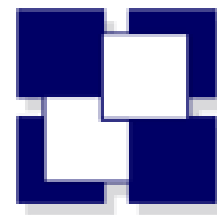


REPORT NO. J21.002

MARCH 2021



benchmark
BUILDING CERTIFIERS

**LOT 6 DP 38628 (NO. 94-98) NEPEAN
AVENUE, PENRITH – SINGLE STOREY
DWELLING AND DETACHED SHED**

**STATEMENT OF ENVIRONMENTAL EFFECTS
FOR: ADAN CREATIVE DESIGNS
PENRITH CITY COUNCIL**

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

LOT 6 DP 38628 (NO. 94-98) NEPEAN AVENUE, PENRITH – SINGLE STOREY DWELLING AND DETACHED SHED

PROPERTY AND PROJECT DESCRIPTION:

PROPERTY:	Lot 6 DP 38628 (No. 94-98) Nepean Avenue, Penrith
PROJECT:	Demolition of existing site structures and the construction of a single storey dwelling and a detached shed
ZONING:	<i>“R5 – Large Lot Residential” - zone under Penrith Local Environmental Plan 2010 (PLEP2010)</i>

THE SITE:

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.

An existing single storey dwelling is present on the site along with a shed and other ancillary structures. The dwelling is located on the far right of the allotment, with the majority of the site being vacant and well-maintained land. Some minor existing garden landscape plantings/trees are also present on the site in the vicinity of the existing dwelling.

The Nepean Avenue location is affected by flooding as part of the Peachtree Creek and Nepean River floodplain. The main flood planning level and affectation of the site however applies from the Peachtree Creek floodplain, with the front of the site (where the dwelling is proposed), being located above this flood plain. The maximum 1% AEP flood level for this site is RL25.9m AHD.

Ground levels at the front boundary of the site are at about RL27m AHD. The site slopes to the rear with the rear boundary levels at about RL23.2m AHD.

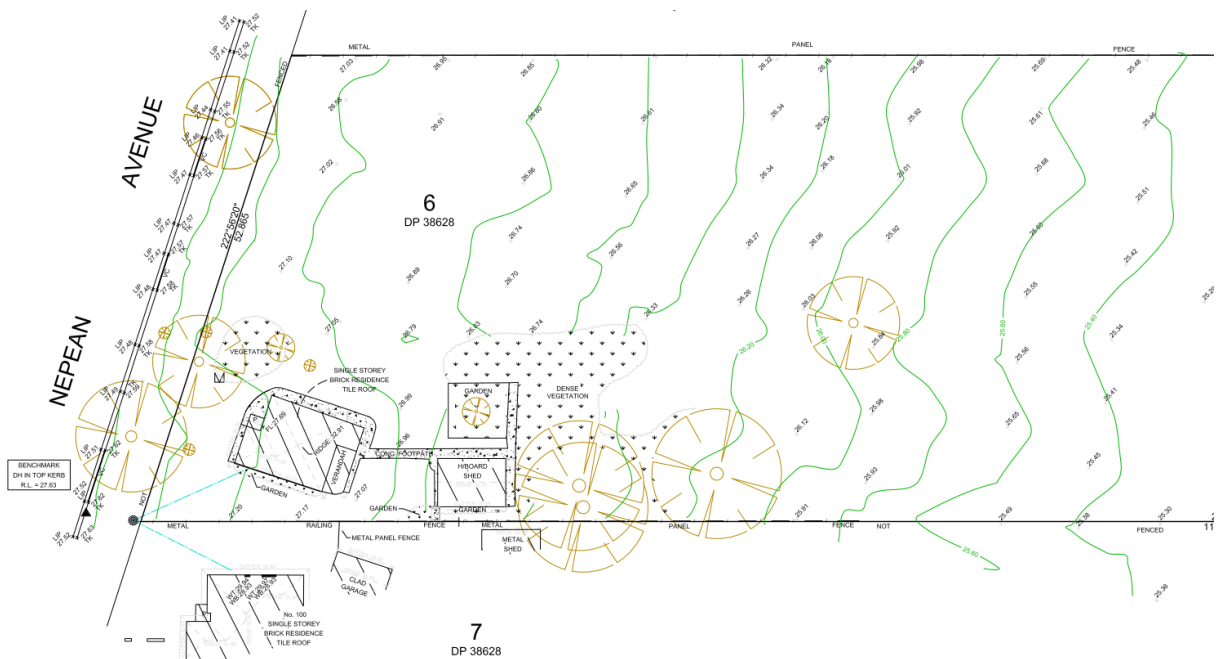
The Penrith and Nepean Avenue area is an older established residential area. Other dwellings in the immediate locality are of older and newer single or two storey design, and many of the older homes within the immediate area have been recently replaced or refurbished with larger executive style single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

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

AERIALS OF THE SITE:



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



Lot 6 DP 38628 (No. 94-98) Nepean Avenue, Penrith – Single storey dwelling and detached shed



PROPOSED DEVELOPMENT:

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

1. **The demolition of all site structures,**
2. **The construction of a single storey dwelling house, and**
3. **The construction of a detached shed.**

The development proposes a larger single storey executive style residence on the land. The dwelling is proposed as a concrete slab-on-ground structure with a flat pitched Colorbond roof. The dwelling proposes a mixture of external colours and finishes and provides for a very appealing and modern appearance. The dwelling house proposes a front setback of 15m from the street and a minimum side setback of 5m.

A detached shed is proposed behind the dwelling, at a distance of about 47m from the dwelling. This shed is proposed as a steel / Colorbond structure built on a concrete slab-on ground. The shed also proposes a side setback of 5m.

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”

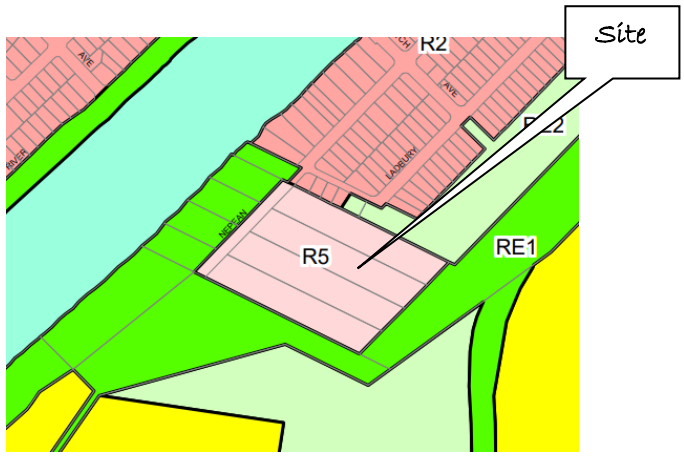
Planning Instrument: *Penrith Local Environmental Plan 2010 (PLEP2010)*

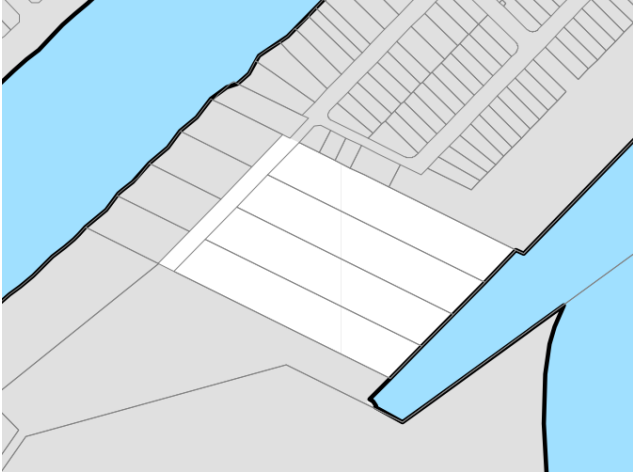
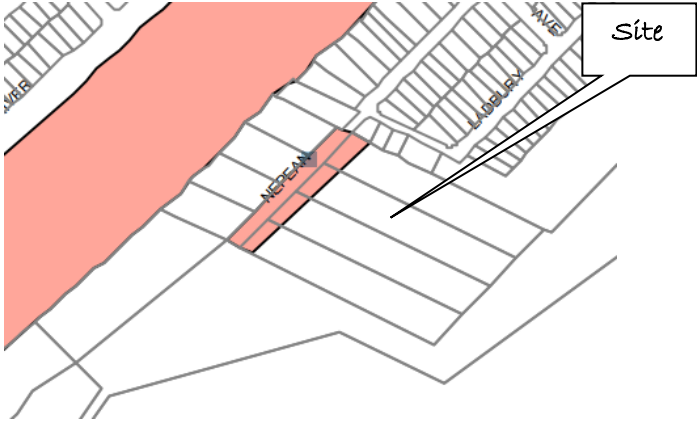
Use: *“dwelling house”, “shed” and “demolition”*

Zoning: *R5 – Large Lot Residential*

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"> ▪ <i>R5 – Large Lot Residential zone.</i>  <p>The map shows a residential area with several zones. A pink area is labeled 'R5', a red area is labeled 'R2', and a light green area is labeled 'RE1'. A callout box labeled 'Site' points to a specific location within the R5 zone. Other street names like 'NEPEAN AVENUE' and 'LABURNUM AVENUE' are visible.</p>
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 '<i>Flood planning land</i>' 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 (even though flood planning land applies). 
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:	▪ This development standard is not applicable to the site.
ACTIVE STREET FRONTAGES MAP:	▪ This development standard is not applicable to the site.
LAND RECLASSIFICATION MAP:	▪ No map applies to the site.

Permissibility and Proposed Use:

PLEP2010 permits *dwelling houses* and associated structures such as sheds in the *R5 – Large Lot Residential* zone with development consent.

The definition for a *dwelling and dwelling house* and other associated definitions under *PLEP2010* are as follows:

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.

dwelling house means a building containing only one dwelling.

The proposal complies with this definition. The development proposes a new single storey dwelling house on the land. No other form of dwelling type is proposed with the development. Ancillary structures such as sheds are also associated with the dwelling house use of the site.

The **demolition** of the existing site structures (dwelling and shed) is also sought with this development application and demolition works will occur 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 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.

- 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 can be accommodated on the site (refer to separate **wastewater report** prepared for the development).*

- 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 zone being R2 – Low Density Residential). The rural style shed will also not conflict with these land uses.

- 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 dwelling and shed is cleared and will be located in an appropriate area 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.

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

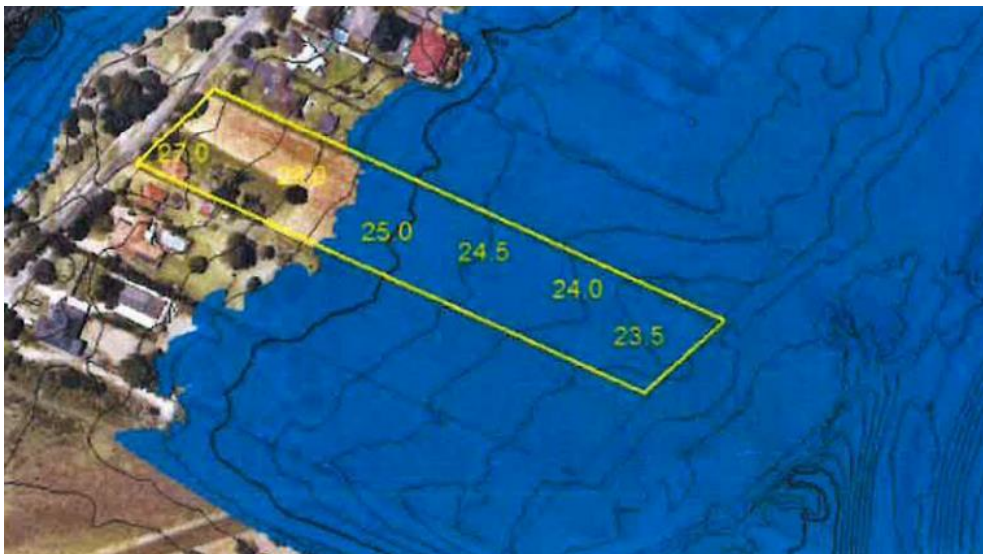
*Clause 4.3(2) requires that all buildings comply with the Height of Buildings Map. The maximum height of the development is at approximately **4.5m for the dwelling** and **6.145m for the shed** and is less than the 8.5m maximum that is specified in the Height of Buildings Map.*

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 and is affected by the Peachtree Creek Floodplain.

The 1% AEP flood level for this site has been advised by Council as being RL25.9m AHD applies to the Peachtree Creek Floodplain. The front areas of the site where the dwelling house is proposed is above this 1% AEP (or ARI) flood level, and hence shown as clear on the Flood Information advice provided by Penrith City Council.



Plans for the development show that the new dwelling is proposed with a minimum habitable floor level of RL27.0m which complies with the requirements of Penrith City Council and the requirements of Section 3.5 of the PDCP2014 Part of this Statement. Non-habitable areas such as the garage and alfresco are at RL26.925m.

The development for a detached shed behind the dwelling house is not subject to flood planning and floor levels 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 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,

- Incorporate suitable passive solar design and day lighting of living area rooms,
- 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 potential for adaptive reuse of rooms and accessibility, especially as the development proposes a low height single storey development.

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 essentially infill development. All intended construction will also be in keeping with the surrounding residential land uses. The new dwelling house is also of a suitable **low single storey height** that minimises the visual impact of the development. The dwelling house also has a low maximum height of only 4.5m.

The detached shed is located behind the proposed dwelling and at a lower height than that of the dwelling house (1.5m lower floor height).

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 and absorption trenches into 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 can be accommodated on the site via a new on-site wastewater management system (refer to separate **wastewater report** prepared for the development).*

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:

Relevant EPI: *Sydney Regional Environmental Plan No. 20 – Hawkesbury / Nepean River (SREP20)*

*The site is within the areas identified as being part of SREP20 and the provisions of SREP20 apply to the area. The type of development proposed, however, does **not** require a referral or consideration under SREP20.*

The proposed development will be in keeping with the aims of the plan and the general planning considerations under Part 2 of the plan.

The development also does not fall under a development criteria identified under Part 3 of the Plan, which are listed as follows:

<u>Development Category</u>	<u>Development Controls Applicable</u>
1. Caravan parks or camping grounds	• Not proposed and not applicable.
2. Composting facilities or works	• Not proposed and not applicable.
3. Buildings, works or land uses within conservation area sub-catchments	• Not proposed within a conservation area sub-catchment.
4. Remediation of contaminated land	• Not proposed and not applicable.

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|---|---|
| 5. <i>Extractive industries</i> | • <i>Not proposed and not applicable.</i> |
| 6. <i>Extractive industries – Maintenance</i> | • <i>Not proposed and not applicable.</i> |
| 7. <i>Filling</i> | • <i>Fill levels are all associated with the dwelling house and shed development and are considered to be satisfactory.</i> |
| 8. <i>Potentially hazardous or offensive industries</i> | • <i>Not proposed and not applicable.</i> |
| 9. <i>Items of Non-Aboriginal Heritage</i> | • <i>No heritage applies and not applicable (as listed in Schedule 1).</i> |
| 10. <i>Intensive horticultural establishments</i> | • <i>Not proposed and not applicable.</i> |
| 11. <i>Intensive animal industries</i> | • <i>Not proposed and not applicable.</i> |
| 12. <i>Manufactured home estates</i> | • <i>Not proposed and not applicable.</i> |
| 13. <i>Marinas</i> | • <i>Not proposed and not applicable.</i> |
| 14. <i>Recreational facilities</i> | • <i>Not proposed and not applicable.</i> |
| 15. <i>Land uses in or near the river</i> | • <i>The site is not within 40m of Nepean River and therefore not applicable.</i> |
| 16. <i>Land uses in riverine scenic areas</i> | • <i>The area is not mapped as being within riverine scenic area and not applicable.</i> |
| 17. <i>Sewerage systems or works</i> | • <i>The proposed on-site wastewater treatment system will have no affect on the Hawkesbury-Nepean River.</i> |
| 18. <i>Waste management facilities or works</i> | • <i>Not proposed and not applicable.</i> |
| 19. <i>Development in mapped wetlands</i> | • <i>The site is not within a mapped wetland area and not applicable</i> |

There are no other relevant clauses within SREP20 that apply to the development.

Other relevant EPIs:

The operation of certain other environmental planning instruments on the land should be noted as part of the overall assessment of all development.

For example, 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.

The operation of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* should also be noted. 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>, however a small part 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 fencing with all fencing to remain. Any required replacement will occur with adjoining owner consent.</p> <p>No significant retaining walls are required for the development.</p>
C2 – VEGETATION MANAGEMENT:	<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.</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.</p> <p>The front half of the site, where the dwelling house is proposed is however not bushfire prone land (only the detached shed area).</p>

		<p>A bushfire self-assessment accompanies the development application and this assessment shows that there is no requirement for compliance with AS3959-2018 and the recommendations of this report.</p>
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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 an absorption trench. Any overflows from the absorption trench and from the detached shed will be directed to the large land areas 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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C3.5 – FLOOD PLANNING:

The following controls under Part C apply to the development:

1 – SUBMISSION REQUIREMENTS

The development application complies with the submission requirements of *PDCP2014*.

The 1% AEP flood level for this site has been determined by Council to be **RL25.9m** AHD. Development application submission requirements include:

- All drawings for the new development being to levels determined by the Australian Height Datum (AHD).
- 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.

PDCP2014 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:

The development will not increase the flood hazard or risk to other properties.

- The proposed development of the site will not increase the flood hazard or risk to other properties. The new development proposes development at a floor level that will be compliant with the 1% AEP flood planning level and will therefore be compliant with Councils *PDCP2014* 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 also allow for the free flow of flood waters across the site.
- Other development such as the proposed detached shed will also not be affected by flooding.

The structure of the proposed building works shall be adequate to deal with flooding situations.

- The proposed construction of the development is adequate to deal with the flooding situations. The dwelling house is proposed to be constructed on a filled building platform (concrete slab with fill retained via deepened edge beams). The dwelling house therefore proposes all construction to be above the flood planning level, with any works below the flood planning level or 1% AEP to be of flood compatible construction.
- The detached shed is to be located within the flood planning area but this structure is subject to the provisions of Part 5 (below). Where required, separate structural engineering certification for the development to withstand the flooding loads is to be provided with the construction certificate application.

- The *National Construction Code Series – Building Code of Australia* specifically requires compliance with development on flood prone land under the provisions of Part 3.10.3 - Flood Hazard Areas. The Code requires that all development must be constructed in accordance with the *ABCB Standard for Construction of Buildings in Flood Hazard Areas*.

The proposed building materials are suitable.

- The proposed building materials are suitable. All development below the flood planning level will be of materials that are compatible with potential water inundation during flooding (predominately concrete and masonry and steel).

The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation.

- The dwelling house is sited in the optimum available position on the site to avoid the flood waters, by being at a height that is above the flood planning level. This is the optimum height required so as to avoid flood waters (as determined by Council).
- As described previously, the design of the development allows for a design that enables flood flows through the rear of site and also along the side of the site.
- Safe flood access is improved in that the new development will allow for timely evacuation during flood events from a dwelling house height that is now compliant with the flood planning levels.
- Flood access for evacuation is not being changed or altered with the proposed development, as is currently experienced with the existing dwelling house. Flood access is however practically achieved for the development through the road network for the Penrith area.
- Flood access for evacuation is not being changed or altered with the proposed development. The requirement for an evacuation plan and risk assessment is therefore not considered to be necessary for a dwelling house re-development on a site.

The proposed redevelopment will not expose any resident to unacceptable levels of risk or any property to unreasonable damage.

- The new development will improve the flood risk situation on the site. No increase in risk is presented on the site through, for example, increased densities or occupation rates.
- 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.

Compliance of any existing buildings.

- The development is a new development, and therefore no flood proofing of existing buildings is required as all are being demolished (new development is proposed and all new works will comply with the DCP provisions).

<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 complies with the provisions of this section of <i>PDCP2014</i>. These provisions are as follows:</p> <p><i>Floor levels of habitable rooms shall be at least 0.5m above the 1% ARI flood level; ie the flood planning level.</i></p> <ul style="list-style-type: none"> ▪ The lowest habitable floor level of the dwelling is proposed at RL27.0m AHD, which is 1100mm above the standard flood. <p><i>The lowest floor level of habitable rooms shall not be more than 3m above ground level.</i></p> <ul style="list-style-type: none"> ▪ The lowest habitable floor level at 27.0m AHD is about <u>800mm</u> above existing ground levels (at maximum point) and complies with this <i>PDCP2014</i> control. <p><i>Any portion of buildings subject to inundation shall be built from flood compatible materials.</i></p> <ul style="list-style-type: none"> ▪ All ground floor building materials lower than the flood planning level will be of predominately <u>flood compatible materials</u>, which are proposed as concrete (piering of house). <p><i>Flood safe access and emergency access shall be provided where practicable.</i></p> <ul style="list-style-type: none"> ▪ This requirement <u>cannot be practicably achieved</u> as Nepean Avenue and the surrounding area is affected by the standard flood. The development however does not propose any increase in housing densities on the site (than was permitted originally) and will result in compliance with the other controls <i>PDCP2014</i>. ▪ An evacuation plan and risk assessment is not considered to be required for the development and appropriate evacuation from the site will occur. <p><i>All services associated with the development shall be adequately flood proofed.</i></p> <ul style="list-style-type: none"> ▪ The proposed development will comply with this requirement. All services associated with the dwelling house will be located above the flood planning level. <p><i>A certificate prepared by a registered surveyor to verify the lowest floor level of a habitable room of a residential building to the required Australian Height Datum (AHD) level, shall be submitted to the Council upon completion of the building to that level. The building shall not further constructed until approval is given by Council to proceed with construction works.</i></p>

	<ul style="list-style-type: none"> ▪ The proposed development will comply with this requirement. All levels of the development have been prepared to AHD and confirmation during construction via a registered surveyors certificate/report will occur with all required floor levels. <p>Compliance with this Part of <i>PDCP2014</i> in relation to Flood Liable Lands is therefore achieved with the development.</p>
<p>4 – RESIDENTIAL – MINOR EXTENSIONS</p>	<p>The provisions of Part 4 are not applicable to the development.</p>
<p>5 – NON-HABITABLE EXTENSIONS OR ALTERATIONS, OUTBUILDINGS AND SWIMMING POOLS</p>	<p>The proposed detached shed part of the development complies with the provisions of this section of <i>PDCP2014</i>. These provisions are as follows:</p> <p><i>All 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 services associated with the detached shed will be flood proofed and any sensitive equipment will be located above the 1% AEP.

<p>C4 – LAND MANAGEMENT:</p>	<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 fill for the creation of the building platform for the dwelling. Most of this fill will be contained within deepened edge beams of the house while some will be battered 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 implemented to achieve the required flood planning level. All fill material will be VENM.</p> <p>Erosion and sediment controls will be implemented during construction works (refer to erosion control details on plans).</p> <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>
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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 via a new on-site wastewater management system (refer to separate wastewater report prepared for the development).</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.</p> <p>All existing trees and other vegetation located on the development site will be retained and augmented by additional landscaping, as shown on the landscaping concept plan 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 side boundaries of the development are proposed, while extensive existing landscape screening is also present on some neighbouring sites.</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> 	<p>The development requires no advertising or signage.</p>
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 will only occur with the approval of Council (through a <i>Road Act, 1993</i> approval).</p> <p>Adequate parking and garaging is proposed with the development through the construction of a double garage associated with the dwelling house and other vehicle housing within the rear detached shed.</p>

		<p>A suitable driveway design is proposed for accessing both the garages and the detached shed. 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 solar access and proposes suitable excavations and 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.</p> <p>The development has been designed with respect to site slope and topography, and to the required flood planning levels for the site.</p> <p>The dwelling house 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>Suitable landscaping of the site will also be implemented by the owners.</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 minimum <u>front setback</u> for the dwelling house is proposed at 15m and complies with the <i>PDCP2014</i> minimum of 15m.</p> <p>The closest <u>side setback</u> for the dwelling house is at 5m (to the northern boundary) and this also complies with <i>PDCP2014</i> minimum of 5m 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. There are also no defined watercourses located on the allotment and all setbacks therefore exceed 40m.</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 and the development provides for a very high quality of design, that is considered to be suitable for the locality.</p> <p>The overall dwelling house building dimension area is less than the 45m maximum length (about 37.8m max), while no dimension exceeds 18m in any plane.</p> <p>The building incorporates suitable staggering and significant articulation to all elevations, and no unreasonable length of walls is proposed with the development. The maximum dimensions of the building are therefore considered to comply with the <i>PDCP2014</i> provisions.</p> <p>The dwelling house also is designed as a low height single storey dwelling, further limiting the bulk and scale of the development (maximum height 4.5m).</p> <p>The development proposes a double garage facing the street elevation of the dwelling.</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” (eg. Verandahs, alfrescos and patios).</p> <p>The dwelling house footprint (excluding the alfresco and porch areas) equals about 553m², which exceeds the <i>PDCP2014</i> controls.</p> <p>The detached shed has a floor area of 408m².</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 dwelling house, open areas such as the alfresco and porch, and the detached shed) therefore equals about 1019m², which also exceeds the <i>PDCP2014</i> controls.</p> <p>The dwelling, being single storey in design, has no upper floor area.</p>
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		Accordingly, a request to vary this PDCP2014 control is provided below for maximum ground floor footprint:
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PDCP2014 VARIATION REQUEST:

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 – 611m².</i> ▪ <i>Detached shed – 408m².</i> <p><u>Total ground floor footprint: = 1019m²</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.

The end of Section 1.2 (Lifting the Bar) describes ways in which Council may consider a variation to the DCP 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. The DCP 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.

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 14384m² 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 7% of the site.

The allotment of land is also serviced by a reticulated sewerage system (Sydney Water) and therefore, the footprint of the site is not hindered by required effluent disposal and treatment areas for septic tanks that are common in most rural/residential areas.

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 in 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 also leads to a development that will have minimal impact on the Nepean Avenue area, neighbours and on the streetscape of the area.

- 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 7% 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 development provides for a very **high quality of architectural design** that is a modern design using very appealing building materials and styles. For example, the dwelling house 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 the 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 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 suitable.
- The overall development proposes a high quality of architectural design with the proposed external finishes and materials. For example, the development uses a mixture of external finishes such as stone cladding, timber features, clad walls and low pitch metal roofing providing for a very **appealing design**. The proposed development and overall house design provide for a **high level of innovation** in its design.
- The development is considered to integrate very well with the proposed surrounding proposed gardens and landscape. The concept landscaping plan prepared for the development will also **integrate the development into the landscaped design** of the site and will benefit the locality. Landscaping design when completed will be very high quality. This aspect of the development is as important as the dwelling design itself, and the outdoor areas of the site are integrated well with all of the internal areas. Privacy of these areas to neighbouring properties is also achieved with the design (eg screen landscaping on boundaries).
- 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 lower building height and suitable appearance of the development).
- 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 dwelling house. 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**. This includes such features as:

- Easy access to the entrance of the dwelling, all levels and all associated structures.
- A level entry to the dwelling house;
- 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;
- 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:

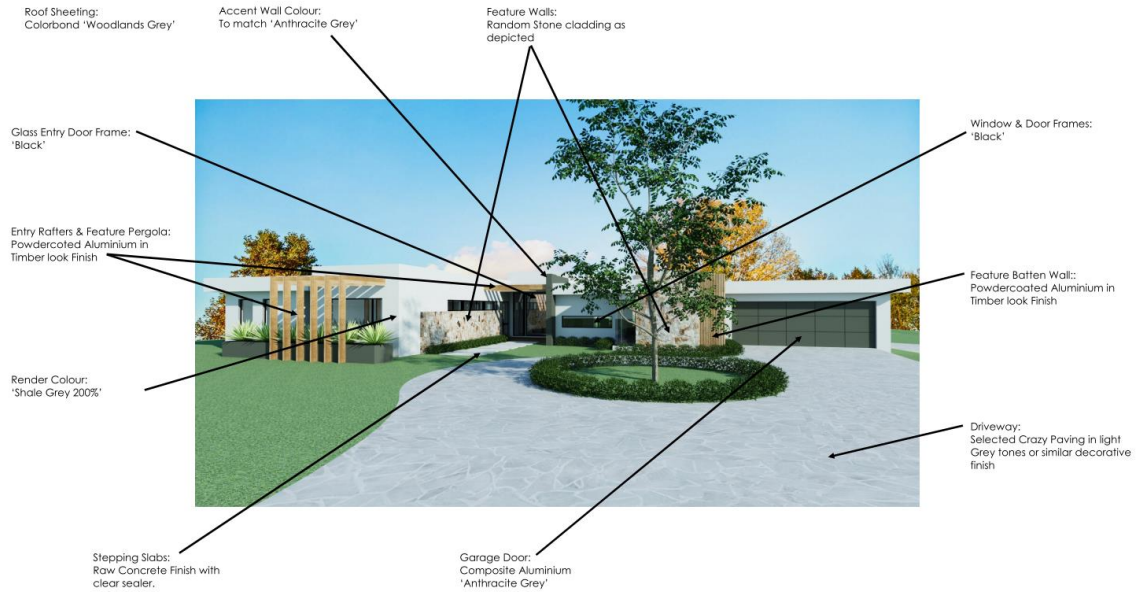
In supporting this request to vary the development standard in the *Penrith Development Control Plan 2014*, Council would not be contravening the relevant objects of the *Environmental Planning and Assessment Act, 1979*. The proposed larger ground floor footprint size of the development on the site does 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 dwelling house and detached shed on 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 dwelling house and detached shed that presents no more than one storeys in height above natural ground level.</p> <p>The maximum height of the proposed dwelling is measured as being approximately 4.5m, while the height of the detached shed is at a maximum of about 6.145m.</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 battered with minimal need for retaining walls.</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 (as shown below).</p> <p>All colours as proposed are considered to be satisfactory and in keeping with the surrounding area and neighbouring development. 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>



<p>1.2.8 – LAND IN THE VICINITY OF PROPOSED SECOND SYDNEY AIRPORT:</p>	<ul style="list-style-type: none"> ▪ <i>General requirements</i> 	<p>The development 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>
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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:	Water, telephone, sewer and electricity are all available to the site. All service providers will be consulted with prior to and during construction.
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 an on-site disposal system to the rear of the site (refer to drainage concept plan prepared for the development). 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:	The development will have no significant impact on the air and microclimate of the area.
ENERGY:	The development will have no significant impact on energy. A BASIX Certificate has been prepared for the development and accompanies the application.
TECHNOLOGICAL HAZARDS:	There are no known technological hazards pose a risk for the development.
FLORA & FAUNA:	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.
ECONOMIC IMPACT:	The development will have a positive economic impact on locale and will not significantly affect property values.
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:	There are no known natural hazards pose a threat to the development (for example, bushfire, flooding or similar natural hazards).
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>
CUMULATIVE IMPACTS:	There are no significant or potential cumulative impacts that will occur as a result of the development.

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 Badgery's Creek Airport and is not affected by any major roads or railways.</p>
SOCIAL IMPACT:	<p>The development will have no significant social impact and any impact would be positive.</p> <p>The social impact upon adjoining land owners will also be minimal due to the higher quality of design and construction proposed.</p>
SITE DESIGN AND INTERNAL DESIGN:	<p>The site design and internal design is considered to be satisfactory and in accordance with the provisions of <i>PDCP2014</i>.</p>
CONSTRUCTION:	<p>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>.</p>

“the suitability of the site for the development”

DOES THE PROPOSAL FIT THE LOCALITY:	<p>The dwelling house and detached shed proposal is considered to fit the locality well and all neighbouring residential development well.</p> <p>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.</p>
ARE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT:	<p>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.</p>

“the public interest”

Although the public interest of the development will 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 development 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 dwelling house and detached shed development will be granted.

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APPENDIX – PHOTOS

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



Above – *View of site from front. Existing site garage just visible to right (to be demolished). All trees to be retained.*

Below – *View of northern neighbour and fencing, landscaping and development of the existing site.*





Above – View of site from front looking south. Existing house and southern neighbour behind trees.

Below – Closer view of existing house being demolished along southern neighbour boundary.





Above – View of existing house and garage from side view of where house/garage is proposed.

Below – Further view of proposed house site. Tree in centre to be behind Games room/retained.





Above – Reverse view of house site looking west. Neighbour screen landscaping/fencing visible to northern neighbour on right of photo.

Below – View of rear of site and detached shed location. Panthers in background (left).





Above/Below – Opposite/Nepean River side of site. The Nepean River and its foreshore is not visible from the front of the site. The development site is also not visible from the Nepean River or river frontage area.



Conclusion to Visual Impact Statement:

As shown in the above photographs that present the visual impacts of the development, the proposed development has **no significant visual impact**.

The new dwelling house, detached shed and associated other development will be in keeping with the surrounding semi-rural/residential land uses and its suitable low height further limits any visual impacts. The new development will have no heritage impacts (no heritage items within the vicinity of the site).

The visual impact of the development is therefore considered to be minimal and is considered to **comply with the objectives** of clause 7.5 of *Penrith Local Environmental Plan 2010* 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.

The proposed development **fully complies** with these objectives.

