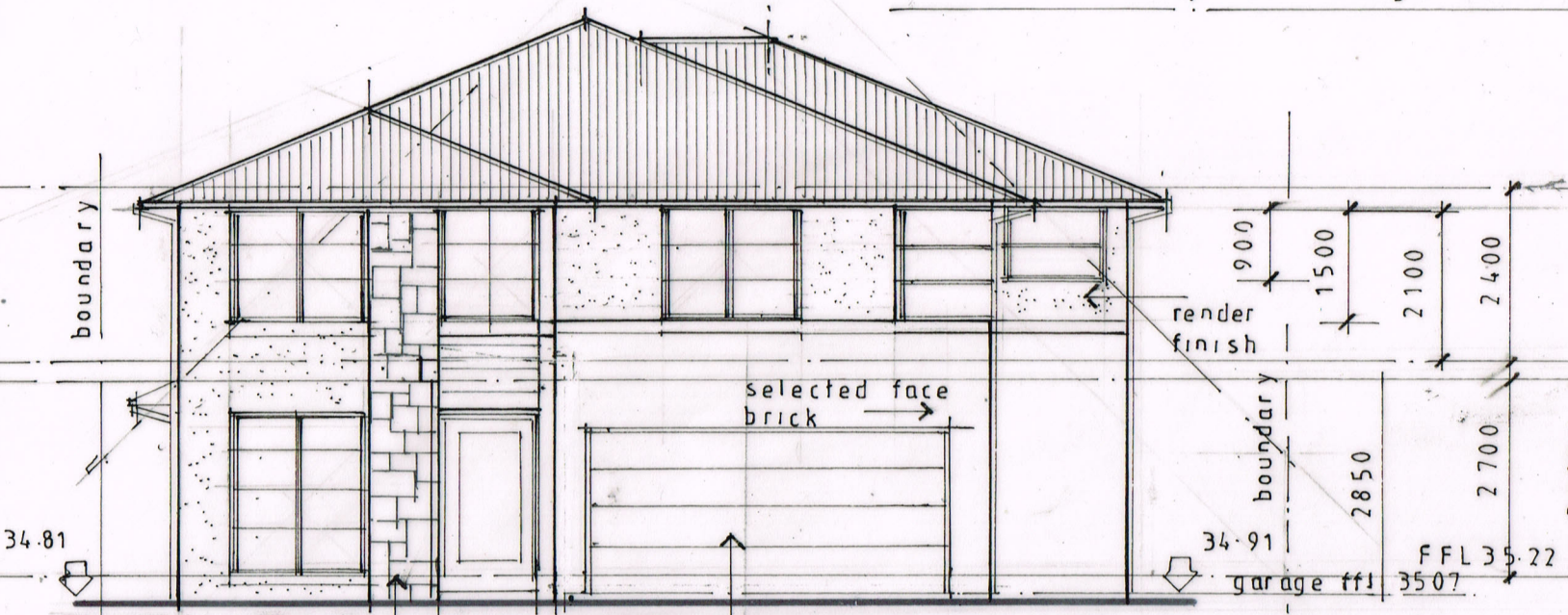
Date:

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**DRAWING NO    9 21.1**

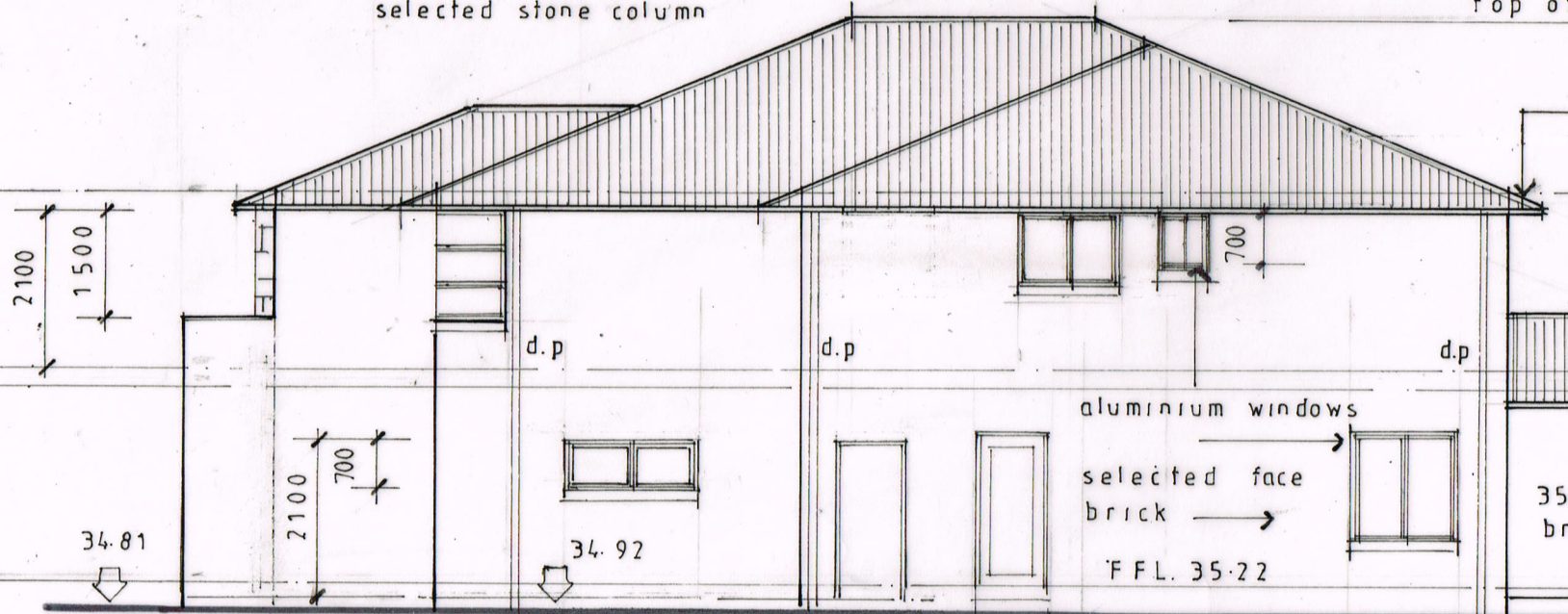
top of ridge 42.90



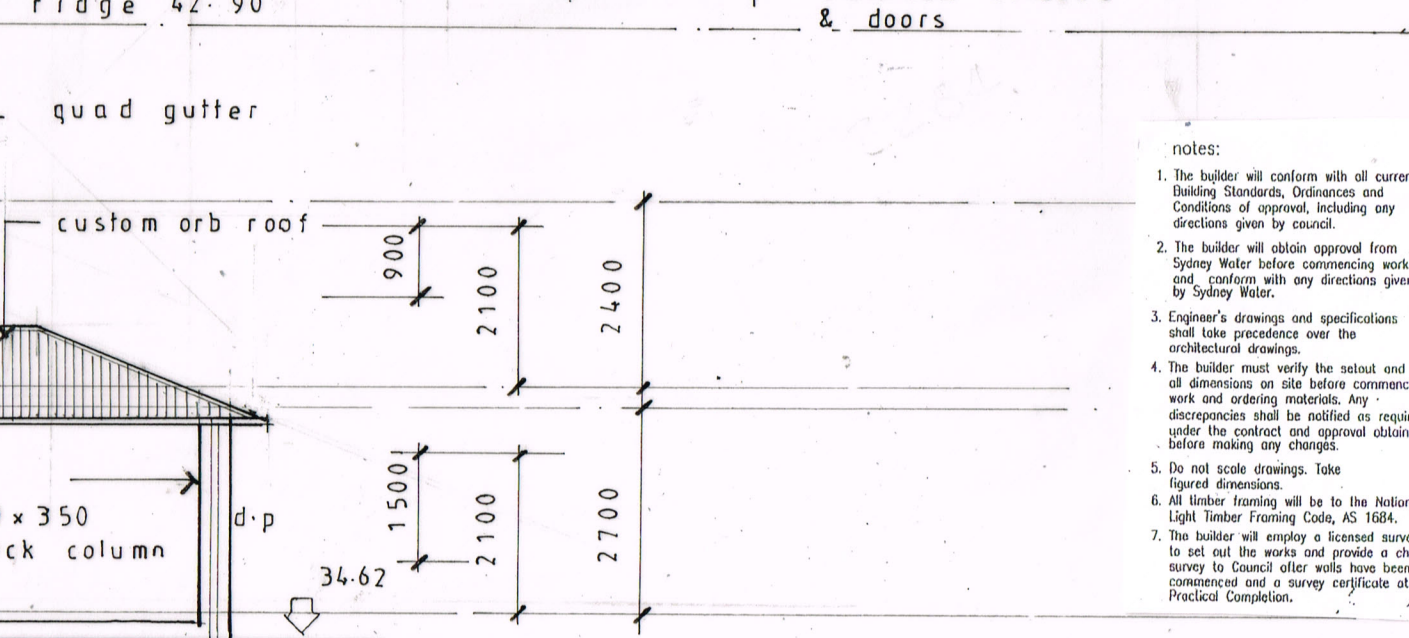
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION

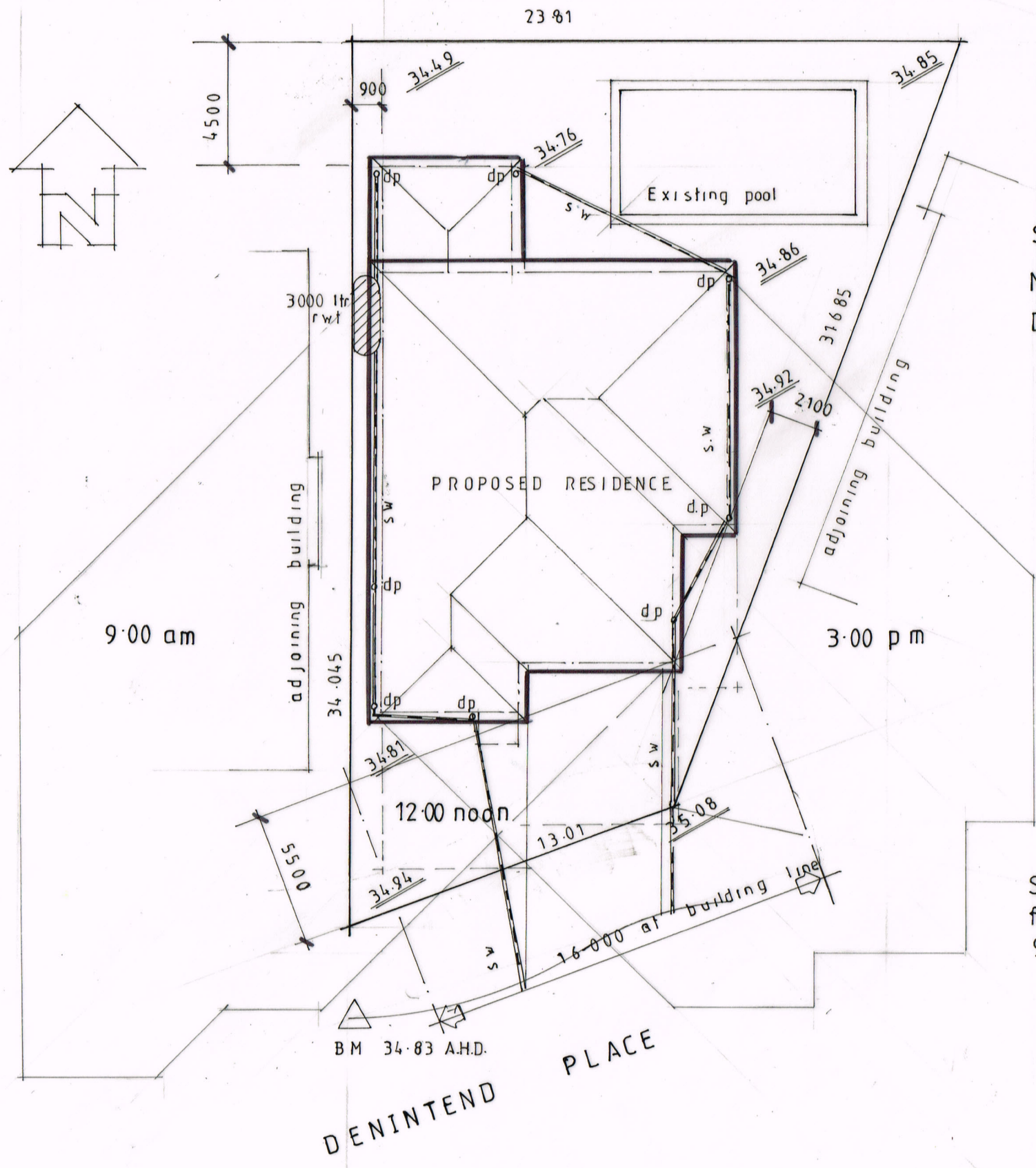


WEST ELEVATION

- notes:
1. The builder will conform with all current Building Standards, Ordinances and Conditions of approval, including any directions given by council.
  2. The builder will obtain approval from Sydney Water before commencing work and conform with any directions given by Sydney Water.
  3. Engineer's drawings and specifications shall take precedence over the architectural drawings.
  4. The builder must verify the setout and all dimensions on site before commencing work and ordering materials. Any discrepancies shall be notified as required under the contract and approval obtained before making any changes.
  5. Do not scale drawings. Take figured dimensions.
  6. All timber framing will be to the National Light Timber Framing Code, AS 1684.
  7. The builder will employ a licensed surveyor to set out the works and provide a check survey to Council after walls have been commenced and a survey certificate of Practical Completion.

ISSUE B 17.8.21 west elevation wall recess indicated.

Drawing N° 921.5



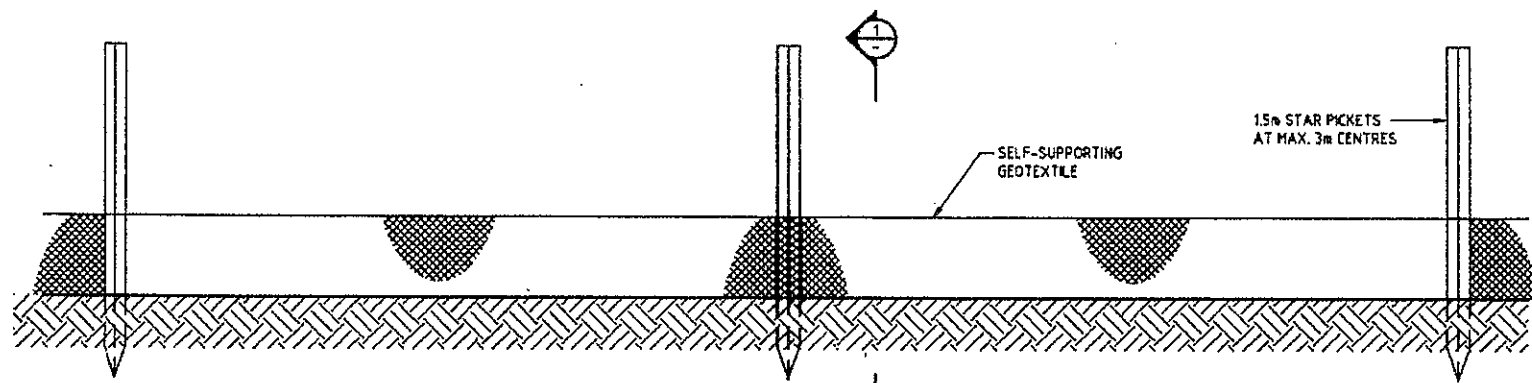
SITE PLAN.  
 N° 11. LOT 127  
 D.P. 246594

Shadow Diagram  
 for 21st June at  
 9:00 am. 12:00 noon & 3:00 pm

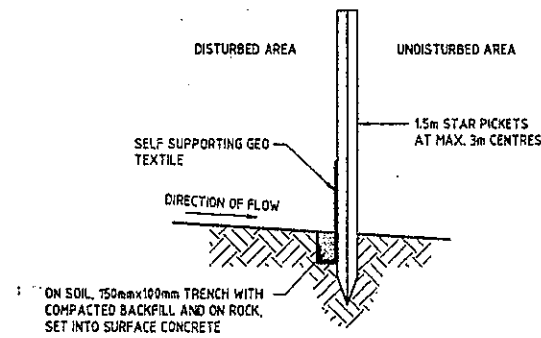
Thermal Comfort Commitments	
<b>General features</b>	
The dwelling must not have more than 2 storeys.	
The conditioned floor area of the dwelling must not exceed 300 square metres.	
The dwelling must not contain open mezzanine area exceeding 25 square metres.	
The dwelling must not contain third level habitable attic room.	
<b>Floor, walls and ceiling/roof</b>	
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	
Energy Commitments	
<b>Hot water</b>	
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous.	
<b>Cooling system</b>	
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 3-phase airconditioning; Energy rating: EER 3.5 - 4.0	
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 3-phase airconditioning; Energy rating: EER 3.5 - 4.0	
The cooling system must provide for day/night zoning between living areas and bedrooms.	
<b>Heating system</b>	
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.5 - 4.0	
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: airconditioning ducting only; Energy rating: n/a	
<b>Ventilation</b>	
The applicant must install the following exhaust systems in the development:	
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off	
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off	
Laundry: natural ventilation only, or no laundry; Operation control: n/a	
<b>Artificial lighting</b>	
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:	
<ul style="list-style-type: none"> <li>• at least 6 of the bedrooms / study; dedicated</li> <li>• at least 5 of the living / dining rooms; dedicated</li> </ul>	

ISSUE B 17-8-21 set backs side boundaries altered.

Drawing N° 921.6



**STANDARD SEDIMENT FENCE**  
SCALE 1:20



**SECTION 1**  
SCALE 1:20

**SOIL & WATER MANAGEMENT PLAN NOTES**

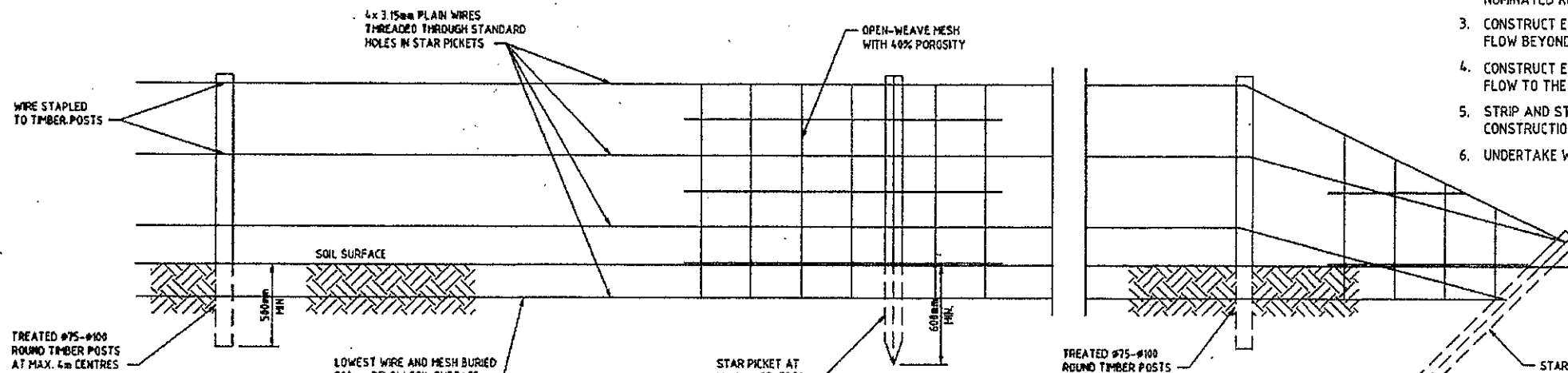
- A. CONSTRUCTION SEQUENCE**
1. CONSTRUCT STABILISED SITE ACCESSSES.
  2. INSTALL ALL BARRIER FENCING TO EXCLUDE ACCESS TO THE NOMINATED RESTRICTED AREAS.
  3. CONSTRUCT EARTH BANKS AND CUT-OFF DRAINS TO DIRECT OVERLAND FLOW BEYOND THE SITE.
  4. CONSTRUCT EARTH BANKS & CUT-OFF DRAINS TO DIRECT OVERLAND FLOW TO THE DESIGNATED OUTLET PIT.
  5. STRIP AND STOCKPILE TOPSOIL FROM THOSE LANDS TO BE EXPOSED TO CONSTRUCTION ACTIVITIES.
  6. UNDERTAKE WORKS ACCORDING TO THE ENGINEERING PLANS.

**SEDIMENT FENCE CONSTRUCTION NOTES**

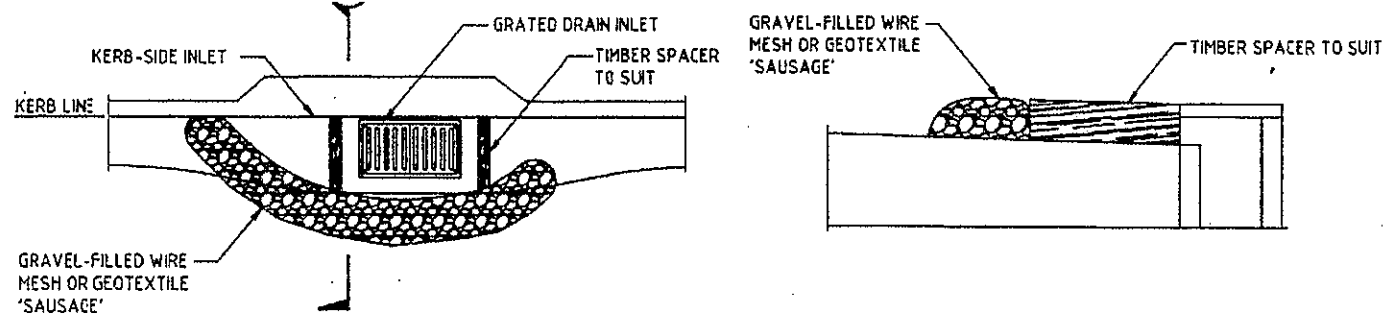
1. CONSTRUCT SEDIMENT FENCE AS CLOSE AS POSSIBLE TO PARALLEL TO THE CONTOURS OF THE SITE.
2. DRIVE 1.5m LONG STAR PICKETS INTO GROUND, 3m APART.
3. DIG A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
4. BACKFILL TRENCH OVER BASE OF FABRIC.
5. FIX SELF-SUPPORTING GEOTEXTILE TO UPSLOPE SIDE OF POSTS WITH WIRE TIES OR AS RECOMMENDED BY GEOTEXTILE MANUFACTURER.
6. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP.

**EROSION & SEDIMENT CONTROL NOTES**

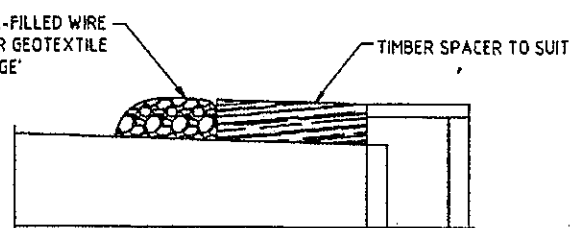
- B. SITE INSPECTION MAINTENANCE CONDITIONS**
1. WASTE BINS WILL BE EMPTIED AS NECESSARY. DISPOSAL OF WASTE WILL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.
  2. THE SITE SUPERINTENDENT WILL INSPECT THE SITE AT LEAST WEEKLY AND WILL:
    - a) ENSURE THAT DRAINS OPERATE PROPERLY AND TO EFFECT ANY NECESSARY REPAIRS;
    - b) REMOVE SPILLED SAND OR OTHER MATERIALS FROM HAZARD AREAS, INCLUDING LANDS CLOSER THAN FIVE METRES FROM AREAS OF LIKELY CONCENTRATED OR HIGH VELOCITY FLOWS ESPECIALLY WATERWAYS AND PAVED AREAS;
    - c) REMOVE TRAPPED SEDIMENT WHENEVER LESS THAN DESIGN CAPACITY REMAINS WITHIN THE STRUCTURE;
    - d) ENSURE REHABILITATED LANDS HAVE EFFECTIVELY REDUCED THE EROSION HAZARD AND TO INITIATE UPGRADING OR REPAIR AS APPROPRIATE;
    - e) MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES IN A FULLY FUNCTIONING CONDITION UNTIL ALL EARTHWORK ACTIVITIES ARE COMPLETED AND THE SITE IS REHABILITATED; AND
    - f) REMOVE TEMPORARY SOIL CONSERVATION STRUCTURES AS THE LAST ACTIVITY IN THE REHABILITATION PROGRAM.
  3. AS A PART OF THE STATUTORY "DILIGENCE AND CARE" RESPONSIBILITIES, THE SITE SUPERINTENDENT WILL KEEP A LOG BOOK, MAKING ENTRIES AT LEAST WEEKLY, IMMEDIATELY BEFORE FORECAST RAIN AND AFTER RAINFALL. ENTRIES WILL INCLUDE:
    - a) THE VOLUME AND INTENSITY OF ANY RAINFALL EVENTS;
    - b) THE CONDITION OF ANY SOIL AND WATER MANAGEMENT WORKS;
    - c) THE CONDITION OF VEGETATION AND ANY NEED TO IRRIGATE;
    - d) THE NEED FOR DUST PREVENTION STRATEGIES; AND
    - e) ANY REMEDIAL WORKS TO BE UNDERTAKEN.
 THE BOOK WILL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY AUTHORISED PERSON ON REQUEST. IT WILL BE GIVEN TO THE PROJECT MANAGER AT THE CONCLUSION OF WORKS.



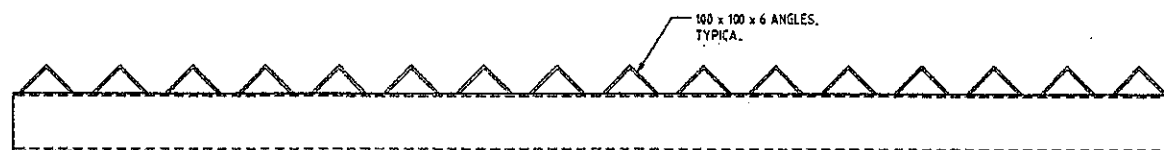
**WIND EROSION FENCE**  
SCALE



**SEDIMENT TRAP SOCK ARRANGMENT**  
SCALE 1:50

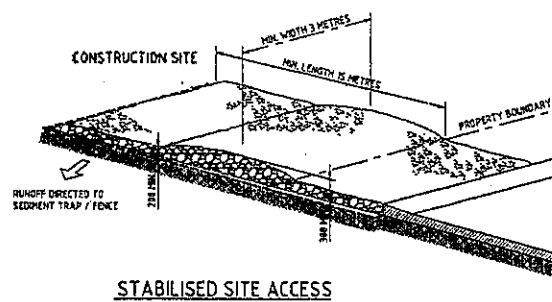


**SECTION 1**  
SCALE 1:20



NOTE:  
EQUIVALENT PROPRIETARY SYSTEMS MAY BE USED AS AN ALTERNATIVE

**TYPICAL TRUCK SHAKER**  
SCALE 1:10



**STABILISED SITE ACCESS**

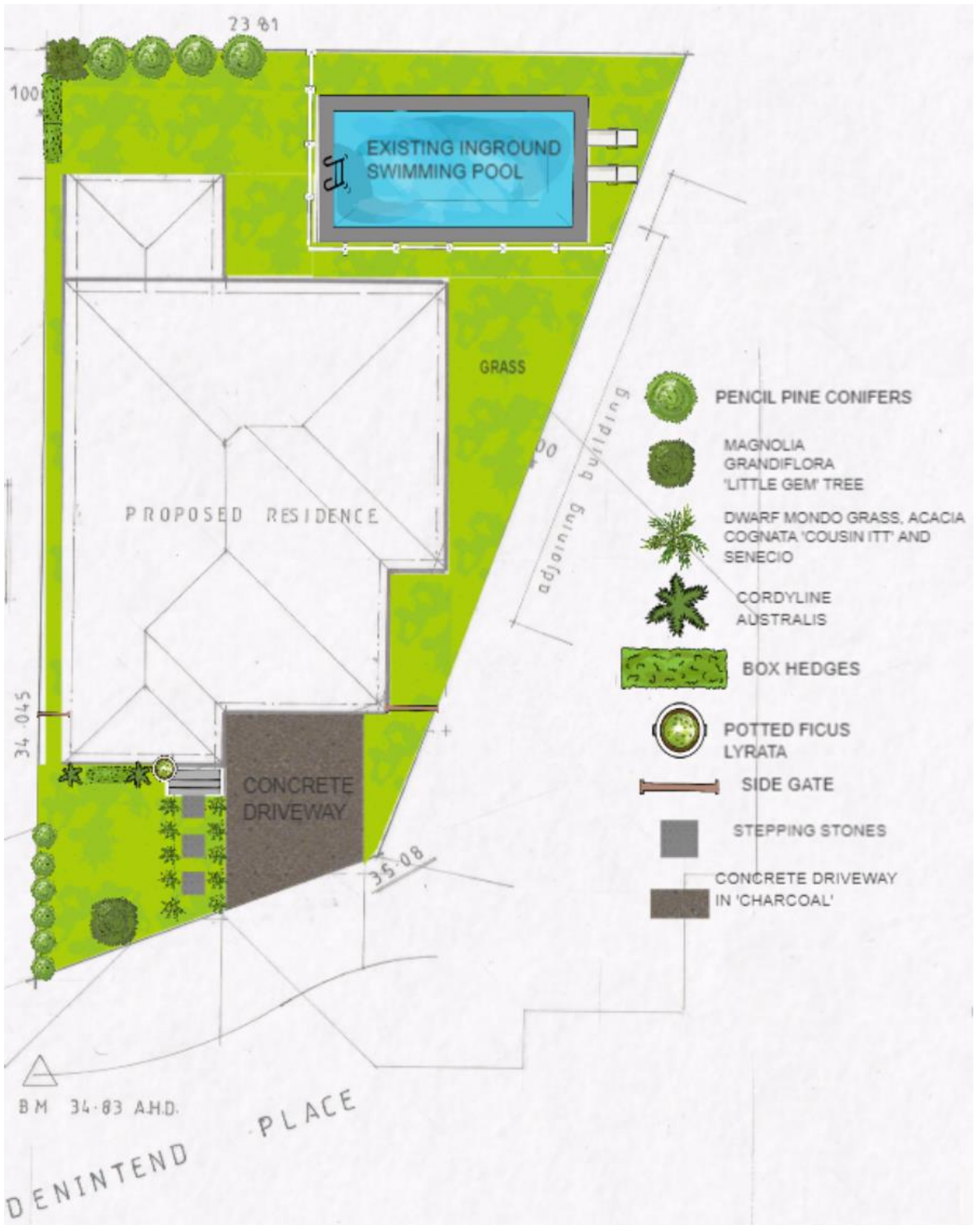
Drawing N° 921.7

Drawing Title: <b>EROSION CONTROL</b>			
Drawn: JBH	Date: APRIL 18	Scale: 1:100	Proj. No.:
Designed:	Project No.:	Dwg. No.:	Issue:







# LANDSCAPE PLAN

## 11 Denintend Place, South Penrith



# Landscape Plan species

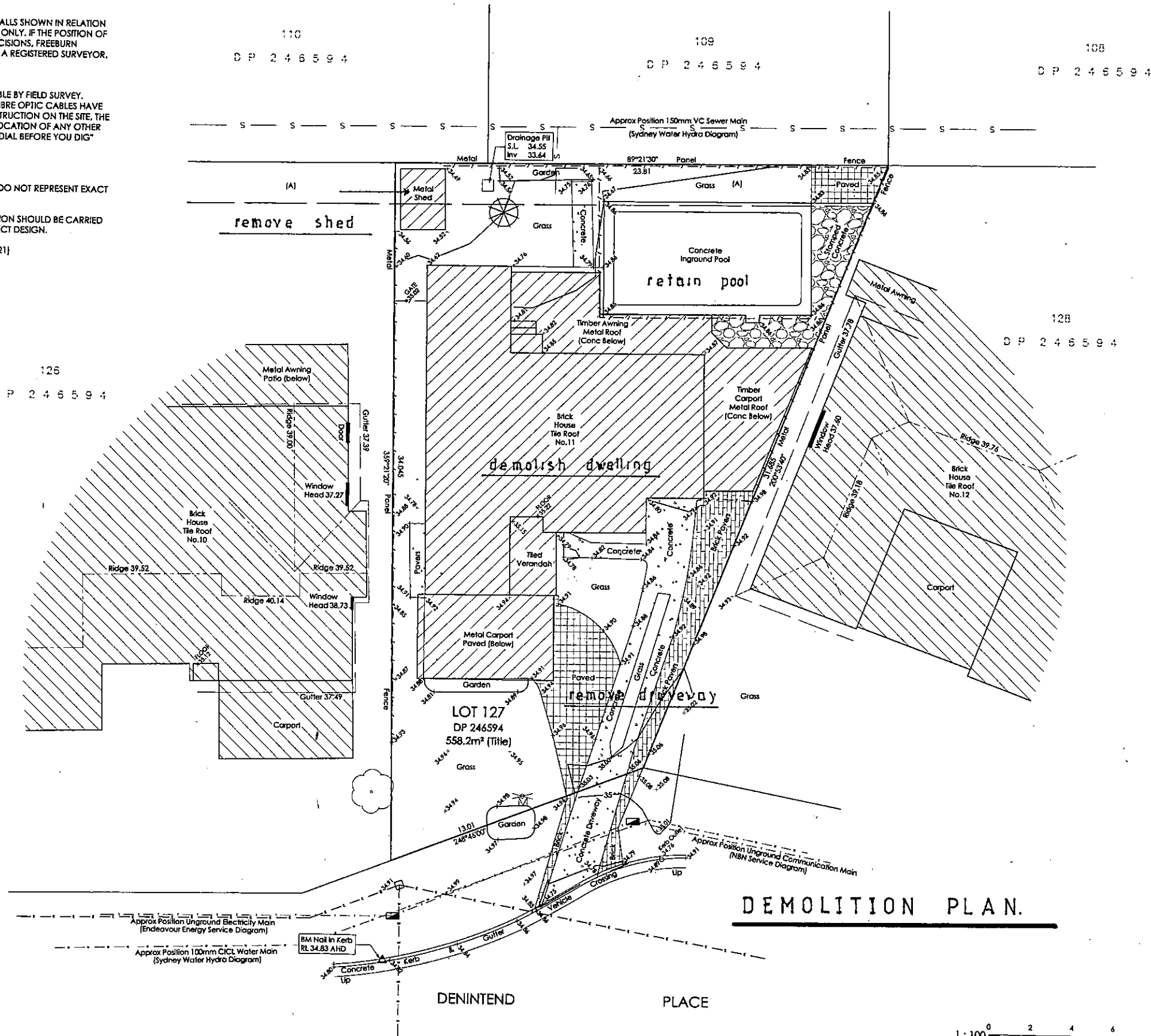
<p><b>Pencil Pine Conifer</b></p>	
<p><b>Magnolia Grandiflora 'Little Gem' tree</b></p>	
<p><b>Acacia cognata 'cousin itt'</b></p>	
<p><b>Senecio</b></p>	
<p><b>Dwarf mondo grass</b></p>	

<p><b>Cordyline Australis</b></p>	 A photograph of a Cordyline Australis plant, also known as a palm lily, with long, narrow, reddish-purple leaves radiating from a central point. It is growing outdoors in a garden setting.
<p><b>Box hedges</b></p>	 A photograph of a dense, well-maintained box hedge, showing a thick wall of small, dark green leaves.
<p><b>Potted Ficus Lyrata – Fiddle Leaf Fig</b></p>	 A photograph of a Potted Ficus Lyrata (Fiddle Leaf Fig) plant with large, heart-shaped, glossy green leaves, sitting in a white pot on a windowsill.
<p><b>Tristaniopsis Luscious tree</b></p>	 A photograph of a Tristaniopsis Luscious tree, a small, dense, conical evergreen tree with many small, dark green leaves, shown against a white background.

**NOTES:**

- BEARINGS & DISTANCES SHOWN ARE BY TITLE ONLY. NO BOUNDARY INVESTIGATION OR DEFINITION HAS BEEN CARRIED OUT.
- THE POSITION OF THE BUILDINGS, IMPROVEMENTS, FENCES & WALLS SHOWN IN RELATION TO THE BOUNDARIES ARE APPROXIMATE AND DIAGRAMMATIC ONLY. IF THE POSITION OF THESE STRUCTURES ARE CRITICAL TO DESIGN OR FINANCIAL DECISIONS, FREEBURN SURVEYING RECOMMEND A BOUNDARY SURVEY OVERSEEN BY A REGISTERED SURVEYOR.
- DO NOT SCALE OFF THIS PLAN.
- SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. THE POSITION OF ANY UNDERGROUND SERVICES, INCLUDING FIBRE OPTIC CABLES HAVE NOT BEEN DETERMINED. PRIOR TO ANY EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF ANY OTHER SERVICES INCLUDING THOSE WHICH MAY BE UNDERGROUND. "DIAL BEFORE YOU DIG" ([www.1100.com.au](http://www.1100.com.au))
- INDICATES EXISTING SURFACE LEVEL.
- CONTOURS SHOWN DEPICT THE GENERAL TOPOGRAPHY. THEY DO NOT REPRESENT EXACT LEVELS OTHER THAN AT SPOT LEVELS SHOWN.
- THE TREE SIZES ARE APPROXIMATE ONLY. FURTHER FIELD INSPECTION SHOULD BE CARRIED OUT WHERE TREE DETAILS ARE CONSIDERED TO CRITICALLY AFFECT DESIGN.
- ORIGIN OF LEVELS: PM 12632 RL 29.093 AHD (SCIMS 18-05-2021)

(A) EASEMENT TO DRAIN WATER 2 WIDE (DP 246594)



**LEGEND**

- Bench Mark
- Telephone Pit Lid (Single)
- Electrical Box/Pillar
- Clothes Hoist
- Small Tree
- Water Meter
- Water Tap

**NOTE:**  
THESE PLANS SHOULD BE READ IN CONJUNCTION WITH DIGITAL DATA ISSUED TO CLIENT. THE DIGITAL DATA CONTAINS NUMEROUS LAYERS OF INFORMATION WHICH ARE NOT SHOWN ON THESE PLANS FOR THE SAKE OF CLARITY.

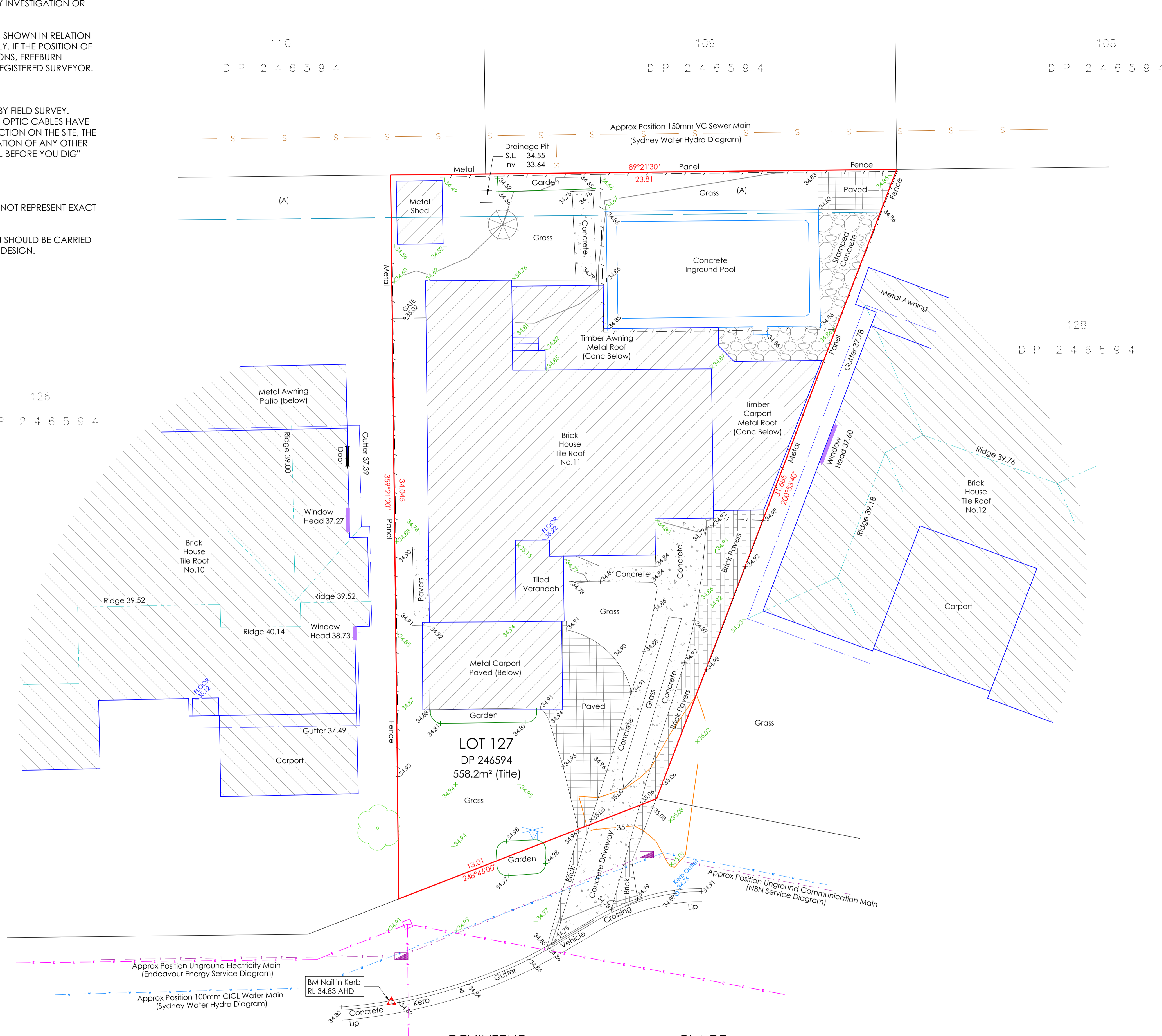
Client: <b>SEP ROCCIO</b>	Project: <b>PLAN OF DETAIL, LEVELS &amp; CONTOURS OVER LOT 127 IN DP 246594 No.11 DENINTEND PLACE, SOUTH PENRITH</b>	<b>FREEBURN SURVEYING</b>	<b>MATTHEW FREEBURN</b> LAND, ENGINEERING & MINING SURVEYOR SUITE 2, FIRST FLOOR, "SURVEYOR HOUSE" 2 CASTLEREAGH STREET PENRITH 2750	Telephone 02 4721 2289 Fax 02 4721 5646 email <a href="mailto:l.mcgrann@freeburnsurveyors.com">l.mcgrann@freeburnsurveyors.com</a> or <a href="mailto:matthew@freeburnsurveyors.com">matthew@freeburnsurveyors.com</a>	Scale 1:100	Datum: AHD	Contour: 0.2m
					Surveyor: DM	Drawn By: LJMc	Checked: MF
				Date of Survey: 14/05/2021		Sheet 1 of 1	
				AUTOCAD REVISION 00		37 681 DETAIL	



NOTES:

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- \* DO NOT SCALE OFF THIS PLAN.
- \* SERVICES SHOWN HEREON HAVE BEEN LOCATED WHERE POSSIBLE BY FIELD SURVEY. THE POSITION OF ANY UNDERGROUND SERVICES, INCLUDING FIBRE OPTIC CABLES HAVE NOT BEEN DETERMINED. PRIOR TO ANY EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF ANY OTHER SERVICES INCLUDING THOSE WHICH MAY BE UNDERGROUND. "DIAL BEFORE YOU DIG" (www.1100.com.au)
- \* \*34.84 INDICATES EXISTING SURFACE LEVEL.
- \* CONTOURS SHOWN DEPICT THE GENERAL TOPOGRAPHY. THEY DO NOT REPRESENT EXACT LEVELS OTHER THAN AT SPOT LEVELS SHOWN.
- \* THE TREE SIZES ARE APPROXIMATE ONLY. FURTHER FIELD INSPECTION SHOULD BE CARRIED OUT WHERE TREE DETAILS ARE CONSIDERED TO CRITICALLY AFFECT DESIGN.
- \* ORIGIN OF LEVELS: PM 12632 RL 29.093 AHD (SCIMS 18-05-2021)

(A) EASEMENT TO DRAIN WATER 2 WIDE (DP 246594)



**LEGEND**

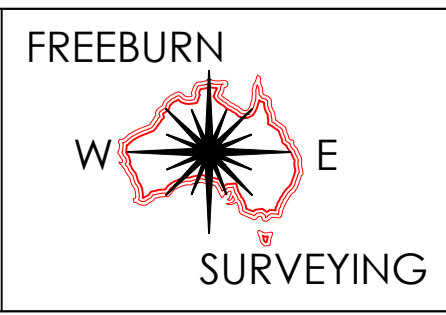
- Bench Mark
- Telephone Pit Lid (Single)
- Electrical Box/Pillar
- Clothes Hoist
- Small Tree
- Water Meter
- Water Tap

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Client:  
**SEP ROCCIO**

Project:  
**PLAN OF DETAIL, LEVELS & CONTOURS OVER  
LOT 127 IN DP 246594  
No.11 DENINTEND PLACE, SOUTH PENRITH**



**MATTHEW FREEBURN**  
LAND, ENGINEERING & MINING SURVEYOR  
SUITE 2, FIRST FLOOR, "SURVEYOR HOUSE"  
2 CASTLEREAGH STREET  
PENRITH 2750





Telephone 02 4721 2289  
Fax 02 4721 5646  
email l.mcgrann@freeburnsurveyors.com  
or matthew@freeburnsurveyors.com







Scale 1:100	Datum: AHD	Contour: 0.2m
Surveyor: DM	Drawn By: LJMc	Checked: MF
Date of Survey: 14/05/2021	Sheet 1 of 1	
AUTOCAD	REVISION 00	37 681 DETAIL

# External Colour Schedule

11 Denintend Place, South Penrith



<p><b>Bricks</b>  <i>Austral Bricks</i>                  La Paloma collection                  'Romero'</p>	
<p><b>Render</b>                  Dulux 'Vivid White'                   Dulux 'Ashville'</p>	 <p><b>Vivid White</b>                      <b>Ashville</b></p>
<p><b>Feature column</b>                  Stoneworld porcelain tiles                  Concrete look                  'Tool'</p>	
<p><b>Front door</b>                  Sunburst 1200mm wide wooden door with a                  timber stain in 'Ebony'</p>	

<p><b>Garage door</b> Panel lift door Colorbond Steel Matt 'Monument'</p>	 <p>MONUMENT®*</p>
<p><b>Panelling above front door</b> Timber panels Stained 'Charcoal'</p>	
<p><b>Roof</b> Colourbond steel roof in 'Monument'</p>	 <p>MONUMENT®*</p>
<p><b>Fascia</b> Colourbond 'Monument'</p>	 <p>MONUMENT®*</p>
<p><b>Gutters</b> Colourbond 'Monument'</p>	 <p>MONUMENT®*</p>
<p><b>Windows</b> Black aluminium</p>	

# BASIX<sup>®</sup>Certificate

Building Sustainability Index [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

## Single Dwelling

Certificate number: 1220068S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Secretary

Date of issue: Tuesday, 13 July 2021

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,  
Industry &  
Environment

Project summary		
Project name	J&N White - Two Storey Dwelling	
Street address	11 Denintend Place South Penrith 2750	
Local Government Area	Penrith City Council	
Plan type and plan number	deposited 246594	
Lot no.	127	
Section no.	-	
Project type	separate dwelling house	
No. of bedrooms	5	
Project score		
Water	✓ 42	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 50	Target 50

### Certificate Prepared by

Name / Company Name: Natalie White

ABN (if applicable): N/A



# Description of project

Project address	
Project name	J&N White - Two Storey Dwelling
Street address	11 Denintend Place South Penrith 2750
Local Government Area	Penrith City Council
Plan type and plan number	Deposited Plan 246594
Lot no.	127
Section no.	-
Project type	
Project type	separate dwelling house
No. of bedrooms	5
Site details	
Site area (m <sup>2</sup> )	558
Roof area (m <sup>2</sup> )	194
Conditioned floor area (m <sup>2</sup> )	294.78
Unconditioned floor area (m <sup>2</sup> )	18.3
Total area of garden and lawn (m <sup>2</sup> )	283

Assessor details and thermal loads		
Assessor number	n/a	
Certificate number	n/a	
Climate zone	n/a	
Area adjusted cooling load (MJ/m <sup>2</sup> .year)	n/a	
Area adjusted heating load (MJ/m <sup>2</sup> .year)	n/a	
Ceiling fan in at least one bedroom	n/a	
Ceiling fan in at least one living room or other conditioned area	n/a	
Project score		
Water	✔ 42	Target 40
Thermal Comfort	✔ Pass	Target Pass
Energy	✔ 50	Target 50

## Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Fixtures</b>			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but <= 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
<b>Alternative water</b>			
<b>Rainwater tank</b>			
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 193 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> <li>the cold water tap that supplies each clothes washer in the development</li> <li>at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)</li> </ul>		✓ ✓	✓ ✓

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>General features</b>			
The dwelling must not have more than 2 storeys.	✓	✓	✓
The conditioned floor area of the dwelling must not exceed 300 square metres.	✓	✓	✓
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✓	✓	✓
The dwelling must not contain third level habitable attic room.	✓	✓	✓
<b>Floor, walls and ceiling/roof</b>			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓

Construction	Additional insulation required (R-Value)	Other specifications
floor - concrete slab on ground	nil	
external wall - brick veneer	2.06 (or 2.60 including construction)	
external wall - brick veneer	2.06 (or 2.60 including construction)	
external wall - brick veneer	2.06 (or 2.60 including construction)	
external wall - brick veneer	2.06 (or 2.60 including construction)	
internal wall shared with garage - plasterboard	nil	
ceiling and roof - flat ceiling / pitched roof	ceiling: 4 (up), roof: foil/sarking	2 wind-driven ventilator(s) + eave vents; dark (solar absorptance > 0.70)

Note	<ul style="list-style-type: none"> <li>Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.</li> </ul>
Note	<ul style="list-style-type: none"> <li>In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.</li> </ul>

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Windows, glazed doors and skylights</b>			
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	✓	✓	✓
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	✓	✓	✓
The following requirements must also be satisfied in relation to each window and glazed door: <ul style="list-style-type: none"> <li>For the following glass and frame types, the certifier check can be performed by visual inspection. <ul style="list-style-type: none"> <li>Aluminium single clear</li> <li>Aluminium double (air) clear</li> <li>Timber/uPVC/fibreglass single clear</li> <li>Timber/uPVC/fibreglass double (air) clear</li> </ul> </li> <li>Overshadowing buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column.</li> </ul>	✓	✓	✓ ✓
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).	✓	✓	✓















Skylight no.	Maximum area (square metres)	Type	Shading device
S01	0.48	aluminium, moulded plastic single clear	no shading

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
<b>North facing</b>					
W01	2100	1500	aluminium, double (air), clear	none	not overshadowed
W02	2100	3000	aluminium, double (air), clear	none	not overshadowed
W03	2100	3500	aluminium, double (air), clear	verandah 4000 mm, 2100 mm above base of window or glazed door	not overshadowed

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
W04	1200	1500	aluminium, double (air), clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W05	1200	3000	aluminium, double (air), clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W06	1200	1500	aluminium, double (air), clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
<b>East facing</b>					
W11	1500	1500	aluminium, single, clear	none	2-4 m high, 8-12 m away
W12	700	1800	aluminium, single, clear	none	2-4 m high, 2-5 m away
W13	900	1500	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W14	700	700	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W22	2040	820	aluminium, single, clear	none	2-4 m high, 5-8 m away
W23	1500	700	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
<b>South facing</b>					
W18	1500	900	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W19	1500	1800	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W20	1500	1800	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W21	2100	1800	aluminium, single, clear	none	not overshadowed
W22	1500	1200	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W23	1500	1200	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
<b>West facing</b>					
W25	700	1800	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing
W26	700	2400	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W27	700	2400	aluminium, single, clear	eave 450 mm, 300 mm above head of window or glazed door	not overshadowed
W28	700	700	aluminium, single, clear	none	2-4 m high, 2-5 m away
W29	700	2700	aluminium, single, clear	none	2-4 m high, 2-5 m away

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Hot water</b>			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous.	✓	✓	✓
<b>Cooling system</b>			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 3-phase airconditioning; Energy rating: EER 3.5 - 4.0		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 3-phase airconditioning; Energy rating: EER 3.5 - 4.0		✓	✓
The cooling system must provide for day/night zoning between living areas and bedrooms.		✓	✓
<b>Heating system</b>			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase airconditioning; Energy rating: EER 3.5 - 4.0		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: airconditioning ducting only; Energy rating: n/a		✓	✓
<b>Ventilation</b>			
<p>The applicant must install the following exhaust systems in the development:</p> <p>At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off</p> <p>Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off</p> <p>Laundry: natural ventilation only, or no laundry; Operation control: n/a</p>		<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>
<b>Artificial lighting</b>			
<p>The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:</p> <ul style="list-style-type: none"> <li>• at least 6 of the bedrooms / study; dedicated</li> <li>• at least 5 of the living / dining rooms; dedicated</li> </ul>		<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<ul style="list-style-type: none"> <li>• the kitchen; dedicated</li> <li>• all bathrooms/toilets; dedicated</li> <li>• the laundry; dedicated</li> <li>• all hallways; dedicated</li> </ul>		   	   
<b>Natural lighting</b>			
The applicant must install a window and/or skylight in 4 bathroom(s)/toilet(s) in the development for natural lighting.			
<b>Other</b>			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.			
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.			
The applicant must install a fixed outdoor clothes drying line as part of the development.			



## Legend

In these commitments, "applicant" means the person carrying out the development.

Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.

Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

# STATEMENT OF ENVIRONMENTAL EFFECTS

**11 Denintend Place, South Penrith NSW 2750**

**Lot 127 DP 246594**

**Application type:** Demolition of existing Single Storey Dwelling and carport and construction of new Two Storey Dwelling.

**Prepared by:** Mrs Natalie C White and Mr Jay A J White (owners) in conjunction with David Walker Pty Ltd (Building Designer)

**Council/consent authority:** Penrith City Council

**Date:** 19 July 2021



## Contents

<b>1.0</b>	<b>Introduction.....</b>	<b>2</b>
<b>2.0</b>	<b>Site Location and Analysis.....</b>	<b>3</b>
<b>3.0</b>	<b>Zoning Controls.....</b>	<b>4</b>
<b>4.0</b>	<b>Environmental Effects.....</b>	<b>5</b>
4.1	Environmental Planning Instruments.....	5
4.2	Development Control Plans.....	6
4.3	Compliance with Chapter D2 – Residential Development.....	8
4.4	Privacy, Views and Overshadowing.....	12
<b>5.0</b>	<b>Conclusion. ....</b>	<b>15</b>

### 1.0 - Introduction

This Statement of Environmental Effects has been prepared as a proposal for the demolition of an existing single storey dwelling and attached carport and construction of a new two storey dwelling located at 11 Denintend Place, South Penrith in accordance with the Environmental Planning and Assessment Act 1979 (The Act), Penrith Local Environmental Plan 2010 (LEP 2010) and Penrith Development Control Plan 2014 (DCP 2014).

The proposed dwelling will be consistent with the established streetscape and local character of the neighbourhood and contribute positively to surrounding developments. The development will respond to the natural topography of the site and will not impact the amenity of existing surrounding dwellings.

Accompanying this Development Application includes:

- Survey Plan
- Site plan
- Architectural Elevations and Floor Plans
- Landscape Plan
- BASIX Certificate
- Colours and Schedules
- Waste Management Plan

## 2.0 - Site Location and Analysis

**Lot and DP:** Lot 127 DP 246594

**Property address:** 11 Denintend Place, South Penrith NSW 2750

**Land area:** 558m<sup>2</sup>

**Site Owner/s:** The current owners of the land to be developed are Mrs Natalie C White and Mr Jay A J White.

### Site Analysis

The site is located in a quiet cul-de-sac with a street frontage to Denintend Place and a total land area of 558m<sup>2</sup>. The land currently contains an existing 150m<sup>2</sup> single storey brick veneer dwelling, attached carport and a concrete in-ground swimming pool. The land is zoned 'R2 – Low Density Residential' under *Penrith Local Environmental Plan 2010 (LEP 2010)*. The existing site is irregular in shape having a narrow street frontage, presenting difficulties when applying setback and building envelope controls as required by DCP 2014.

The neighbouring properties are a combination of single and double storey residential dwellings. The proposed two storey dwelling will contain (5) bedrooms, a study, multiple living areas, an attached double garage and alfresco area. The primary open plan living areas will be orientated to the back of the house to maximise the use of the natural sunlight and solar gain from the north and in addition increase energy efficiency and encourage passive heating and cooling. Solar panels will be added to the north roof area after construction.



**Aerial view of Denintend Place circling the subject site**



**Aerial view of the subject site**



**Street view of the subject site**

### **3.0 - Zoning Controls - overview**

#### **Zoning**

The land is zoned 'R2 – Low Density Residential' under PLEP.

#### **Environmental Heritage**

The site does not contain any local, State or Regional items of Environmental Heritage under any applicable Environmental Planning Instrument. The site is not located within a heritage conservation area.

#### **Bushfire**

The subject site is not identified as bushfire prone land according to Penrith Council records.

#### **Flooding**

The subject site has not been identified as being below the adopted flood planning level (i.e the 1% Annual Exceedance Probability flood level plans plus 0.5 metre).

#### **Coastal Hazards**

The development is not subject to Coastal Hazards.

#### **Mine Subsidence**

The subject site is not located within a Mine Subsidence District.

## 4.0 - Environmental Effects

The following section addresses the matters for consideration as listed in Section 4.15 of The Act with justification provided against each relevant matter.

- Penrith Local Environmental Plan 2010 (LEP 2010)
- Penrith Development Control Plan 2014 (DCP 2014)

### 4.1 - Environmental Planning Instruments

#### ***Penrith Local Environmental Plan 2010***

The subject site is zoned R2 – Low Density Residential under LEP 2010. The proposed development is defined as a ‘dwelling house’ meaning ‘a building containing only one dwelling’. The R2 zone permits the construction of a ‘dwelling house’ subject to development consent from Council.

#### **Clause 2.3 – Zone objectives and land use table**

The objectives of the zone are:

- “• 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 houses 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 has been designed to provide a high level of amenity for current and future occupants whilst considering the natural constraints of the site and allowing ample space for landscaping and deep soil planting. The proposed dwelling will promote the desired future character of the neighbourhood by incorporating modern building elements that will be complimented with the addition of landscaping and private garden areas (refer to the landscape plan attached to this application for an in-depth explanation).

#### **Clause 4.3 – Height of Buildings**

<b>Requirement under LEP 2010</b>	<b>Proposal</b>	<b>Compliance – Yes/No</b>
8.5m	8.09m	Yes

## **Clause 4.6 – Exceptions to development standards**

The proposed development does not contravene any development standards within LEP 2010.

## **Conclusion with respect to requirements of PLEP**

The proposal is considered to satisfy the general objectives in LEP 2010 and those of zone 'R2 – Low Density Residential'.

## **4.2 - Development Control Plans**

### ***Penrith Development Control Plan 2014***

#### **Part C – City-wide Controls**

#### **C1 – Site Planning and Design Principles**

##### **1.1 Site Planning**

A Site Plan is attached to this Development Application for Council's consideration.

The site is not located within the 'Scenic and Landscape Values' Map as identified in LEP 2010. The site is not located within a Gateway of Visual Sensitivity.

##### **1.2 Design Principles**

Consideration has been given to the sustainability and energy efficiency of the proposed dwelling. A BASIX Report has determined that the dwelling can achieve the required energy efficiency rating. A BASIX Certificate has been attached to this Development Application.

The proposed dwelling has a contemporary, modern design that will incorporate articulated built form elements to compliment the local character of the South Penrith neighbourhood. The façade will have feature windows to provide greater natural light penetration into the residence and assist in delivering an attractive view for pedestrians, neighbours, and occupants.

The use of voids have been incorporated into the design of the house to maximise natural light, encourage solar radiation and provide enhanced amenity to the occupants which is something the existing dwelling fails to achieve. A large void will be located above the dining area on the bottom floor to capture and utilise the natural light from the north and create an appealing outlook for occupants overlooking the outdoor alfresco area and private open space. A smaller void will be located above the front entry to add extra light to the bottom floor area of the entrance and adjacent living area given the limited sunlight received from a southern facing site.

The front elevation is appropriately articulated and contains a variety of roof forms, pitches, building materials and window designs to control the visual impact relating to height, bulk

and scale of the dwelling and in addition will be compatible with the built form of surrounding dwellings. The modern façade will be complemented by adequate landscaping to soften the overall bulk and scale when viewed from the street.

The proposal will incorporate CPTED principles by:

- Providing adequate internal and external lighting through the provision of downlights and LED lights internally as well as on the front façade and porch area.
- Demonstrating visual access to the front entry of the dwelling with the front door in a prominent location that can be easily viewed and accessed from the streetscape.
- Passive surveillance will be achieved through the habitable front living area on the bottom floor of the dwelling.
- The site will be easily delineated as a private space allowing it to be separate from the public domain.

### **1.3 Fencing**

The current fencing will be replaced with a colorbond fence of the same height and colours chosen to compliment the façade and building materials used.

## **C2 Vegetation Management**

### **2.1 Preservation of Trees and Vegetation**

No trees are required to be removed as part of the proposed development. Additional landscaping is proposed upon completion of the proposed dwelling which is further detailed in the attached Landscape Plan.

### **2.2 Biodiversity Corridors and Areas of Remnant Native Vegetation in Non-Urban Areas**

The subject site is not identified as being within a biodiversity corridor or area of remnant indigenous vegetation on the Natural Resources Sensitivity Land Map in LEP 2010.

## **C3 Water Management**

Consideration has been given to the water conservation during the design of the proposed dwelling. A 3000L rainwater tank is proposed to collect rain runoff from at least 193 square metres of the roof area of the development. The dwelling will have appropriate star rating water fixtures installed in order to conserve water where possible. The attached BASIX Certificate has determined that the dwelling can achieve the required water conservation rating.

## **C4 Land Management**

Ground disturbance will be limited to minor excavation and filling for construction of a level building platform. All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or staked hay bales as specified on the site plan. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent. A stabilised access pad will be provided at the point of entry to the site to eliminate soil leaving the construction zone.



## C5 Waste Management

All waste will be deposited within the waste receptacle in accordance with the attached Waste Management Plan.

## C6 Landscape Design

A Landscape plan has been submitted with the development application.

## C7 Culture and Heritage

The subject site is not known to contain any items of heritage significance or be within a heritage conservation area.

## C10 Transport, Access and Parking

2 car parking spaces are required for dwelling houses. The proposed 5-bedroom residence has access to 2 spaces within the attached garage with additional space for stacked parking in the driveway.

### 4.3 - Compliance with Chapter D2 – Residential Development of DCP 2014

	D2 Residential Development – Single Dwellings	Minimum requirement	Proposed	Complies Yes/No/Comments
2.1.2	Front Setback (m)	Minimum 5.5m or average of adjoining properties	5.5m	Yes
	Secondary Street (where applicable)	Minimum 3m to external walls and minimum 5.5m to garage entrances	N/A	N/A
	Encroachments	Verandahs and pergolas are permitted to encroach 1.5m beyond the setback	1.2m	Yes
	Side Setback (m)	Minimum 900mm	900m on the western side and 2.1m on the eastern side	Yes
	Rear Setback (m)	Minimum 4m for single storey component and	4.5m from end of alfresco area to back fence.	Yes

		minimum 6m for two storey component.	8.5m from second storey to back fence	Yes
	Building envelope			No – Minor encroachment to building envelope with no adverse impact to privacy or overshadowing. Variation requested in this instance. *Explained in detail commencing on page 7.
<b>2.1.3</b>	Cut and fill	Cannot exceed 600mm measured from Natural Ground Level		Yes
	Ground floor levels	Maximum 800mm above Natural Ground Level		Yes
	Retaining wall	Forward of garage are masonry	N/A	N/A
<b>2.1.4</b>	Landscaped Area	50% in an R2 zone	50.7%	Yes  Minor amendment from numeric requirement.
<b>2.1.5</b>	<i>Articulation</i>  <i>Bulk and Scale</i>	Articulate all building forms and façades.  Two storey buildings to be designed as a combination of one and two storey elements with a variety of setbacks from boundaries.  External walls are not to be longer than 8m between distinct corners or features such as projecting	Façade and building forms incorporate articulation through stepped floor plans. Every elevation incorporates windows. Façade and dwelling incorporate a combination of brick, render, cladding (on western side of second storey) and wooden panelling with different roof pitches and feature windows.  Walls and feature windows break up the bulk and massing.	Yes  Yes  Yes

	<i>Balconies and decks</i>	verandas and awnings or banks of windows  Balconies and decks 800mm above ground to incorporate privacy measures e.g screening or landscaping	N/A – no balconies or decks proposed	N/A
	<i>Design</i>	Dwellings to front the street with front door and window to a habitable room. Garages integrated with the building façade. Size of driveways minimised.	The dwelling fronts the street with the front door and open living area also facing the street. The garage has been incorporated into the design of the façade using contrasting colours and materials to reduce visual dominance from the street.	Yes
	Garage Setback (m)	1m behind the building line	1m behind the building line	Yes
	Garage doors width	Total width of all garage doors facing a primary or secondary road frontage must not exceed: i) If the lot has a width of less than 15m measured at the building line – 4.8m ii) If the lot has a width of more than 15m measured at	5m  16m lot width at the building line (shown on bottom of Site Plan)	Yes

		the building line – 6m		
	Car parking	2 Accessible Spaces	Double garage and accompanied driveway to allow for stacked parking	Yes
<b>2.1.6</b>	Solar Planning	Dwelling meets acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access	The dwelling has been designed to maximise solar gain by the placement of windows on the northern elevation along with the addition of voids to receive ample natural sunlight.  The dwelling will receive the minimum amount of sunlight required to living zones and private open spaces along with the adjoining dwellings.	Yes
<b>2.1.7</b>	Garden Design and Fences	Retaining walls should be no taller than 600mm  Fences should be no taller than 1.8m and no taller than 1.2m along boundaries forward of the building line.	N/A – no retaining walls proposed  1.8m along the side and rear boundaries which is the same as the existing fence of the current site.  There will not be any fencing forward of the building line.	N/A  Yes
<b>2.1.8</b>	Significant Landscapes	The site is not identified as being part of a significant natural landscape precinct.	N/A	N/A
<b>2.1.9</b>	Significant Townscapes	The site is not identified as being within a significant townscape precinct.	N/A	N/A

#### 4.4 - Privacy, Views and Overshadowing

Part of the first floor of the dwelling to the western and eastern boundaries is outside of the building envelope and therefore a variation is requested in this instance.

The objectives in section 2.1.2 - *Setbacks and Building Envelope of Chapter D2 Residential Development* are to ensure that development does not compromise required building setbacks, allow space for vegetation and to ensure adequate privacy measures have been considered to reduce overlooking and privacy issues on neighbouring dwellings. The below table demonstrates how all objectives have been achieved and provides explanations on why the variation should be supported in this instance. The encroachment to the building envelope controls will not result in any adverse or detrimental impact to neighbouring dwellings despite not complying with the traditional building envelope.

The site is an irregular ‘fan shape’, common in cul-de-sacs, meaning it is naturally disadvantaged to meet requirements of this control in comparison to a traditional rectangular shaped lot.

The attached Shadow Diagram demonstrates that the shadows cast from the proposed development will not present any adverse impact on the neighbouring dwellings, ensuring they are still able to achieve adequate solar access despite the encroachment.

All setbacks to the proposed dwelling are compliant to ensure the bulk and scale is minimised when viewed from adjoining properties. The setbacks will also provide appropriate spatial separation between neighbouring dwellings and will remain compatible with the spatial characteristics of the streetscape.

<b>Objective</b>	<b>How it is being achieved</b>
To reflect the character of established garden suburbs	<p>The proposed development will reflect the character of established garden suburbs by incorporating mixed species of trees, plants and shrubs that will soften the bulk and scale of the dwelling and enhance the overall streetscape.</p> <p>The landscaping along the street frontage will respond to the natural topography of the site, maintain scenic quality and neighbourhood identity and enhance the natural ‘green’ setting demonstrated throughout Denintend Place.</p>
To provide for establishment of vegetation and reasonable separation between buildings	<p>The attached landscape plan demonstrates how the setbacks and building envelope allow substantial area for vegetation, including deep soil planting. A combination of trees, shrubs, and accent planting including ground covers and ample grassed areas have been proposed with sufficient area for future planting.</p> <p>Pencil pine conifers will be planted on the western boundary to provide screening and privacy separation between the neighbouring dwelling where the building envelope has the largest encroachment. The proposed</p>

	<p>Tristaniopsis Luscious tree in the rear setback will offer shading to the backyard along with the pencil pine conifers.</p> <p>The removal of the current shed will allow for a dedicated private open space area, increasing the current backyard size and providing required open space to enhance the overall amenity for current and future occupants.</p> <p>The proposed setbacks are similar to the current existing setbacks between neighbouring dwellings and the current single storey dwelling. The second storey has been designed to minimise overlooking and privacy as much as possible and will therefore have no adverse impacts.</p>
<p>To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open space.</p>	<p>The rear setback demonstrates how the principal area of private open space has been achieved with a significant area for landscaping along the fenced boundary including deep soil vegetation.</p> <p>The screening along the western and northern fence boundaries will provide a high level of visual and acoustic privacy for neighbouring dwellings. The chosen plants will complement surrounding landscaping of existing neighbouring dwellings and will have no interference.</p>
<p>To ensure that building design minimises overlooking problems</p>	<p>The dwelling has been designed to minimise overlooking concerns for both neighbouring dwellings. There are no living areas on the first floor that will face the east or west. The rooms facing the west on the first floor include:</p> <ul style="list-style-type: none"> <li>• Three bedrooms</li> <li>• One study</li> </ul> <p>Two of the bedrooms and the study will have windows facing the west which are ‘high light’ windows to reduce heating impacts and in addition will therefore have a very minimal effect on overlooking and protect the privacy of occupants residing in that dwelling. The other bedroom will have a window facing the north and therefore will have no overlooking impacts on the western neighbouring dwelling. Blinds will be added as window coverings to also assist with privacy for occupants of both dwellings.</p> <p>The rooms facing the east on the first floor include:</p> <ul style="list-style-type: none"> <li>• Two bedrooms</li> </ul>

	<ul style="list-style-type: none"> <li>• Bathroom and separate toilet</li> <li>• Ensuite</li> </ul> <p>The master bedroom will have part of the corner window facing the west however the use of window coverings (blinds/sheers) will minimise any overlooking impacts. The bathroom window facing the east will be frosted and the window in the separate toilet will be a highlight window, therefore no impact on privacy/overlooking. The ensuite window faces the south presenting no privacy impacts for neighbouring dwellings. This window will also be frosted. The other bedroom has no windows facing the east, with its only window facing the north.</p>
<p>To achieve site-responsive development</p>	<p>The proposed dwelling has been appropriately designed to respond to the natural constraints of the site, in particular the irregular shape of the lot.</p> <p>The irregular shaped lot has presented difficulties to comply with the building envelope set out in the DCP without compromising on amenity for the occupants of the dwelling by reducing or removing rooms and minimising living area space. The dwelling has been designed to be open plan, to cater for a diverse range of current and future occupants.</p> <p>The use of voids (one positioned at the front/southern side of the dwelling and a larger/prominent one on the back/northern side) have been designed to provide significant natural light to the dwelling, which has been accentuated with the choice of windows providing a high level of amenity to occupants.</p> <p>The dwelling has also been planned and designed around the existing pool which will be provide a great source of cooling for occupants in the warmer months given Penrith's extreme temperatures during summer.</p>
<p>To protect the amenity of occupants by controlling:</p> <ul style="list-style-type: none"> <li>i) visual impacts relating to height and bulk of buildings;</li> <li>ii) the impact of loss of privacy, overshadowing</li> </ul>	<p>The visual impact of the dwelling will enhance the existing streetscape and add character to the surrounding dwellings in Denintend Place. The combination of building materials have been carefully considered to control the visual bulk and scale of the overall structure.</p> <p>The proposed dwelling and associated landscaping will improve the amenity of occupants by providing them with enhanced natural light and space, which is something that the existing dwelling currently cannot provide.</p>

and loss of views.	The occupants in neighbouring dwellings will not be affected by loss of privacy as explained above and the overshadowing impacts will be minimal. The dwelling will have no adverse impact on loss of views to any of the neighbouring dwellings.
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## 5.0 - Conclusion

The proposed residential development is permissible subject to development consent under the provisions of LEP 2010 and in addition can satisfy the objectives of DCP 2014. The demolition of the existing single storey dwelling and construction of a new two storey dwelling will enhance the overall streetscape of Denintend Place and complement the existing, and likely future character of South Penrith. The proposal, including the requested variation, are not expected to have any adverse impacts on the surrounding natural or built environment and are consistent with the objectives in DCP 2014.

The new dwelling and associated landscaping will improve the level of amenity for current and future occupants by maximising the use of natural light and solar gain with the appropriate positioning of living areas and windows. The dwelling has been carefully planned to utilise environmental design principles and features to improve the overall environmental performance and provide housing diversity to the South Penrith neighbourhood.