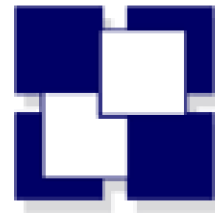


REPORT NO. J22.010S

MARCH 2022



benchmark
BUILDING CERTIFIERS

**LOT 6 DP 38628 (NO. 94-98) NEPEAN AVENUE,
PENRITH – PROPOSED DETACHED PAVILION,
GYM, SWIMMING POOL AND SHED
STATEMENT OF ENVIRONMENTAL EFFECTS**

**FOR: [REDACTED]
PENRITH CITY COUNCIL**

**PREPARED BY: ANTHONY KRILICH
BENCHMARK BUILDING CERTIFIERS**

LOT 6 DP 38628 (NO. 94-98) NEPEAN AVENUE, PENRITH – PROPOSED DETACHED PAVILION, GYM, SWIMMING POOL AND SHED

PROPERTY AND PROJECT DESCRIPTION:

PROPERTY:	Lot 6 DP 38628 (No. 94-98) Nepean Avenue, Penrith
PROJECT:	Proposed detached pavilion and gym buildings, outdoor swimming pool, shed and other site works
ZONING:	“R5 – Large Lot Residential” - zone under <i>Penrith Local Environmental Plan 2010 (PLEP2010)</i>

THE SITE / BACKGROUND:

The subject site is located at Lot 6 DP 38628 (No. 94-98) Nepean Avenue in Penrith. The allotment is a larger allotment with a site area of 1.438Ha. The allotment is generally regular in shape and is located at the end of Nepean Avenue.

Development consent **DA21/0167.01** was granted by Penrith City Council on the 2 November 2021 and modified the original DA that was issued on the 1 July 2021. This development consent approved a single storey dwelling, which is currently being constructed on the site along with other ancillary structures. As part of this development approval, the sewage management system for the dwelling house was also approved (septic holding tank with a connection to the sewer main).

The Nepean Avenue location is affected by flooding as part of the Peachtree Creek and Nepean River floodplain. Council under DA21/0167.01 determined the 1% AEP flood level for this site to be at RL26.9m AHD, with the habitable floor levels for the dwelling house required at RL27.4m AHD (1% AEP + 500mm freeboard).

Ground levels at the front boundary of the site are at about RL27.2m AHD. The site slopes to the rear with the rear boundary with levels at the rear at about RL23.2m AHD. The existing ground levels in the area of the gym/pavilion/swimming pool development range from RL26.4m to 25.6m AHD.

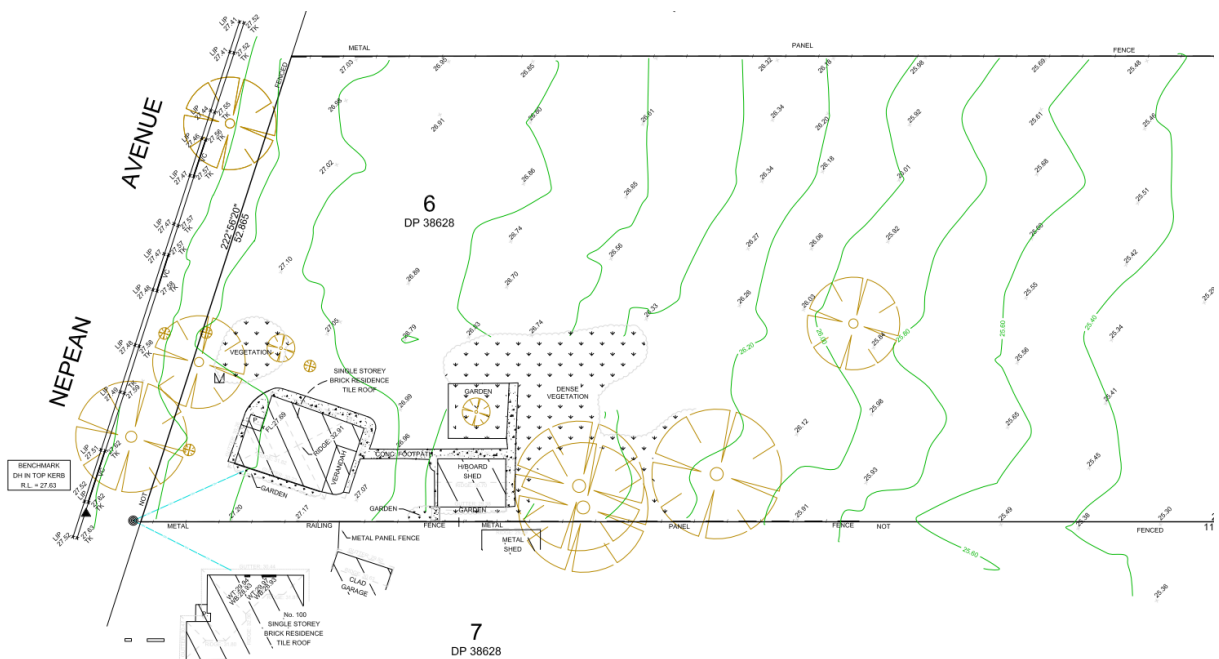
The Penrith and Nepean Avenue area is an older established residential area. Other dwellings in the immediate locality are of older and newer single or two storey design, and many of the older homes within the immediate area have been recently replaced or refurbished with larger executive style single or two storey dwellings.

A copy of the site survey and aerial photographs of the site is provided below. Photographs of the site as currently applying to the site are provided for in the Appendix to this Statement.

AERIALS OF THE SITE & SURVEY:



Above/Below – Aerial photo of site and general locality within the Penrith area / Site survey and levels applying to the site prior to dwelling construction.



Lot 6 DP 38628 (No. 94-98) Nepean Avenue, Penrith – Proposed detached pavilion, gym, swimming pool and shed



PROPOSED DEVELOPMENT:

The proposed development seeks to undertake the following works on the land:

The construction of non-habitable buildings to the rear of the dwelling house which includes the following:

- **A development platform for the intended buildings and associated retaining walls, low height fencing, screening, paving and landscaping;**
- **A non-habitable pavilion and gymnasium building with a connecting roofed area (with a bathroom and sauna also included);**
- **An in-ground swimming pool (as a lap pool) and associated bathing areas and water pond features;**
- **Extensive landscaping features such as a fire pit, retaining walls, and driveway works;**
- **A new front fence /landscaping fence and entry gate design;**
- **A non-habitable shed (17m x 12m) to the rear of the site.**

The proposed developments are generally to be located behind the current dwelling which is under construction on the site.

The development is to be located approximately 5.2m from the northern boundary at its closet point, while the detached shed is proposed at a distance of 5m to the southern boundary.

This shed is proposed as a steel / Colorbond structure built on a concrete slab-on ground. The detached shed is proposed at a distance of about 47m from the dwelling and accessed by a sealed driveway. The rear setback of the shed is over 165m.

This Statement of Environmental Effects will address the proposed development against the provisions of the *Environmental Planning and Assessment Act* (Section 4.15) and relevant development standards as listed in the relevant planning documents applying to the site.

HEADS OF CONSIDERATION:

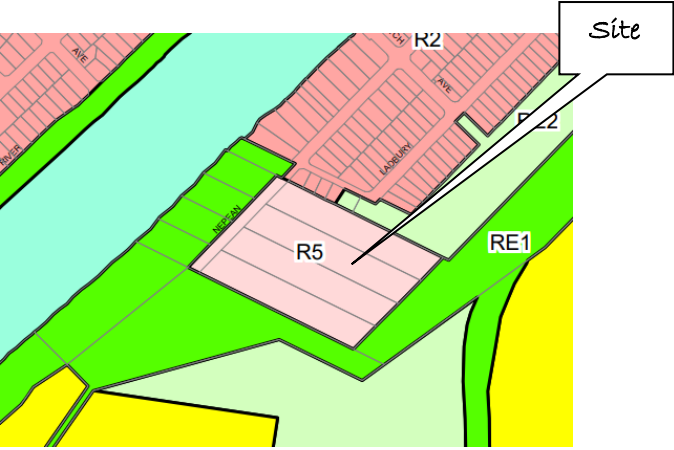
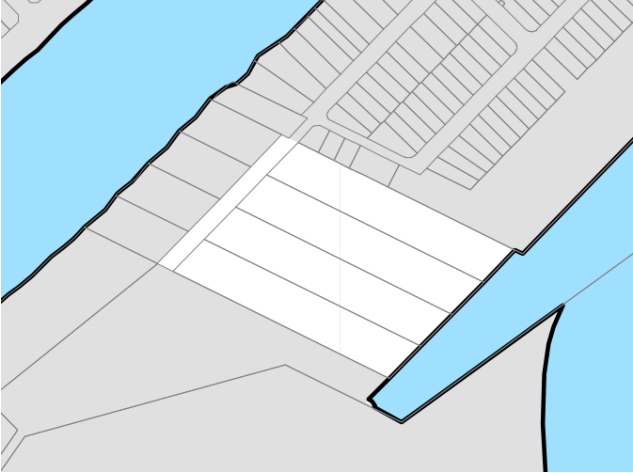
The following heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* apply:

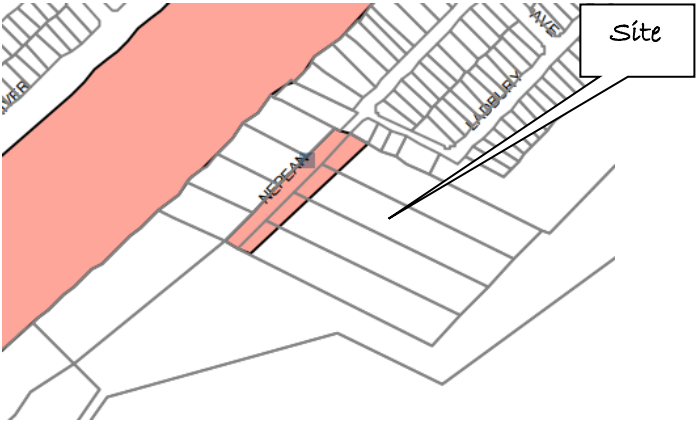
“the provisions of any environmental planning instrument”

<i>Planning Instrument:</i>	<i>Penrith Local Environmental Plan 2010 (PLEP2010)</i>
<i>Use:</i>	<i>“dwelling house” (and ancillary development uses), “swimming pool” and “shed”</i>
<i>Zoning:</i>	<i>R5 – Large Lot Residential</i>

Penrith LEP 2010 Map Summary:

The following summary of land use controls as shown in the maps within *PLEP2010* applies to the subject land for the Penrith area (Map 006 applies). These controls are also further expanded upon in the Statement.

ZONING MAP:	<ul style="list-style-type: none"> R5 – Large Lot Residential zone. 
MINIMUM LOT SIZE MAP:	<ul style="list-style-type: none"> 20000m² ("Z").
HEIGHT OF BUILDINGS MAP:	<ul style="list-style-type: none"> "I" – 8.5m.
LAND APPLICATION MAP:	<ul style="list-style-type: none"> No map applies to the site.
CLAUSE APPLICATION MAP:	<ul style="list-style-type: none"> The site is identified as being 'Flood planning land' under the clause application map.
FLOOR SPACE RATIO MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
FLOODING INDEX MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site (although flood planning applies for development). 
KEY SITES MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.
URBAN RELEASE MAP:	<ul style="list-style-type: none"> No map applies to the site.
LAND RESERVATION ACQUISITION MAP:	<ul style="list-style-type: none"> This development standard is not applicable to the site.

SCENIC & LANDSCAPE VALUES MAP:	<ul style="list-style-type: none"> ▪ The front of the site is located within Scenic and Landscape Values Map, as shown below. 
HERITAGE INDEX MAP:	<ul style="list-style-type: none"> ▪ This development standard is not applicable to the site.
NATURAL RESOURCES SENSITIVITY LAND MAP:	<ul style="list-style-type: none"> ▪ This development standard is not applicable to the site.
ADDITIONAL PERMITTED USES MAP:	<ul style="list-style-type: none"> ▪ This development standard is not applicable to the site.
ACTIVE STREET FRONTAGES MAP:	<ul style="list-style-type: none"> ▪ This development standard is not applicable to the site.
LAND RECLASSIFICATION MAP:	<ul style="list-style-type: none"> ▪ No map applies to the site.

Permissibility and Proposed Use:

PLEP2010 permits *dwelling houses* and associated structures such as swimming pools, detached outbuildings, landscaping features and sheds in the R5 – *Large Lot Residential* zone with development consent.

The definition for a *dwelling*, *dwelling house*, and *swimming pool* under PLEP2010 are as follows:

dwelling house means a building containing only one dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note—

The term is defined as follows—

swimming pool means an excavation, structure or vessel—

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

The proposed development is considered to fully comply with the above definitions.

Other ancillary development and structures (such as the pavilion/gym buildings, retaining walls and shed) are ancillary to the dwelling house use on the site and are also permissible with development consent.

Zone Objectives:

PLEP2010 explains the objectives of the *R5 – Large Lot Residential* zone. These objectives and comments on how the development compares with these objectives are provided as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.

The proposed development will complement the existing approved dwelling house and the development is considered to comply with this objective. The design of the development is considered to be very compatible with the residential / semi-rural setting and the developments location is considered to be one that will have minimal impacts on the environment and on the scenic quality of the area.

- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.

The proposed development is a permissible use on the site and will not hinder any future urban area development, if this was to occur for this site.

- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.

The proposed development will not increase the demand for public services or public facilities. All appropriate service providers will be contacted with respect to the provision of electricity, water and sanitary drainage.

Effluent treatment and waste disposal was approved via DA 21/0167.01 and the additional development will not affect this approval as all sanitary drainage is being disposed of to the sewer.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development will not impact on any land uses within any adjoining zones, with the main adjoining zone being R2 – Low Density Residential not being affected.

- To ensure development is of a scale and nature that is compatible with the environmental capabilities of the land.

The proposed development is of a scale and nature that will be compatible with the environmental capabilities of the land. The site for the development is to be behind the existing approved dwelling house and the site is a cleared site that is appropriate for development. The development will therefore not detrimentally affect the environmental capabilities of the land. No additional or unreasonable increase of public services or public facilities will result from the use of the proposed development. Wastewater is being disposed of to the sewer and not on the site (as originally proposed in original development consent).

The overall objectives of *Penrith Local Environmental Plan 2010*, while broad and relating to the whole of the City, are also considered to be satisfied.

Relevant Development Standards of PLEP2010:

The following *relevant* development standards in *PLEP2010* apply to the land and to the development.

Clause 4.3 – Height of Buildings

*Clause 4.3(2) requires that all buildings comply with the Height of Buildings Map. The maximum height of the development is at approximately **5m for the pavilion building** and **5.9m for the shed** and is less than the 8.5m maximum that is specified in the Height of Buildings Map.*

Clause 7.2 – Flood Planning

Flood planning level means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard.

The development site is identified as being flood liable land and is affected by the 1% Annual Exceedance Probability (AEP) flood level by the Peachtree Creek Floodplain and the Nepean River Floodplain.

*As mentioned previously, Penrith City Council under DA21/0167 determined the 1% AEP flood level for this site to be at **RL26.9m AHD**, with the **habitable floor levels** for the dwelling house required at **RL27.4m AHD (1% AEP + 500mm freeboard)**.*

*Ground levels at the front boundary of the site are at about **RL27.2m AHD**. The site slopes to the rear with the rear boundary levels at about **RL23.2m AHD**. The existing ground levels in the area of the gym/pavilion/swimming pool development range from **RL26.4m to 25.6m AHD**.*

Plans for the development show that the new pavilion/gym development area platform is to be built at **RL26.884m** AHD which is 16mm below the 1% AEP level for the site. The detached shed is also to be at a lower level, being at RL25.4m AHD.

The development however is for **non-habitable buildings/works** and is not subject to flood planning and floor level controls under this Clause of PLEP2010.

The matters under this clause are therefore considered to be satisfactory and the comments under Section 3.5 of PDCP2014 in this Statement should be referred to for an expanded discussion concerning development on flood liable land.

Clause 7.4 – Sustainable development

The development site is considered to satisfy the considerations under this clause for sustainable development. The development will:

- Meet the NSW State Government targets of BASIX, therefore conserving water and energy and overall leading to housing development that reduces carbon dioxide emissions,
- Use suitable materials and building processes,
- Have a suitable building design and orientation that will complement/match that of the approved dwelling house,
- Incorporate access to sunlight and usable private open space areas,
- Have suitable natural ventilation to all rooms,
- Incorporate waste minimisation and recycling as appropriate for a residential development (refer to waste management plan),
- Be located in an area which will result in a reduction of vehicle dependence (not far from the Penrith CBD and Penrith Railway Station and served well by the local bus services), and
- Have good accessibility, especially as the development proposes a low height single storey development with minimal changes in levels.

Clause 7.5 – Protection of scenic character and landscape values

The front setback areas of the land are identified as having scenic and landscape values under the map within PLEP2010. The majority of the land, including the areas where the development is occurring are however clear of this scenic and landscape value area.

This clause requires Council to consider the ‘visual impact’ of the development, as seen from ‘major roads and other public places’.

The proposed development has **no significant visual impact** as the development site is mainly behind the building line established by the existing dwelling and is seen as infill development. All intended construction will also be in keeping with the approved dwelling house and surrounding residential land uses.

The development is of a suitable **low single storey height** that minimises the visual impact of the development (maximum height of about 5m for the pavilion building).

The detached shed is located behind the dwelling and these other proposed structures, and is at a lower height than that of the dwelling house (a floor height which is 2m lower than the house).

The new development will therefore be in keeping with the surrounding residential land uses and the design, appearance and location of the development limits any visual impacts.

The site and area is also not affected by any heritage provisions and the development will have no heritage impacts.

*The visual impact of the development is therefore considered to be minimal and is considered to **comply with the objectives** of the clause that requires:*

- *To identify areas that have particular scenic value either from major roads, identified heritage items or other public places, and*
- *To ensure development in these areas is located and designed to minimise its visual impact.*

Clause 7.6 – Salinity

The development site is not considered to be of high risk of salinity or saline prone. The provisions of this clause are therefore considered to not be applicable to the development.

Clause 7.7 – Servicing

Servicing arrangements for the proposed development are considered to be able to be easily met and achieved. Stormwater drainage for the development will drain to rear of the site via rainwater tanks that are being installed for the dwelling house and the new development. All roof water collected from the development will also be utilised for the topping of the swimming pool and garden watering.

The final disposal of stormwater will be via a level spreader system at the far rear of the site which drains to the natural drainage channel/creek areas to the rear of the site.

The site is also currently serviced by reticulated water and electricity and all appropriate service authorities will be consulted as part of the development proposal.

Effluent treatment and waste disposal was modified with the modified development consent. All sanitary drainage is being connected to the Sydney Water sewer system from an on-site holding tank.

Penrith Local Environmental Plan 2010 has no other relevant clauses, provisions or development standards that apply to the intended dwelling house development.

Other environmental planning instruments:

The operation of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies to all residential development in NSW. Competing provisions within Councils own local environmental plan or development control plan therefore do not apply due to the *BASIX SEPP*. Two BASIX certificates have been prepared; one for the new dwelling additions and for the secondary dwelling.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and Chapter 4 as applying for the *Western Sydney Aerotropolis* applies over much of the land within the Penrith Local Government Area. The provisions in this *SEPP* for *Obstacle Limitation Surface Map* standards for development operate now for most of Western Sydney. In addition, the provisions of the *Wildlife Buffer Map* (13kms) and the *Wind Turbine Buffer Zone Map* (30kms) are not applicable for the intended development on this site. Importantly, the site is not affected by any airport noise and is not subject to the *Noise Exposure Contour Map* of the *Western Sydney Aerotropolis* component of the *SEPP*.

The provisions *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and Chapter 9 as applying to the *Hawkesbury / Nepean River* are considered to have been satisfied with the development.

The operation of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and development that is 'exempt' development should also be noted and applies for *R5 – Large Lot Residential* zones. Being an *R5 – Large Lot Residential* zoning, the provisions of the **Rural Housing Code** could possibly apply to the development.

There are no other relevant environmental planning instruments that apply to the proposed development.

“the provisions of any draft environmental planning instruments”

Penrith Local Environmental Plan 2010 has recently been adopted and there are therefore no draft environmental planning instruments applying to the land.

As *Penrith Local Environmental Plan 2010* is generally a newer planning instrument, future or draft environmental planning instruments are unlikely for this locality for some time.

“any development control plan”

Development Control Plans: *Penrith Development Control Plan 2014 (PDCP2014)*

PENRITH DEVELOPMENT CONTROL PLAN 2014:

Penrith Development Control Plan 2014 (PDCP2014) was adopted by Penrith City Council on the 23 March 2015 and came into operation on the 17 April 2015.

The main sections of *PDCP2014* that apply to the development are as follows:

- ***Penrith DCP 2014 – Part C1 to C13.***
- ***Penrith DCP 2014 – Part D1 – Rural Land Uses (D1.2 – Rural Dwellings and Outbuildings)***

The following relevant development controls of *PDCP2014* apply to the proposal and some sections are further expanded upon.

<u>PART C – PDCP2014</u>		
<u>PDCP2014 SECTION</u>	<u>REQUIREMENTS IN SUMMARY</u>	<u>COMMENTS</u>
C1 – SITE PLANNING AND DESIGN PRINCIPLES:	<ul style="list-style-type: none"> ▪ <i>Gateway sites</i> ▪ <i>Visual impact statement</i> ▪ <i>Design principles</i> ▪ <i>Fencing</i> 	<p>The site is not a gateway site as identified in <i>PDCP2014</i>. A part (small strip) of the front of the site is identified on the ‘Scenic and Landscape Values Map’.</p> <p>The proposed development has a very low and no significant visual impact and the development will be in keeping with the surrounding residential land uses.</p> <p>The visual impacts and site planning and design principles of the development are therefore considered to be satisfactory.</p> <p>The development will be in keeping with the surrounding residential land uses which are all predominately residential.</p> <p>The development is also seen as development that is infill style residential development and the development is located in an appropriate area on the site (refer to photos in Appendix for the site location and a visual assessment).</p>

		<p>The development proposes no new inter-allotment fencing with all fencing to remain. Any required replacement will occur with adjoining owner consent.</p> <p>A <u>front fence / landscaping hedge</u> is however proposed with the development and is considered to be suitable for the site and will complement the Nepean Avenue area while providing for site privacy.</p> <p>Retaining walls as part of the development area also proposed to be built as part of the development platform). All retaining walls will be designed to engineering details and requirements.</p>
<p>C2 – VEGETATION MANAGEMENT:</p>	<ul style="list-style-type: none"> ▪ <i>Tree preservation</i> ▪ <i>Biodiversity impacts</i> ▪ <i>Bush fire management</i> 	<p>The proposed development requires the removal no significant trees and all trees and shrubs associated with the existing dwelling on the site will be retained. One minor internal tree is the only tree removal required and this removal is considered to be satisfactory.</p> <p>The site is also identified as being located on land that is identified as being partially bushfire prone land. An extract from the Penrith City Council bushfire prone land map is shown below. The front half of the site is however not bushfire prone land.</p> <p>Development consent DA21/0167 required <u>no bushfire construction</u> for the dwelling house and similarly, the new development will also have no requirement for compliance under AS3959-2018. The pavilion/gym building is also at a distance of about 7m to the dwelling house.</p> <p>The requirements of Condition 5 of DA21/0167 for the maintenance of an inner protection area (IPA) for bushfire compliance will also apply to the new works.</p>



Above – Extract of bushfire prone land map.

<p>C3 – WATER MANAGEMENT:</p>	<ul style="list-style-type: none"> ▪ <i>Water management and catchment</i> ▪ <i>Flood liable land</i> ▪ <i>Watercourses</i> ▪ <i>Ground water</i> ▪ <i>Stormwater management</i> ▪ <i>Water retention</i> ▪ <i>Rainwater tanks</i> ▪ <i>WSUD.</i> 	<p>The proposed development will not significantly affect water management principles or affect the catchment area of any neighbouring creeks, all of which are at a large distance to the rear of the site.</p> <p>All roofwater and stormwater drainage, including overflows from rainwater tanks, will be conveyed to rainwater tanks and overflows to a level spreader system at the rear of the site.</p> <p>The development will not affect and not be affected by any watercourses or ground water.</p> <p>The development will incorporate water saving methods to achieve State Government water targets through BASIX (such as the use of appropriate water rated fixtures).</p> <p>As described previously, the site is identified as being flood liable land and the requirements relating to flooding are expanded upon further below:</p>
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<p>C3.5 – FLOOD PLANNING:</p> <p>The following controls under Part C apply to the development:</p>	
<p>1 – SUBMISSION REQUIREMENTS</p>	<p>The development application complies with the submission requirements of <i>PDCP2014</i>.</p> <p>Development application submission requirements include the following matters to be noted:</p> <ul style="list-style-type: none"> ▪ All drawings for the new development being to levels determined by the Australian Height Datum (AHD).

	<ul style="list-style-type: none"> ▪ An existing survey of the site and levels of the site being provided by “RHCO Surveying & Development Consultants”, with the architectural drawings based on these levels. ▪ All buildings are proposed as non-habitable buildings. <p><i>PDCP2014</i> requires applications to demonstrate a number of objectives in relation to development on flood liable land. The way this development is considered to comply with these objectives is listed below:</p> <p><i>The development will not increase the flood hazard or risk to other properties.</i></p> <ul style="list-style-type: none"> ▪ The proposed development of the site will not increase the flood hazard or risk to other properties. The development proposes works that will be compliant with Councils <i>PDCP2014</i> controls. ▪ The new development proposes suitable setbacks and undeveloped areas to the rear so as to allow any flood flows through the site. Side setbacks for the development will also allow for the free flow of flood waters across the site (minimum 5m setbacks to side boundaries). ▪ The development proposes non-habitable buildings which will not be affected by flooding. <p><i>The structure of the proposed building works shall be adequate to deal with flooding situations.</i></p> <ul style="list-style-type: none"> ▪ The proposed construction of the development is adequate to deal with the flooding situations. The non-habitable buildings are proposed to be constructed on a filled building platform, retained via both retaining walls and by part of the swimming pool structure. The development therefore proposes all works below the flood planning level or to be of <u>flood compatible construction</u>. ▪ The non-habitable buildings are to be located within the flood planning area but these structures are subject to the provisions of Part 5 (below). Where required, separate structural <u>engineering certification</u> for the development to withstand the flooding loads is to be provided with the construction certificate application. ▪ The <i>National Construction Code Series – Building Code of Australia (BCA2019)</i> specifically requires compliance with development on flood prone land under the provisions of Part 3.10.3 - Flood Hazard Areas. <i>BCA2019</i> requires that all development must be constructed in accordance with the <i>ABCB Standard for Construction of Buildings in Flood Hazard Areas</i>. Non-habitable buildings are, however, not required to comply with Part 3.10.3 of <i>BCA2019</i> as it only applies for Class 1 buildings, not Class 10 buildings. <p><i>The proposed building materials are suitable.</i></p> <ul style="list-style-type: none"> ▪ The proposed building materials are suitable. All development below the flood planning level will be of <u>materials that are compatible</u> with potential water inundation during flooding (predominately concrete and masonry and steel).
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	<p><i>The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation.</i></p> <ul style="list-style-type: none"> ▪ The development is sited in the optimum available position on the site to avoid the flood waters. ▪ Be located at a height that is nearer the 1% AEP and suitable for non-habitable buildings. ▪ As described previously, the design of the development enables flood flows through the rear of site and also along the sides of the site. ▪ Safe <u>flood access is improved</u> in that the new development will allow for timely evacuation during flood events from a dwelling house height that is compliant with the flood planning levels. ▪ Flood access for evacuation is <u>not being changed or altered</u> with the proposed development, as is currently experienced on this site. Flood access is however practically achieved for the development through the road network for the Penrith area. ▪ Flood access for evacuation is <u>not being changed or altered</u> with the proposed development. <p><i>The proposed redevelopment will not expose any resident to unacceptable levels of risk or any property to unreasonable damage.</i></p> <ul style="list-style-type: none"> ▪ The new development will not expose any resident of unacceptable risk and no increase in densities are proposed with the development. ▪ Neighbouring property risks is also improved by allowing the direct flow of flood waters through the site and not damming or blocking the flood flows through the site. <p><i>Compliance of any existing buildings.</i></p> <ul style="list-style-type: none"> ▪ The development involves no existing buildings. All existing buildings (the dwelling) comply with these <i>PDCP2014</i> controls.
<p>2 – FLOOD HAZARD CLASSIFICATIONS</p>	<p>The flood hazard classification is considered to be suitable for re-development of the site.</p> <p>Any impacts from flood hazard (such as from higher velocities and flows) will be subject to separate engineering certification for the development.</p>
<p>3 – RESIDENTIAL – NEW DEVELOPMENTS – SINGLE DWELLINGS</p>	<p>The proposed dwelling house has been approved under development consent DA21/0167 and this (habitable) building complies with the provisions of this section of <i>PDCP2014</i>.</p> <p>The new works proposed under this new development application are non-habitable buildings and the provisions under this section of <i>PDCP2014</i> do not apply to the development.</p>

	Compliance with this Part of <i>PDCP2014</i> in relation to Flood Liable Lands is therefore not applicable for the proposed development.
4 – RESIDENTIAL – MINOR EXTENSIONS	The provisions of Part 4 are not applicable to the development. No habitable buildings are proposed with the development.
5 – NON-HABITABLE EXTENSIONS OR ALTERATIONS, OUTBUILDINGS AND SWIMMING POOLS	<p>The proposed development for the purposes of a <u>pavilion/gym building</u> and associated <u>swimming pool</u> are all non-habitable buildings and extensions, falling under this category of <i>PDCP2014</i>.</p> <p>Similarly, the <u>detached shed</u> is also a non-habitable building and the development also falls under this Part.</p> <p>All development will comply with the provisions of this section of <i>PDCP2014</i>.</p> <p>These provisions are as follows:</p> <p><i>All electrical services associated with the development shall be adequately flood proofed / flood sensitive equipment locations.</i></p> <ul style="list-style-type: none"> ▪ The proposed development will comply with this requirement. All electrical services associated with the pavilion/gym building and the detached shed will be flood proofed. ▪ All flood sensitive equipment will be located above the 1% AEP.

C4 – LAND MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Site stability and earthworks</i> ▪ <i>Landfill</i> ▪ <i>Erosion and sedimentation</i> ▪ <i>Contaminated lands</i> ▪ <i>Salinity</i> 	<p>The development site has a gradual slope to the rear of the site. The proposed development will therefore require additional <u>fill</u> for the creation of the building platform for the swimming pool / pavilion and gym buildings. This fill to a maximum depth of 1.2m is required for the creation of this building platform.</p> <p>All fill will be contained within the retaining walls for this platform and levels outside of the platform area will be taken to existing ground levels.</p> <p>Similarly, the detached shed will incorporate a suitable cut and fill platform for construction of the slab floor system of the shed.</p> <p>All ground and fill levels are proposed to achieve the required levels for development. All fill material that is to be imported into the site will be VENM.</p> <p><u>Erosion and sediment controls</u> will be implemented during construction works (refer to erosion control details on plans).</p>
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		<p>The site is not a known contaminated land site and has no contamination issues with the site.</p> <p>Salinity is also considered to not be of concern for the development or the area, and no specific construction techniques are required for the development.</p>
C5 – WASTE MANAGEMENT:	<ul style="list-style-type: none"> ▪ <i>Waste management plans</i> ▪ <i>Hazardous waste management</i> ▪ <i>On-site sewage management</i> 	<p>The waste management procedures to be adopted for the development are addressed in the waste management plan prepared for the development.</p> <p>No hazardous waste will result from the development.</p> <p>Effluent treatment and waste will be connected to Sydney Water's sewer system (via a pump to the sewer from a holding tank on site).</p>
C6 – LANDSCAPE DESIGN:	<ul style="list-style-type: none"> ▪ <i>Landscaping of the site</i> 	<p>The provisions of Part D1.2 of <i>PDCP2014</i> generally apply for landscaping considerations and the landscaping design is part of this development proposal.</p> <p>Most existing trees and other vegetation located on the development site will be retained and augmented by additional landscaping, as shown on the landscaping plans prepared for the development.</p> <p>Garden plantings and landscaping of the site around the proposed dwelling house will be implemented by the owners of the site (as part of their occupation and use of the site).</p> <p>Extensive screen landscaping to the front fence and side boundaries of the development are proposed, while extensive existing landscape screening is also present on some neighbouring sites.</p> <p>All landscaping is considered to be of a very high quality and will only improve the appearance and outlook of the development.</p>
C7 – CULTURE AND HERITAGE:	<ul style="list-style-type: none"> ▪ <i>European heritage</i> ▪ <i>Aboriginal culture and heritage</i> 	<p>The site has no European or Aboriginal cultural / heritage significance or potential for this significance.</p> <p>There is also no item of heritage or conservation area that is located nearby.</p>
C8 – PUBLIC DOMAIN:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The development requires no improvements or works in the public domain.</p>

C9 – ADVERTISING AND SIGNAGE:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	The development requires no advertising or signage.
C10 – TRANSPORT, ACCESS AND PARKING:	<ul style="list-style-type: none"> ▪ <i>Transport and traffic</i> ▪ <i>Roads</i> ▪ <i>Parking, access and driveways</i> ▪ <i>Pedestrians connections</i> ▪ <i>Bike facilities</i> 	<p>The development is serviced by a sealed public road and access to Nepean Avenue will be via a new private driveway. Driveway crossings to the public road have been consented to under DA21/0167 and these will be built with the approval of Council and are slightly being amended with this proposal.</p> <p>Adequate parking and garaging is proposed with the development and a new driveway extension is proposed for the rear detached shed.</p> <p>The driveway design also incorporates landscape features at the front.</p> <p>No other specific transport, traffic or access provisions apply to the development or that restrict the development. Pedestrian facilities and bike facilities are not required with this type of development.</p>
C11 – SUBDIVISION:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	No subdivision of land is proposed or required as part of this application.
C12 – NOISE AND VIBRATION:	<ul style="list-style-type: none"> ▪ <i>Road noise</i> ▪ <i>Aircraft noise</i> ▪ <i>Vibration and blasting</i> 	<p>Nepean Avenue is not a major road and the development is not affected by any road or traffic noise.</p> <p>Adequate separation distance also exists to the M4 Motorway and the Western Rail Line.</p> <p>The development site is also not affected by any future aircraft noise from the <i>Western Sydney International (Nancy Bird Walton) Airport</i>.</p> <p>The development will also not require any blasting to occur, and vibration from excavation works (due to the silt /clay soil types) will be minimal.</p>
C13 – INFRASTRUCTURE AND SERVICES:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The site is serviced by a reticulated water supply and sewer (by Sydney Water).</p> <p>Electricity is also available for the development, and all relevant authorities will be consulted.</p>

PART D1.2 – RURAL DWELLINGS AND OUTBUILDINGS

PDCP2014 has no specific provisions applying for the *R5 – Large Lot Residential* zones. The previous version of the DCP (*PDCP2010*) explained that that residential development on *R5 Large Lot Residential* zones must comply with the relevant controls within Chapter D1 of *PDCP2010*. *The Rural Housing Code* also now applies to *R5 – Large Lot Residential* zones.

Part D1 as applying to Rural Dwellings and Outbuildings is therefore the only part of *PDCP2014* applicable to development on the site for purposes of a dwelling house. The detached shed has also incorporated some of these principles (like setbacks) but no specific provisions apply for the dwelling house or shed on this zoned land.

These considerations are therefore expanded upon as follows:

<u>PDCP 2014 SECTION</u>	<u>REQUIREMENTS</u>	<u>COMMENTS</u>
<p>1.2.1 – SITING AND ORIENTATION OF DWELLINGS AND OUTBUILDINGS:</p>	<ul style="list-style-type: none"> ▪ <i>Site planning issues</i> ▪ <i>Landscape and scenic quality</i> 	<p>The intended site location and site planning for the development is seen to comply with these general provisions of <i>PDCP2014</i>.</p> <p>The proposed development maximises access to sunlight and proposes suitable filling as allowable for a larger semi-residential/rural lot.</p> <p>The development will also result in a very acceptable landscape and scenic quality outcome for the locality and area, as shown in the comprehensive and appealing landscaping plan for the development.</p> <p>The development has been designed with respect to site slope and topography, and to the required flood planning levels for the site (and matching the height of the dwelling house on the site).</p> <p>The pavilion/gym building and detached shed will not protrude above any ridge lines (which are not present) or tree line canopies (such as those surrounding the area).</p> <p>The visual impact of the proposed development is therefore considered to be satisfactory and very acceptable for the locale (refer to Appendix for photographs).</p>

<p>1.2.2 – SETBACKS AND BUILDING SEPARATION:</p>	<ul style="list-style-type: none"> ▪ <i>Setbacks from roads for dwellings and outbuildings (15m)</i> ▪ <i>Side setbacks – Minimum 5m (< 2Ha) for dwellings</i> ▪ <i>Watercourse setbacks</i> 	<p>The new development does not alter the <u>front setback</u> for the site, and all works are behind the approved dwelling house.</p> <p>The closest <u>side setback</u> for the dwelling house is at 5.2m (to the northern boundary) and this also complies with <i>PDCP2014</i> minimum of 5m which applies for dwellings.</p> <p>The detached shed proposes a side setback to the southern boundary of also 5m, which also complies with the <i>PDCP2014</i> minimum for development.</p> <p>There are no building envelopes restricting the placement of development on the site.</p> <p>Setbacks to the Nepean River exceed 100m.</p> <p>There are also no defined watercourses located on the allotment and all setbacks exceed 40m to any nearby watercourse.</p>
<p>1.2.3 – SITE COVERAGE, BULK AND MASSING:</p>	<ul style="list-style-type: none"> ▪ <i>Maximum dimensions 45m overall and 18m at any point</i> ▪ <i>A maximum of three car garages facing road</i> ▪ <i>70% FSR of lower storey for upper storey</i> ▪ <i>Dwelling footprint maximum 500m²</i> ▪ <i>Maximum ground floor footprint of 600m² of all structures on the site</i> <p><i>Ground floor footprint is defined as “the area measured from the external face of any wall of any dwelling, outbuilding (other than farm building), dual occupancy dwelling, garage or undercover car parking area, animal house or garden shed”.</i></p> <p><i>The definition for “outbuildings include garages, garden sheds, small-scale storage sheds for nonagricultural purposes, outdoor toilets, etc..”</i></p>	<p>The site coverage, bulk and massing of the development is generally considered to be satisfactory due to the large size of the lot and the very high quality of design proposed on this site.</p> <p>The overall building dimension area is less than the 45m maximum length and no dimension exceeds 18m in any plane.</p> <p>The building also incorporates suitable staggering and significant articulation to all elevations.</p> <p>No unreasonable length of walls are proposed with the development. The maximum dimensions of the building are therefore considered to comply with the <i>PDCP2014</i> provisions.</p> <p>The development is also of a low single storey height which also limits the bulk and scale of the development.</p> <p><i>PDCP2014</i> requires a maximum ground floor footprint for the dwelling (including parking areas) of 500m². The ‘ground floor footprint’ definition excludes areas that are not enclosed by a “wall” (such as verandahs, alfrescos and patios).</p>

		<p>The total development footprint equals about 744m², which exceeds the <i>PDCP2014</i> controls.</p> <p>The detached shed has a floor area of 204m² in this area.</p> <p><i>PDCP2014</i> also requires that the maximum ground floor footprint of <u>all structures</u> on the site is 600m². The development footprint (incorporating the dwelling house, pavilion/gym building and the detached shed) therefore equals about 948m², which also exceeds the <i>PDCP2014</i> controls.</p> <p>There are no upper floor areas with the development.</p> <p>Accordingly, a request to vary this <i>PDCP2014</i> control for <u>dwelling ground floor footprint</u> and <u>allotment maximum ground floor footprint</u> is provided below:</p>
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PENRITH DCP2014 VARIATION REQUEST – <u>SITE COVERAGE</u>

The following summary of non-compliance with *Penrith Development Control Plan 2014* is identified:

DEVELOPMENT CONTROL PLAN:	<ul style="list-style-type: none"> ▪ <i>Penrith DCP2014</i>
RELEVANT DCP SECTION:	<ul style="list-style-type: none"> ▪ <i>Part D1 Rural Land Uses Section 1.2.3 – Site Coverage, Bulk and Massing</i>
DCP DEVELOPMENT CONTROL:	<ul style="list-style-type: none"> ▪ <i>Dwellings to have maximum “ground floor footprint” of 500m².</i> ▪ <i>Maximum ground floor footprint (as defined in DCP) of 600m² for the dwelling and all associated structures.</i>
NON-COMPLIANCE ISSUE:	<ul style="list-style-type: none"> ▪ <i><u>Dwelling ground floor footprint</u> of development is at approximately:</i> <ul style="list-style-type: none"> ▪ <i>House area – 553m².</i> ▪ <i><u>Allotment maximum ground floor footprint</u> of residential development is at approximately:</i> <ul style="list-style-type: none"> ▪ <i>House and outdoor areas – 744m².</i> ▪ <i>Detached shed – 204m².</i> <p style="text-align: center;"><u>Total ground floor footprint: = 948m²</u></p>

The applicant seeks a variation to Penrith City Council’s controls for the ‘maximum ground floor footprint’ of the development on the site.

In providing this variation request, it must firstly be stated that the control for determining the maximum ground floor footprint is a slightly vague definition in the DCP. For example, is a structure that does not incorporate a wall, such as an open alfresco, covered area or patio included in the definition for ground floor footprint? Control 1.2.3C(5) however also includes “all associated structures” so it could be argued that these open structures are included in the ground floor footprint calculation. Swimming pools are also usually excluded from ground floor footprint calculations. Another unclear matter is whether dual occupancy dwellings under Part 1.2.5 are excluded from site coverage calculations?

Some of this ambiguity results in the DCP being able to be varied, where reasonable grounds exist to vary these controls.

DCP2014 advises:

Applications that vary the development standards listed in the ‘Rural Dwellings and Outbuildings’ section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development standards it seeks to vary.

The end of Section 1.2 (Lifting the Bar) describes ways in which Council may consider a variation to the *PDCP2014* controls. Although these controls are not EPI standards within *PLEP2010* (and hence requiring a consideration under Clause 4.6 of the LEP), the **objectives** of the relevant development control must still be demonstrated as being complied with.

OBJECTIVES OF SECTION 1.2.3:

The objectives of Section 1.2.3 of *PDCP2014* are listed as follows. Comments in relation to each specific objective are made:

- To ensure the size of rural dwellings is appropriate considering the size of the site and the character of the area.

This objective is considered to be fully satisfied. The dwelling house and associated residential development is considered to be of a size and character that is considered to be appropriate for the site and housing on larger rural/residential lots and also some of the larger stately homes in the Nepean Avenue locality. The development on the site is considered to have minimal impact on the character of the area.

The site is one of only four rural-residential lots in the Nepean Avenue locality. The size of the allotment of land at 14,384m² is more than capable of accommodating the development. Suitable non-developed area remains on the site as a result of the proposed development, with actual site cover (which is not a development control) being at about 6.6% of the site.

The size of the residential development is also considered to be in keeping with many of the larger homes within the locale. The area provides for very large modern homes on mostly smaller residential allotments of land (only four lots are R5 zoned in the area). Most of these dwellings are also two storey homes, not single storey homes, as proposed with this development.

The proposed development on the site would therefore not be out of character with the area and other similar large dwelling houses and structures are present on neighbouring lots. The development site is also a much larger site than some of the smaller residential lots where these homes are located, and site cover as a percentage would be similar (if not less) than smaller neighbouring buildings on much smaller lots.

The larger footprint offered by the single storey design of all buildings also leads to a development that will have minimal impact on the Nepean Avenue area, neighbours and on the streetscape of the area.

*Servicing of the lot is considered to be suitable. The amended development consent for the development approved a pump-out of the sanitary drainage to **Sydney Water's sewer**, therefore not requiring any on-site effluent disposal as was originally approved with the development.*

The larger footprint of the site is therefore not hindered by required effluent disposal and treatment areas which now do not exist on the site.

- To ensure the area of the site covered by rural dwellings and associated structures and facilities is appropriate considering the size of the site and the character of the area.

This objective is similar to the first objective and is also considered to be fully satisfied.

PDCP2014 has no controls in a rural/semi-rural area that apply for site cover as a percentage of the site, but only provides for maximum footprint sizes. This control would therefore be the same whether the allotment of land was a smaller lot (such as the small lots in Twin Creeks) or a much larger rural lot of 10 hectares or more.

As described previously, the proposed ground floor footprint of the residential development represents a site cover for the site of about 6.6% and is therefore considered to be suitable for this site.

The development still achieves large setbacks to all boundaries and the additional impact of the development due to its appropriate design on neighbouring properties in terms of privacy, shadowing, bulk, scale and amenity is considered to be minimal.

Setbacks to boundaries and to street frontages are also satisfactory.

“LIFTING THE BAR” – ADDITIONAL COMMITMENTS:

In Council considering the request to vary the *PDCP2014* control for maximum ground floor footprint, the provisions of “Lifting the Bar” within Section D1.2 are also to be noted. Some of the ways the overall site development is considered to satisfy the ‘lifting of the bar’ provisions are as follows:

- *The new development and the dwelling under construction are all **single storey in height**. The design of the overall development all as a single storey design naturally results in a larger building footprint then compared to, for example, a two storey dwelling on the lot. The single storey design, however, is considered to be **more appropriate for a rural / large lot residential setting** then a two storey dwelling of the same floor area (but with a compliant ground floor footprint).*
- *The development is of a single storey height for occupant choice and for ease of mobility. For **reasons of mobility and for family reasons**, a single storey dwelling house design and ancillary development as proposed with this application that provides for the **specific occupants needs** and requirements. Limiting the development in size or requiring a two storey design originally (for example) would not be appropriate for the utility and use of the occupants.*
- *The development provides for a very **high quality of architectural and landscaping design** that is a modern design using very appealing building materials and styles. For example, the design and the size of the development overall is not represented in the bulk, scale and appearance of the development on the site. Building heights are low single storey in height and are to be located behind a single storey dwelling. The new development provides for extensive articulation and staggering of walls. The development is considered to have a suitable design and is ‘low’ in impact.
The detached shed is also located at a further larger setback to the home and street and at a lower ground level than the dwelling house location.
The overall height and the bulk and scale of the development as compared to development on neighbouring lots is also considered to be suitable.*
- *The overall development proposes a high quality of architectural design with the proposed external finishes and materials that will complement those of the existing approved house. The proposed development will provide for a **very appealing overall building and landscaping design** that will; provide for a high level of innovation in its design.*
- *The development will integrate very well with the proposed surrounding proposed gardens and landscape. The **landscaping plan** prepared for the development will also integrate the development into the landscaped design of the site and will benefit the site and the locality. Landscaping design when completed will be **very high quality**. This aspect of the development is as important, and these outdoor areas of the site integrate well with all of the dwelling house internal areas.*
- *The development has been designed with suitable setbacks and design features that will **limit the privacy impact** on neighbouring homes. Privacy to all neighbouring properties is achieved with the design (eg screen landscaping on boundaries) and location of the development.*
- *The development of the site will have a positive impact on the **semi-rural/residential and scenic character** of the locale and will be in keeping with the existing site character of the locale and surrounding development. The development will not have any impact on the **visual catchment of the area**, as the development will have minimal visual impact (due to larger setbacks, a lower building height and suitable appearance of the development).*
- *The development now requires **no on site effluent treatment and disposal** and the larger site coverage is not affected and will not affect land required for effluent treatment and disposal.*

- A comparison with 'site coverage' provisions of the **Rural Housing Code under SEPP (Exempt and Complying Development Codes) 2008** is also important to note. Clause 3A.10 of the Code allows, for example, a site coverage of a dwelling house and all ancillary development on a lot in the R5 Zone that has an area of less than 4,000m² of not more than 30% (or 1200m²). No requirement applies for sites over 4000m².
This shows the slight inconsistencies with PDCP2014 is in relation to the controls for site coverage under the SEPP which are in place Statewide and operate within the Penrith LGA.
- The design of the residential development has provided significant **articulation of walls and facades** which leads to a reduction in overall appearance of bulk and scale of the development. The development is also located **behind the existing dwelling house** which further limits any perceived impact and provides for a graduating appearance of the development when view from the street. The detached shed is also at a much larger distance to the rear of the site and at a lower level than the development at the front of the site.

The overall residential development is considered to adopt and achieve all of the **top ten features of a 'Universally Designed' home/development**. This includes such features as:

- Easy access to the entrance of the dwelling and all levels with these associated structures to the dwelling. Levels are also designed with respect to the flood prone land affectation.
- A level entry to the dwelling house, which extends to the new external areas proposed with this development;
- Having all living areas (and all rooms) on the entry level;
- Having large sized existing bathrooms that are capable of future adaption;
- Having a good kitchen layout and easy access to the kitchen areas and new outdoor cooking areas that will complement these existing areas;
- Having no unreasonable steps in the development;
- Providing for easy access doors and corridors;
- Having suitable window and door hardware that will be easy to operate, and
- The suitable provision of switches, power point and window controls.

CONCLUSION FOR GROUND FLOOR FOOTPRINT VARIATION REQUEST:

As can be seen in the above comments, the impact of the larger ground floor footprint is considered to be minimal. Although the development exceeds these controls, the **overall objectives** of this development control as stated in Part 1.2.3 of *DCP2014* is still considered to be achieved with the proposed plans.

A variation to these controls as permitted by *DCP2014* is therefore considered to be appropriate and necessary for the intended development.

The single storey design, external appearance and utility of the proposed buildings are also considered to be satisfactory and in allowing such variations, the development results in a good design outcome for the site. It is also an outcome required by the owners for this site.

In supporting this request to vary the development standard in the *Penrith Development Control Plan 2014*, Council would not be contravening the relevant objects of the *Environmental Planning and Assessment Act, 1979*. The proposed larger ground floor footprint size of the development on the site does not contravene the objectives for imposing this control in the DCP.

In addition to this request to vary the DCP, the "Lifting the Bar" provisions within *PDCP2014* are also considered to have been satisfied in allowing such a variation for ground floor footprint on the site.

Strict compliance with the site coverage control is considered to be unnecessary as the existing development and the proposed development is considered to comply with the objectives of the control and all other development controls in the DCP.

Based on the overall merits of the proposal, this control should be varied to allow the appropriate development of the site.

<p>1.2.4 – HEIGHT, SCALE AND DESIGN:</p>	<ul style="list-style-type: none"> ▪ <i>Two storey height</i> ▪ <i>8m max ceiling height</i> ▪ <i>Consideration for sloping sites</i> ▪ <i>Sympathetic to rural character</i> 	<p>The proposed development is a low rise single storey ancillary development and detached shed that presents no more than one storeys in height above natural ground level.</p> <p>The maximum height of the proposed development (pavilion building) is measured as being approximately 5m, while the height of the detached shed is at a maximum of about 5.9m.</p> <p>The site is not considered to be a sloping site over the main building footprint area (with a slight fall to the rear of the site) and the proposed cut and fill is considered to be suitable.</p> <p>The overall development incorporates suitable excavations. All filling excavations will be appropriately retained via engineer designed retaining walls. All imported fill will be VENM material.</p> <p>The design of the development is also considered to be sympathetic to the character of the area (although predominately a large lot residential area in character, and not a typical rural area).</p>
<p>1.2.5 – DUAL OCCUPANCY DWELLINGS:</p>	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The provisions of this part are not applicable as no dual occupancy is proposed.</p>
<p>1.2.6 – SECONDARY DWELLINGS:</p>	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The provisions of this part are not applicable as no secondary dwelling is proposed.</p>
<p>1.2.7 – MATERIALS AND COLOURS:</p>	<ul style="list-style-type: none"> ▪ <i>Colours to be in keeping with surrounds</i> ▪ <i>Earthy tones</i> ▪ <i>Non-reflective materials and reduce glass expanses</i> 	<p>A schedule of external colours and finishes has been prepared for the development and accompany the application.</p>

		<p>All colours as proposed are considered to be satisfactory and in keeping with the proposed dwelling that is under construction and the surrounding area. No large expanses of reflective surfaces or glass surfaces are proposed.</p> <p>All external finishes and materials chosen will therefore have a minimum impact upon the locality.</p>
1.2.8 – LAND IN THE VICINITY OF PROPOSED SECOND SYDNEY AIRPORT:	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The development is non-habitable construction and the site is located outside of the 20-25 ANEF contours for the proposed <i>Western Sydney International (Nancy Bird Walton) Airport</i> site.</p> <p>Accordingly, there is no requirement for an acoustic report.</p>

There are no other relevant sections or parts of *Penrith Development Control Plan 2014* that are considered to apply to the development.

“any planning agreement entered into”

The development is not associated with any planning agreement or any draft planning agreement entered into under section 93F of the *Environmental Planning and Assessment Act, 1979*.

“the regulations”

The proposed development seeks the minor demolition of part of the existing dwelling house and some other ancillary structures on the site, and this minor demolition forms part of the development approval for this site. All demolition of site structures will be done in accordance with *AS2601-2001 – The demolition of structures*.

No masterplans are applicable for the development.

“any coastal zone management plan”

The development site and area is not subject to the NSW Government’s Coastal Policy.

“the likely impacts of that development”

The development will have minimal impact on the environment, neighbourhood and locale. The likely impacts of the development are further expanded on the following pages.

UTILITIES:	<p>Water, telephone and electricity are all available to the site. All service providers will be consulted with prior to and during construction.</p> <p>As previously explained, sanitary drainage is to be via a pump-out system to Sydney Water’s sewer and no on-site disposal is occurring with the development.</p>
PUBLIC DOMAIN:	The development will not impact on the public domain in any manner.
HERITAGE:	There are no heritage provisions applicable to the site. The site is not located within a heritage conservation area and no item of environmental heritage is located on the site.
CONTEXT & SETTING:	<p>The proposed development will be located within a rural-residential area where a number of similar styles of new housing developments are being built or are present.</p> <p>The development will not significantly impact upon the area and has been designed to accompany some of the features of the area, such as suitable bulk, a low impact single storey appearance (in an area of mostly two storey neighbouring homes), suitable building setbacks, and a scale and design which are considered to be appropriate for the existing housing character of the area.</p> <p>The impact of the intended development on the context and setting of the locale is therefore considered to be very positive and satisfactory.</p>
ACCESS, TRANSPORT & TRAFFIC:	<p>Access to the development is to be via a new driveway which will serve both the dwelling and the detached shed.</p> <p>Some public transport is available to the area (mainly the local bus network) and Penrith Railway Station is not too distant from the site.</p> <p>The applicant will need to liaise with Penrith City Council with respect to the approval and construction of all new vehicle crossover points, as provided for under the <i>Roads Act, 1993</i>.</p>
OTHER LAND RESOURCES:	The development will not impact on the value of the land in terms of agricultural potential or other land resources (which is considered to be minimal).

WATER:	<p>The development will have no significant impact on water resources or water conservation. The BASIX assessment for the development also lists proposed water conservation techniques (for example, rainwater tanks for the new dwelling and higher water rated devices).</p> <p>Roofwater drainage for the development will be conveyed to the rear of the site (via a level spreader system).</p> <p>Roofwater drainage disposal will not cause any concerns for neighbours due to the size and slope of the allotment.</p>
SOILS:	<p>The development will have no significant impact on soils. Erosion and sediment controls are to be provided during construction (refer to sediment and erosion control plans prepared for the development).</p> <p>There are no known acid sulfate problems with the soil. The potential for land contamination on this site is minimal.</p>
AIR & MICROCLIMATE:	<p>The development will have no significant impact on the air and microclimate of the area.</p>
ENERGY:	<p>The development will have no significant impact on energy. A BASIX Certificate has been prepared for the development and accompanies the application.</p>
TECHNOLOGICAL HAZARDS:	<p>There are no known technological hazards pose a risk for the development.</p>
FLORA & FAUNA:	<p>The development will have no significant impact on the flora and fauna of the area. All site trees around the existing home will be retained with the development.</p>
ECONOMIC IMPACT:	<p>The development will have a positive economic impact on locale and will not significantly affect property values.</p>
SAFETY, SECURITY AND CRIME PREVENTION:	<p>Satisfactory safety, security and crime prevention measures are to be employed for the residential premise.</p> <p>The new development presents and proposes a design that enables good surveillance over front yard and the driveway area of the dwelling (through the living room and bedroom locations). Active measures such as alarm systems may also be proposed in the dwelling.</p>
NATURAL HAZARDS:	<p>There are no known natural hazards pose a threat to the development (for example, bushfire, flooding or similar natural hazards).</p>
WASTE:	<p>The development will have no significant impact upon waste generation. A waste control container to be provided on the site during construction.</p> <p>All waste generation and disposal will occur in accordance with the waste management plan that accompanies the Statement.</p>
NOISE/VIBRATION:	<p>The development will have no significant impact from noise or vibration from road noise or by rail noise.</p> <p>Construction of the development will also not cause any significant noise or vibration.</p> <p>The site is also outside of the ANEF contours that apply for Badger's Creek Airport and is not affected by any major roads or railways.</p>

SOCIAL IMPACT:	The development will have no significant social impact and any impact would be positive. The social impact upon adjoining land owners will also be minimal due to the higher quality of design and construction proposed.
SITE DESIGN AND INTERNAL DESIGN:	The site design and internal design is considered to be satisfactory and in accordance with the provisions of <i>PDCP2014</i> .
CUMULATIVE IMPACTS:	There are no significant or potential cumulative impacts that will occur as a result of the development.
CONSTRUCTION:	All construction works are to be done in accordance with development consent, prescribed conditions of the <i>Environmental Planning and Assessment Regulation 2000</i> , and the <i>National Construction Code – Volume 2 Building Code of Australia – Class 1 and 10 buildings</i> .

“the suitability of the site for the development”

DOES THE PROPOSAL FIT THE LOCALITY:	The overall development is considered to fit the locality well and all neighbouring residential development well. The development has been designed in accordance with the relevant planning provisions applying to the site and will therefore be incorporated well into the streetscape and locale.
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ARE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT:	The site attributes are considered to be generally conducive to development. There are no significant risks or factors associated with the site that cannot be ameliorated or that would affect the intended development.
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“the public interest”

Although the public interest of the development may be gauged through the neighbour notification process, the development is considered to be in the public interest. The proposed dwelling house and detached shed development will have minimal impact on public infrastructure and on the surrounding neighbourhood.

The development, through its appropriate building design, will also not significantly affect any neighbouring properties in terms of privacy, overshadowing, amenity, economic loss or any other impacts.

CONCLUSION:

As shown in this statement of the environmental effects, the proposed detached pavilion, gym, swimming pool and other ancillary development along with the detached shed is considered to be a satisfactory proposal.

The statement of environmental effects has addressed the planning controls applying to the site and has found the proposal to be in conformity with these controls.

The applicant has demonstrated compliance with all of the development controls and standards applying to the land, through the commissioning of a compatible design that will integrate well with the neighbourhood and have minimal impacts on neighbours. Minor non-compliances with the building footprint control within Council's development control plan has also been substantiated in this Statement, along with the requirements of building in a flood prone area.

Based on the overall merits of the proposal and compliance with the relevant development controls applying to the site, it is hoped that approval for the development will be granted.

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APPENDIX – PHOTOS

The following is a visual presentation of the current site and proposed development.



Front view of site with dwelling under construction. New work to be behind house and not visible from street.



Further front view of site with dwelling under construction.



Development site for pool and pavilion/gym building.



Rear view of dwelling under construction from the site for pool and pavilion/gym building.



Further rear view of dwelling under construction and neighbouring two storey home.



Further rear view of dwelling under construction and development site.

