



Hawes & Swan

Town Planning Consultants

# STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a detached dual occupancy  
and Strata Subdivision  
Lot 203, 16 Ball Street, Colyton



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**Statement of Environmental Effects**

Lot 203, 16 Ball Street, Colyton

**CONTACT INFORMATION**

**Hawes & Swan Planning Pty Ltd**

ABN 27 605 344 045

Suite 4, Level 4,  
35 Buckingham Street,  
Surry Hills New South Wales 2010

[www.hawesandswan.com.au](http://www.hawesandswan.com.au)

Author(s):

**Melissa Stilloni**

Town Planner

Approved by:

**Jeremy Swan**

Director

Prepared for \_\_\_\_\_ **Nitin Gaur**

Project Name \_\_\_\_\_ **Lot 203, 16 Ball Street,  
Colyton**

Job Reference \_\_\_\_\_ **17-222 V3**

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## 1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted for the construction of a detached dual occupancy, Strata Subdivision and associated site works at 16 Ball Street, Colyton.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

- Meets the current objectives of the LEP and DCP where applicable.
- Will not result in significant negative impacts on surrounding land uses and environment.
- Is responsive to site context and presents a positive visual relationship with surrounding uses.
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application and those documents are attached as Appendices to this report.

## 2.0 Site Analysis

### 2.1 Location and Context

The site is located on the southern side of Ball Street with the Great Western Highway located to the north of the site. The site is located within a low density residential area comprising of single and double storey dwellings with secondary dwelling located at the rear and some detached dual occupancy dwellings.

The site is located within close proximity to a range of open space recreational areas such as Ridge park which is approximately 350m north of the site, Oxley Park which is approximately 130m north of the site and Kevin Maley Park which is approximately 360m south of the site. In addition, the site is located near Oxley Park Public Primary and pre-school which is approximately 450m north east of the site and Colyton High school that is approximately 350m east of the site.

The site's locational context is shown at **Figures 1** below.

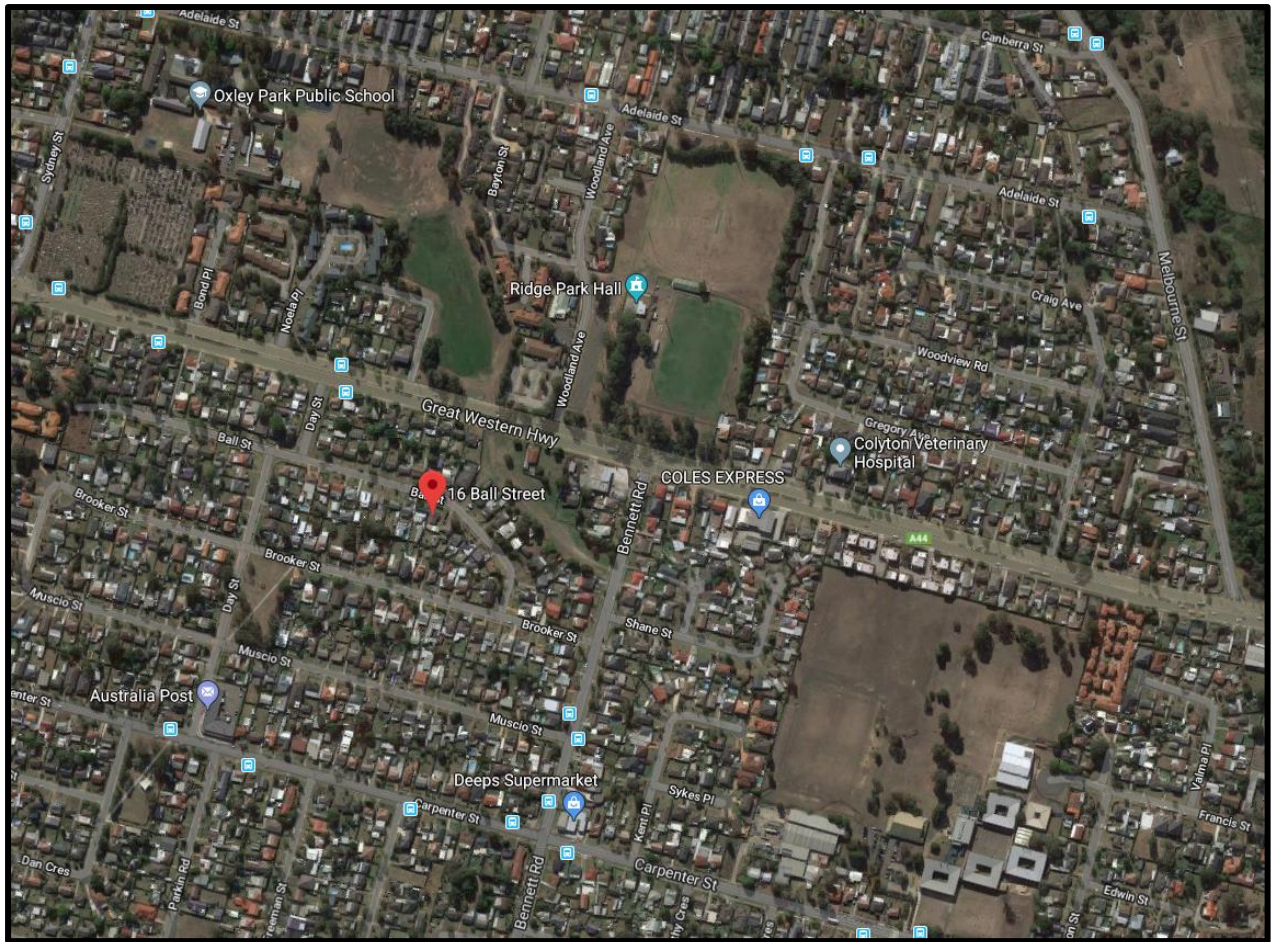


Figure 1 – Location Plan. Subject located (Source: Googlemaps)

## 2.2 Site Description

The site is known as 16 Ball Street, Colyton and is legally described at Lot 203, DP26037. The site sits within the Penrith Local Government Area and is zoned R2 low density residential under the provisions of the Penrith Local Environmental Plan (LEP) 2010.

The subject site has an area of 765.1m<sup>2</sup>, a depth of at least 45m and a frontage of 19.81m to Ball Street. Development to adjacent lots contain existing single storey dwellings with ancillary structures to the rear.

A site aerial is provided in **Figure 2** below.





Figure 2 – Site Aerial (Source: Nearmap)

## 2.3 Existing Site Conditions

Specific details on analysis is provided as follows:

### Landform

The subject site is generally flat with a gentle slope from the rear south western corner of the site at an RL 44.57 to the front north eastern corner of the site towards Ball Street at an RL of 44.09.

### Buildings/Structures

The site is currently contains a single storey brick residence with tile roof with attached awning structure to the rear of the dwelling, two metal sheds, hard stand areas and a detached clad garage located to the rear of the site.

### Access

The subject site is accessed off Ball Street from the north.

### Easements

The subject site is burdened by the following easements:  
(G254442) Easement for drainage affecting the part(s) shown so burdened in the title diagram (Easement to Drain water 3.05 wide as shown in Survey Plan. Refer to **Appendix F**)

### 3.0 Proposed Development

This application proposes the construction of a detached dual occupancy, strata subdivision and associated site works shown in the drawings prepared by J Mammone Architecture.

Specifically, the proposed development includes:

- Demolition and removal of existing structures/ hard stand areas as noted on demolition and site management plan prepared by J Mammone Architecture;
- Reduction of existing metal awning structure attached to existing dwelling;
- Provision of a coloured concrete driveway and vehicle cross over to service the existing dwelling on site, to be constructed in accordance with council requirements;
- Strata subdivision of lot 203 as per subdivision plan prepared by J Mammone Architecture.
- Strata lots proposed in the following configuration:
  - o Proposed lot 1 contains a site area of 333.7m<sup>2</sup> with street frontage to Ball Street; and
  - o Proposed lot 2 contains a site area of 431.4m<sup>2</sup> with access to the Ball street via access corridor;
- Construction of a detached dwelling to the rear of the site 3 bedrooms with ensuite, bathroom, open kitchen/meals/family area and alfresco. The proposed principle living space is located at the rear;
- Construction of a carport structure proposed within the front forecourt of the proposed dwelling;
- Provision of 1.8m and 1.2m high boundary fencing between dwelling 1 and 2;
- Proposed landscaping and planning in accordance with landscape plan prepared by J Mammone Architecture; and
- Support infrastructure including stormwater and associated site works.

### 4.0 Assessment of Environmental Impacts

#### 4.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River;



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

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The lot resides within an existing residential area that has been used as residential lands for a number of years and on this basis, further investigation is not considered necessary in this instance and the site is deemed suitable for its intended residential use.

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

SEPP (BASIX) applies to the subject site. A BASIX Report prepared for the proposed development (separately submitted) indicates that the proposed application will satisfy the relevant water and energy targets. Therefore, the requirements of this SEPP are met.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls. Given the distance between this property and the Hawkesbury-Nepean River system and the implementation of soil erosion and sediment controls measures in accordance with the requirements of Council's Engineering Specifications, no issues will be encountered as part of this DA.

Penrith Local Environmental Plan (LEP) 2010

*Permissibility*

The subject site is zoned R2 – Low Density Residential under the provisions of the Penrith LEP 2010. The development proposes the construction of a detached dual occupancy and strata subdivision and detached dual occupancy is permissible within the zone. Strata subdivision is also permissible with development consent.

**Dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

*Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.*

*R2 – Low Density Residential - Zone Objectives*

The objectives of the R2 – Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

#### Comment

It is considered that the proposal is consistent with the relevant objectives of the R2 zone. The proposal provides for housing needs of the community in providing a detached dual occupancy dwelling that presents as single storey when viewed from the street. In addition, the proposed development has taken its cue from development that has been constructed at 20a Ball Street, Colyton and as such reflects the existing character of the established surrounding residential area.

#### *Relevant LEP Clauses*

An assessment of the proposed development against the relevant clauses within the LEP is outlined in the following table.

LEP Clause	Requirement	Compliance Achieved
<b>4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings</b>	<p>(2) Dual occupancy (detached) within a R2 Low Density Residential zone is 750m<sup>2</sup>.</p> <p>(3) Despite any other provision of this Plan, the consent authority must not grant development consent to a dual occupancy on a battle-axe lot on land in Zone R2 Low Density Residential.</p>	<p><b>Yes.</b> This DA proposes a detached dual occupancy on R2 zoned lands on a site area of 765.1m<sup>2</sup>.</p> <p><b>Yes.</b> This DA does not propose a dual occupancy on a battle-axe lot.</p>
<b>4.3 Height of buildings</b>	8.5m	<b>Yes.</b> The proposed dwelling contains a maximum building height of 8.1m.
<b>4.4 Floor space ratio</b>	Ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.	<b>Yes.</b> No FSR is prescribed for the site with bulk and scale guided through planning controls within Council's DCP. The proposed development is considered compatible with the bulk and scale of the existing and desired future character of the locality.
<b>7.1 Earthworks</b>	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes,	<b>Yes.</b> The proposed development has been designed to minimise site disruption and ensure the development does not adversely impact on the adjoining and surrounding land uses.

LEP Clause	Requirement	Compliance Achieved
	neighbouring uses, cultural or heritage items or features of the surrounding land.	
<b>7.2 Flood planning</b>	To minimise the flood risk to life and property associated with the use of the land.	<p><b>Yes.</b> Subject site is not identified as lands identified as “Flood planning land” on the Clause Application Map, nor on the Flood planning land map.</p> <p>Correspondence from Council provided in <b>Appendix D</b> to this report has identified the site is located in a flood zone area where the 1% AEP Local overland flow flood levels affect the subject site. A floor level enquiry issued by Penrith Council has notes the flood levels affected the property.</p> <p>The proposed development has been designed to ensure the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment and adequate flood mitigation measures have been proposed.</p> <p>A stormwater plan and flooding compliance certificate prepared by Landdev Engineering has been provided in support of this DA which includes an assessment using TUFLOW Hydraulic Modelling Software and hydrologic modelling to convert rainfall estimates to overland flow runoff was developed using DRAINS. The proposed stormwater measures demonstrate the development will not increase the flood hazard or risk to other properties. Refer to <b>Appendix C.</b></p>
<b>7.7 Servicing</b>	Ensure that development of land to which this Plan applies reflects the availability of services.	<p><b>Yes.</b> The subject site contains an existing single storey residential dwelling that is connected to essential services being water, electricity and sewage. This DA proposes to extend those services for the connection of the detached dual occupancy to the rear of the site. Council can impose relevant conditions requiring appropriate services are provided to the proposed development.</p>

*Penrith Development Control Plan (DCP) 2014*

The Penrith DCP is divided into several parts with Section D2 providing specific controls for residential development in addition to the general controls elsewhere in this DCP. In addition, the property sits lower than the 1% AEP flood level and as such is subject to the provisions the Penrith Development Control Plan 2014, C1 Site Planning and Design Principles, section C3.5 Flood Planning.

The following is an assessment of the proposed development's compliance with the relevant controls in the DCP.

DCP Control	Requirement	Comment
<b>C1 Site Planning and Design Principles</b>		
<b>Site Planning and Design Principles</b>	This section of the DCP contains key criteria for achieving a high-quality design and sustainable development outcome.	The proposal is considered to generally comply with this section of the DCP and the proposal offers an architecturally designed dwelling that has been sited and configured accordingly given its sites constraints.
<b>C3 Water Management</b>		
<b>3.5 Flood Planning</b>	<p>Provide a comprehensive flood study, incorporating detailed flood and drainage investigation which establishes the estimated 1% AEP (100 year ARI) flood level is to be submitted with any development application on land identified as fully or partially flood affected. The levels on the survey are required to be verified during construction by a survey certificate.</p> <p><i>Subdivision</i> Generally, subdivision of land below the flood planning level will not be supported. Further provisions relating to the proposed subdivision of such land can be found in the Subdivision Section of this Plan.</p>	<p>As mentioned previously, the subject site is not identified as lands identified as "Flood planning land" on the Clause Application Map, nor on the Flood planning land map of the LEP however is located in a flood zone area where the 1% AEP Local overland flow flood levels affect the subject site.</p> <p>A stormwater plan and flooding compliance certificate prepared by Landdev Engineering has been provided in support of this DA which includes an assessment using TUFLOW Hydraulic Modelling Software and hydrologic modelling to convert rainfall estimates to overland flow runoff was developed using DRAINS. The proposed stormwater measures demonstrate the development will not increase the flood hazard or risk to other properties. Refer to <b>Appendix C</b>.</p> <p>The Flooding Compliance Certificate report prepared by Landdev Engineering provides an assessment of the controls listed in this section.</p> <p>This DA proposes strata subdivision, with the proposed detached dwelling located above the flood planning level.</p>

DCP Control	Requirement	Comment
<b>3.6. Stormwater Management and Drainage</b>	Stormwater water management plan to be submitted for new development.	A stormwater management plan prepared by Landdev Engineering has been provided in support of this DA and submitted under separated cover.
<b>C5 Waste Management</b>		
<b>5.2.2 Residential Development Controls</b>	<p>Waste containers are to be stored in a suitable and easily accessible location on site:</p> <p>A. with unobstructed access to Council's usual collection point; and</p> <p>B. to avoid vandalism, nuisance and visual clutter.</p>	<p>Waste storage area are located within the side setback along the dwellings western elevation. Location is accessible and hidden from street view to avoid visual clutter.</p> <p>In addition, waste storage will be provided within the Kitchen of the proposed dwelling.</p> <p>It is anticipated residents will wheel their beings along the driveway to street frontage along Ball street on the allocated waste collection day.</p> <p>Waste management has further been detailed in section 4.2 below.</p>
<b>C11 Subdivision</b>		
<b>11.3. Residential Subdivision</b>	<p>Battle-Axe Lots</p> <p>1) Battle-axe lots must be greater than 400m<sup>2</sup>.</p> <p>2) Battle-axe allotments are generally discouraged. Where battle-axe allotments are proposed the access corridor will not be included in the site area calculation for battle-axe allotments.</p> <p>3) Requirements for access corridors are:</p> <p>A. Minimum width of 4m;</p> <p>B. Minimum width for shared corridor of 5m;</p> <p>C. Maximum length of 60m.</p> <p>4) No more than 2 allotments shall be served by a shared corridor.</p>	<p>This DA proposes Strata subdivision of land for a detached dual occupancy development.</p> <p>This section of the DCP refers to development for the purposes of subdivision creating Torrens titled allotments, consideration has been given ensure compliance is achieved.</p> <p>The proposed site area for proposed lot 2 equates to 431.4m<sup>2</sup> including the access corridor.</p> <p>The access corridor will not be shared and achieves a minimum width of 4m at a length of no greater than 60m.</p> <p>As above. Access corridor will not be shared.</p>

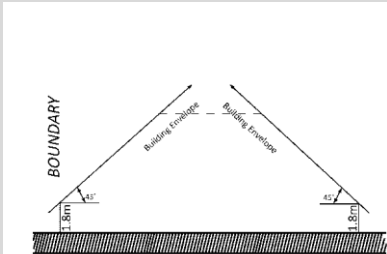


DCP Control	Requirement	Comment
	<p><i>Services</i></p> <p>The design and construction of utility services shall conform to the specific standards of the relevant servicing authority.</p> <p>Where possible, compatible public utility services shall be coordinated in common trenching to maximise cost-effectiveness.</p>	<p>All essential services will be provided to the detached dwelling.</p> <p>Noted.</p>
<b>D2 Residential Development – 2.2 Dual Occupancies</b>		
<b>Preferred Configuration for Dual Occupancy Development</b>	<p>New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:</p> <p>a) traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens;</p> <p>b) patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community;</p> <p>c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.</p>	<p>This proposal proposes an alternative Configuration for Dual Occupancy Development where one dwelling set behind another.</p> <p>No changes to the front dwelling is proposed under this DA ensuring Penrith's established characterised area of cottages and cottage gardens is maintained.</p> <p>The proposed building siting and location of private gardens are of similar strata subdivision pattern that is currently displayed in the area.</p> <p>On Merit – The proposed development whilst is not considered 100% 'Traditional', the development does propose to contribute to the cottage gardens character area through the use of extensive landscaping and planting along the driveway and similar strata subdivision pattern currently displayed in the area. To that end, the development provides for a modern interruption of a traditional cottage and includes traditional features</p>

DCP Control	Requirement	Comment
		that will tie into the surrounding character of the area.
<b>Alternative Configuration for Dual Occupancy Development</b>	<p>Where dual occupancy development involves two dwellings placed one behind the other a "green corridor" of trees and shrubs along rear boundaries.</p> <p>Where dual occupancy development involves two dwellings placed one behind the other buildings should be separated by a corridor of open space.</p> <p>Where dual occupancy development involves two dwellings placed one behind the other parking areas are to be concealed from the street to avoid the appearance of "garage architecture".</p> <p>Where dual occupancy development involves two dwellings placed one behind the other verandahs and private garden courts are required to fill the front garden.</p>	<p>This DA proposes proposed Dual occupancy development with one dwelling set behind another. This DA also includes a green corridor to the rear of the lot and maintains an open space corridor between the two dwellings.</p> <p>As above. The buildings will be separated by a corridor of open space including the existing awning associated to dwelling 1 and a proposed car port.</p> <p>This DA proposes a car port structure to the front of the proposed dwelling that will not be seen when viewed from the street.</p> <p>The proposed dwelling features a detached car port to fill the front garden area whilst also providing a landscaped courtyard area to compliment the front building façade. Additional planting is proposed to soften the proposed building interface.</p>
<b>Urban form</b>	<p>1) Both dwellings should front the street, and display a traditional orientation with:</p> <p>A. a semi-detached configuration, and an individual architectural appearance for each dwelling (that is, non-symmetrical); and</p> <p>B. living rooms and entrances facing the street rather than neighbouring properties; and</p> <p>C. extensive private gardens to the rear adjacent to neighbouring yards; and</p>	<p>Detached dual occupancy proposed. Each dwelling presents as an individual dwelling that is not symmetrical to the existing dwelling on site.</p> <p>Living rooms and entrances face the street.</p> <p>Substantial landscaped area is provided to the rear of the proposed dwelling that will allow for extensive private gardens areas to be constructed out on site.</p>

DCP Control	Requirement	Comment
	<p>D. garages integrated within the building façade, ensuring that at least one principal living room and the entry to each dwelling are visible from the street; and</p> <p>E. the size of driveways minimised, retaining sufficient area for attractive front gardens.</p> <p>2) For any dwelling behind the street frontage:</p> <p>A. a single storey appearance; and</p> <p>B. living rooms, entrances and any dormer windows should face the street and / or the landscaped rear boundary setback; and</p> <p>C. private gardens fill the rear setback; and</p> <p>D. conceal garages from the street.</p> <p>3) Avoid "gun-barrel" style developments with long buildings, long straight driveways and rows of uniform width garden courtyards:</p> <p>B. For detached buildings that are set one behind the other, separate each building by an "open space corridor" at least 4m wide running across each site:</p> <p>4) "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation.</p>	<p>A car port structure is proposed that is located within the front setback and is located behind the existing dwelling on site which should not be seen when viewed from the street. The proposed dwellings porch entry and living room window will be visible from the street.</p> <p>Proposed driveway has been designed to minimize the area where possible and includes planting areas for attractive front gardens.</p> <p>The proposed dwelling presents as a two storey dwelling and contains living rooms, entrance that fronts the street. The proposal includes area to the rear that allows for private gardens with the proposed car port structure not visible when viewed from the street.</p> <p>It is considered, whilst the dwelling presents as a two storey dwelling, the proposal is consistent with the objectives in that the dwelling has been skillfully articulated and integrates well with proposed landscape and garden areas.</p> <p>Due to the nature of the development with one dwelling setback behind the other, an access handle is required to service the rear dwelling, resulting with a long straight driveway. Landscaping along either side of the driveway is proposed to soften this effect.</p> <p>A wide setback of at least 4m is achieved between each site creating an open space corridor across each lot.</p> <p>The proposal has been articulated through a modulated floor plan that is a result of the sites constraints relating to the easement and overland flow path. The proposal features a range of design</p>

DCP Control	Requirement	Comment
	<ul style="list-style-type: none"> <li>A. external walls should not be longer than 5m between distinct corners;</li> <li>B. use a variety of roof forms and pitches;</li> <li>C. provide windows in every elevation;</li> <li>D. use a variety of shady verandahs, awnings and car-ports.</li> </ul>	elements including rear outdoor decking, window treatments and awning structures. The proposal only features two external walls that do not strictly comply with this control being the north western elevation and Southern elevation and it is demonstrated in architectural plans prepared by J Mammone cast deep shadows will not be reproduced.
<b>Front and Rear Setbacks</b>	<p>Development must be within the development footprint which is determined by the maximum development footprint for your site by:</p> <ul style="list-style-type: none"> <li>A. The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.</li> <li>B. The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</li> <li>C. Adopting an average 6m rear setback on irregular shaped allotments; and</li> <li>D. Adopting a front setback that matches the neighbourhood character.</li> </ul> <p>2) Within the rear boundary setback:</p> <ul style="list-style-type: none"> <li>A. there shall be no building encroachments either above or below ground (eaves excepted);</li> <li>B. maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</li> <li>C. where there are physical encumbrances such as open drains, increase the setback accordingly.</li> </ul>	<p>This DA proposes one dwelling setback behind the other achieving the required front setback from the street.</p> <p>A rear setback of 4.5m is achieved to the rear boundary of the existing dwelling and</p> <p>An 8m rear setback is achieved to the two storey portion.</p> <p>As above.</p> <p>No applicable.</p> <p>No proposed built forms will be located within the rear setback.</p>

DCP Control	Requirement	Comment
	<p>3) Determine an appropriate front setback:</p> <p>A. either average the setbacks of</p> <p>B. the immediate neighbours; or</p> <p>C. adopt a 5.5m minimum whichever is the greater dimension;</p> <p>D. and provide extensive landscaping within the front setback area.</p> <p>5) Garages and parking spaces are not permissible within the front setback, other than stacked parking or driveways leading to a garage.</p>	<p>DCP control not applicable in this instance, front setback is achieved.</p> <p>This control applies to dual occupancy development that directly fronts the street and not dual occupancy that proposes dwellings one behind the other.</p>
<b>Building Envelope and Side Setbacks</b>	<p>Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site, as shown in Figure D2.5.</p>  <p>The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:</p> <p>a) side boundaries only; and</p> <p>b) existing ground level.</p> <p>3) Only minor encroachments through the building envelope shall be permitted:</p> <p>A. eaves to main roofs;</p> <p>B. chimneys and antennas;</p> <p>C. pergolas.</p>	<p><b>Minor Non-Compliance.</b> The proposal exceeds the building envelope for the site to the first-floor portion of the dwelling, specifically to a small section dwelling on the southern and north western elevations. A Building Envelope Diagram has been prepared by J Mammone detailing the areas of non-compliance and submitted under separate cover.</p> <p>Refer to justification for noncompliance below, at the end of this compliance table.</p> <p>As above. Refer to justification for noncompliance below, at the end of this compliance table.</p>



DCP Control	Requirement	Comment
	<p>4) Cut and fill and ground floor heights are restricted as detailed in this control.</p> <p>5) Pitches for main roofs are to be in accordance with the following: A. for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings.</p> <p>6) Setbacks from side boundaries should be varied to articulate walls to side boundaries by the following: a. maximise setbacks (and landscaped area) beside neighbouring cottage back-yards; b. Otherwise, a minimum 900 mm setback at ground level for walls no longer than 10m; c. a greater set-back for second storey walls, consistent with the building envelope.</p> <p>7) Zero setbacks from the side boundary are not permissible except for single garages with an open appearance. In addition these garages are to be no taller than 2.1 m at the boundary.</p> <p>8) For any dwelling placed behind another fronting the street, attic rooms are permissible subject to: A. being within the prescribed building envelope B. within a hipped or gabled roof where the maximum roof pitch is 35 degrees</p>	<p>Yes. This DA does not propose cut/ fill on the site. Due to flood requirements the FFL set by Council, the dwelling is elevated on steel posts at least 1.1m above NGL.</p> <p>This DA proposes a contemporary roof form with a range of roof pitches. Refer to Architectural plans prepared by J Mammone submitted under separate cover.</p> <p>Minimum 1.820m side setback is achieved to the sites western Boundary and a minimum 3.074m side setback is achieved to the sites eastern boundary.</p> <p>In addition, the first floor is stepped in from the ground floor and achieves greater side setbacks.</p> <p>No Zero setbacks are proposed for the dwelling. The proposed carport achieves a zero setback to the existing dwelling proposed rear setback. The Zero and is acceptable in this instance given its open appearance.</p> <p>No attic rooms proposed under this DA.</p>
<b>Driveways and Parking Areas</b>	1) Provide onsite parking in accordance with parking section of this DCP.	In accordance with table C10.2 of the PDCP 2014 the car parking rates applicable for a dual occupancy development is 2 spaces per dwelling (2 or more bedrooms) – stack or tandem parking acceptable. The

DCP Control	Requirement	Comment
	<p>2) Garages for attached dwellings should be as per this condition.</p> <p>3) For dwellings located one behind the other, driveways should:</p> <p>A. be separated from dwellings by a landscaped verge at least 1m wide;</p> <p>B. where possible, also separated from boundary fences by a landscaped verge;</p> <p>C. prevent adverse long-term effect upon any vegetation that must be preserved;</p> <p>D. provide for effective and healthy landscaping along all site boundaries;</p> <p>E. e) drain by gravity to Council's stormwater network.</p>	<p>proposal provides for two car spaces in the form of a covered carport and a open car space along the sites eastern boundary.</p> <p>This DA proposes a detached dual occupancy set back behind the existing dwelling. No attached dwelling proposed.</p> <p>As above. DA proposes a detached dual occupancy set back behind the existing dwelling.</p> <p>The proposal includes a 1m landscaped verge is proposed along the sites eastern boundary and landscaped verge between the proposed driveway and boundary fence to the Principal dwelling.</p> <p>In addition, the plant species proposed along the driveway landscaped verge will be of durable and robust vegetation that will be landscaping.</p>
<b>Landscaped Area</b>	<p>Minimum 50% of the site to be landscaped area for lands zoned R2 Low Density Residential.</p> <p>Landscaped areas should provide:</p> <p>A. effective separation between neighbouring dwellings; and</p> <p>B. healthy growth of new trees and shrubs; and</p> <p>C. long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties); and</p> <p>D. private courtyards for all dwellings and a green outlook; and</p> <p>E. civic gardens along street frontages.</p> <p>Landscaped areas are required to:</p>	<p>217m<sup>2</sup> of landscaped area is proposed which equates to 50.3% of the site. Development complies with this control.</p> <p>Landscaped areas proposed meet the requirements of this control.</p>

DCP Control	Requirement	Comment
	<ul style="list-style-type: none"> <li>A. have a minimum width of 2m and serve as functional spaces;</li> <li>B. should include private courtyards measuring a minimum of 30m<sup>2</sup>;</li> <li>C. may include verandahs or patios that open directly to private courtyards;</li> <li>D. do not include substantially-paved areas such as buildings, driveways and covered garages;</li> <li>E. that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</li> </ul>	<p>Landscaped areas contain a minimum width of 2m and include a minimum 30m<sup>2</sup> of private open space.</p> <p>In addition to the proposed landscape areas, the proposal features two deck areas that lead to the rear yard from the dwelling's living areas with landscaped area is clear of paved areas and built structures.</p> <p>Of note, the subject site contains a 3m wide drainage easement that traverses the site. The proposed private open space is located clear of that easement with sufficient room around to provide additional amenity to the dwelling.</p>
<b>Solar Planning</b>	The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access.	<p>Shadow diagrams have been prepared by JMA Architecture that demonstrate the proposed detached dual occupancy development does not impact the living zones of the adjoining dwelling and achieves the minimum 3 hours of sunlight between 9am and 3pm on 21 June.</p> <p>In addition, Shadow diagrams demonstrate 40% of the main private open spaces of the dwelling achieves the minimum of 3 hours sunlight between 9am and 3pm on 21 June.</p>
<b>Urban Design Important Details</b>	Development of sites located in areas of landscape significance are to comply with this section of the DCP.	Subject site not located within significant townscape precincts as defined within the DCP.
<b>Building Design</b>	<p>Dormer windows apply traditional design practices including:</p> <ul style="list-style-type: none"> <li>A. capped by hipped or gabled roofs, within the building envelope, and no taller than the ridgeline of the building's principal roof;</li> <li>B. appear predominantly glazed, or open and have a vertical proportion;</li> </ul>	No dormer windows proposed.

DCP Control	Requirement	Comment
	<p>C. occupy not more than 25% of any roof measured in elevation;</p> <p>D. meet guidelines for privacy and solar planning; and</p> <p>E. dormer face to sit above the roof plane, i.e. not to rise continuous from ground level.</p> <p>Development should demonstrate a variety of architectural features:</p> <p>A. to express the street frontage as two individual dwellings: attached features such as balconies and verandahs;</p> <p>B. to down-play the appearance of garages awnings and balconies that overhang garage entries are to be used and the garage shutters used should incorporate windows, or semi-transparent screens of lattice, battens or similar materials;</p> <p>C. to minimise scale and bulk the alignment of walls should be stepped and corners should be overhung by verandahs or awnings, or broken by windows and doors;</p> <p>D. to accentuate articulation of building forms, incorporate a variety of windows and doors in all visible walls, use a range of projecting roofs, awnings and verandahs and provide a combination of building materials: painted and face brickwork, and light-weight cladding.</p>	<p>The proposal contains individual features that differentiate the dwellings to each other including a mix of materials and finishes and defined portico entries.</p> <p>No garage proposed. A covered car port is proposed that will not be visible when viewed from the street.</p> <p>The first floor of the dwelling has been stepped-in in accordance with this control.</p> <p>The dwelling has been skillfully articulated through the use of a diverse range of materials and finishes consisting of the use of a mixture of aluminum framed louvres and awning windows, light weight cladding to walls and the use of powder coated aluminum window hoods that all create visual interest to the proposed building facades.</p>
<b>Energy Efficiency</b>	All new dual occupancy development should employ construction techniques that provide appropriate thermal	A basix certificate has been prepared for this proposal and submitted under separate cover.

DCP Control	Requirement	Comment
	mass. Suggestions are listed within this section of the DCP.	
<b>Design of Dwellings and Private Courtyards</b>	<p>POS requires:</p> <ul style="list-style-type: none"> <li>A. a minimum of 30m<sup>2</sup>;</li> <li>B. including one area measuring at least 6m by 4m, suitable for outdoor dining; and</li> <li>C. located immediately next to, and level with, living or dining rooms; and</li> <li>D. also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and</li> <li>E. with access direct to the street or a common driveway through a courtyard at least 2m wide; or via a carport with an open design.</li> </ul> <p>Landscaped areas should maximise the area available for private courtyards and gardens:</p> <ul style="list-style-type: none"> <li>A. the front and rear boundary setbacks should be used for private residential gardens;</li> <li>B. common open space should be restricted to the verges of any shared driveway.</li> </ul> <p>Rooms within a dual occupancy development should have dimensions and an area as detailed in this control.</p>	<p>Minimum 30m<sup>2</sup> measuring at least 6m X 4m located next to the proposed dwellings living areas is achieved.</p> <p>Clothes drying areas is located along the western boundary in an area at least 2m wide.</p> <p>POS can be accessed via driveway via side gate located along the sites eastern boundary.</p> <p>Private residential gardens and landscape areas are proposed to the front and rear boundaries.</p> <p>No Common open space proposed under this DA.</p> <p>Due to the 3.0m wide drainage easement traversing the site, the design of the dwelling and its siting has been designed with consideration to the site constraints. Given the sites constraints functional room layouts have been proposed on plans prepared by J Mammone Architecture and submitted under separate cover.</p>
<b>Garage Design</b>	<p>For dwellings that require two spaces:</p> <ul style="list-style-type: none"> <li>A. provide at least one covered space;</li> <li>B. for dwellings located one behind the other: the second</li> </ul>	<p>One covered car space is provided on site with the second space proposed in an open court facing the side driveway.</p>



DCP Control	Requirement	Comment
	<p>space may be an open court facing the side driveway; or</p> <p>Garages and parking spaces are not permissible within the front setback.</p>	No garages or car spaces are proposed to the primary front setback of the site.
<b>Garden Design</b>	The rear boundary setback should provide garden design details prescribed in this control.	This proposal complies with this section of the DCP.
<b>Paving Design</b>	This Section of the DCP sets out designs requirements for driveways and paved areas.	<p>The proposal complies with this control providing a landscaped verge either side of the driveway to provide an attractive "address" for the dwellings to the rear that does not have a direct frontage to the street.</p> <p>The proposed driveway as detailed on plans prepared by J Mammone will be constructed of plain concrete finish Or similar.</p>
<b>Fences and Retaining Walls</b>	<p>3) Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act.</p> <p>4) Fences should be no taller than: A. 1.8m generally; and B. b) 2.4m on sloping sites, including the height of any retaining wall.</p>	<p>Proposed fencing will be structurally adequate and meet the provisions of the relevant Australian Standard. In addition, the proposed boundary fencing has been located to ensure easements and stormwater flow paths are not affected.</p> <p>A 1.8m high boundary fence is proposed to the rear of the principal dwelling and continues along the proposed driveway. A 1.2m high fence is proposed forward of the building line to the principle dwelling on site.</p>
<b>Visual and Acoustic Privacy and Outlook</b>	<p>This section of the DCP provides a ranges of measures that achieves reasonable privacy is provided to minimise overlooking problems which protects residents and adjoining neighbours.</p> <p>All balconies and decks higher than 800mm above existing ground level shall incorporate</p>	<p>The proposed detached dwelling is located to the rear of the site that is separated by an open space corridor that will aid in attenuating any noise generated by the new built form. The proposed dwelling has ensured a 3m distance between windows has been achieved.</p> <p>The dwelling has been designed to ensure first storey windows achieve a high sill height and will not contribute to</p>

DCP Control	Requirement	Comment
	privacy measures such as screening or landscape planting.	overlooking on neighbouring private open spaces.  In addition, landscape planting is proposed to the rear decking that sits 1.1m above NGL to ensure adjoining properties privacy is protected.
<b>Safety and Security</b>	This Section of the DCP sets out CPTED measures that achieve a high level of passive security within and surrounding dwellings.	This DA complies with this control through the following measures: <ul style="list-style-type: none"> <li>- Landscaped areas within the development site to be maintained to a good standard.</li> <li>- Clear delineation between public and private areas.</li> <li>- Effective sightlines between public and private spaces.</li> <li>- Effective use of lighting that complies with AS1158.</li> <li>- Landscape, building position and activities orientated to maximise natural surveillance.</li> <li>- Physical or symbolic barriers to control or restrict pedestrian and vehicle movement of paths, roads, fences lines of lighting and signs.</li> <li>- Design minimizes public access to restricted areas.</li> <li>-</li> </ul>
<b>Accessibility and Adaptability</b>	Demonstrate that planning and design measures do not prevent access by people with disabilities.	When needed, the proposed dwelling can be adapted in the future to meet the provisions of AS 1428.1-1998-Design for access and mobility.
<b>Storage and Services</b>	Provide storage for household items: A. at least 10m <sup>3</sup> per dwelling; either B. as cupboard space within the dwelling in addition to wardrobes; 2) Letter boxes should be provided according to Australia Post specifications: A. adjacent to the front boundary; B. located conveniently for residents entering the site (by car or on foot);	A minimum 10m <sup>3</sup> is provided on site in the form of storage cupboard located on the first floor.  Separate letter boxes have been provided for the dwellings, both located within the street frontage to Ball Street.

DCP Control	Requirement	Comment
	<p>C. integrated with the design of landscaped areas, fences and buildings.</p> <p>3) Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies.</p>	Separate utilities will be provided for the proposed dwelling.

#### *1.0 Non-Compliance to 2.2.6 Building Envelope and Side Setbacks Control.*

The proposal exceeds the building envelope for the site to the first-floor portion of the dwelling, specifically to a small section dwelling on the southern and north western elevations. A Building Envelope Diagram has been prepared by J Mammone detailing the areas of non-compliance and submitted under separate cover.

#### The objectives of this control:

*Comply with building envelope controls, minimise disturbance to existing topography and natural soil-profiles, and provide for reasonable landscaped separation between neighbouring buildings.*

#### The control:

*1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site, as shown in Figure D2.5.*

*3) Only minor encroachments through the building envelope shall be permitted:*

- a) eaves to main roofs;*
- b) chimneys and antennas;*
- c) pergolas.*

#### Comment:

It is considered the noncompliance to the building height control is acceptable in this instance for the following reasons:

- The site is constrained by a 3.0m easement that traverse the site limiting the location and footprint for future development;
- The site is affected by an overland flood path requiring the FFL to be constructed at least 1.1m above the NGL;
- The dwelling proposes a height of 8.1m, 0.4m less than the maximum building height of 8.5m;
- Only a small section of roof space and habitable room is located within the area of exceedance; and
- The development proposes a site coverage of only 24% of the site, complies with the minimum landscape requirements and exceeds the minimum requirement for the private open space;

The proposed development does not strictly comply with the Building Envelope control, the proposal does not adversely impact on the amenity of the adjoining properties in terms of Solar access or privacy. The dwelling has been designed to achieve a minimal building footprint that provides increased separation whilst working with the site constraints.

The proposed design whilst resulting in a minor noncompliance provides for a much improved and efficient internal layout which creates a quality new residence for the future occupants. The development offers considerable landscape measures and it is requested Council considers this minor noncompliance on its merits and site constraints.

## 4.2 Waste management

The proposed operational plan that describes the manner in which all waste and other materials resulting from the construction and on-going use of the dwellings on the site are to be dealt with as follows:

Demolition and construction:

- All excavated material removed from the site (if any), as a result of the construction of the building and associated site works, will be classified in accordance with the Department of Environment, Climate Change and Water NSW Waste Classification Guidelines prior to removal, transportation and disposal to an approved waste management facility.
- On site waste will be managed by the builder through the use of a skip bin and with an approved licenced contractor transporting any waste away. The Builder will aim to recycle as much as possible on site.

Ongoing use:

- Ongoing residential waste will be dealt with by the residents appropriately bagging or wrapping waste prior to being deposited into the designated waste or recycling bin located in the kitchen storage cupboard.
- The occupants of each dwelling will be responsible for depositing all of their waste and recycling material into the designated mobile bins in this waste storage areas. Waste storage areas are provided for bin storage and proposed within the side boundary of the dwelling.
- It is envisaged residents will wheel their waste storage bins on the applicable bin collection day to the shared driveway where a waste collection truck can enter the site to service the proposed development.

## 4.3 Flooding

The site is located in a flood zone area where the 1% AEP Local overland flow flood levels affect the subject site. A stormwater plan and flooding compliance certificate prepared by Landdev Engineering has been submitted in support of the proposed development.

The report provides an assessment of the site using TUFLOW Hydraulic Modelling Software and hydrologic modelling to convert rainfall estimates to overland flow runoff was developed using DRAINS. The findings of the report include:

- The proposed development will not result in a loss of flood storage within the site;

- The proposed construction method of a suspended floor system will allow for the passage of flood waters to continue flow across the site and under the building; and
- The removal of the existing garage and structures on site will improve the flood conveyance around the site.

The report concludes the proposed development is compliant with section 3.5 *Flood Planning* of Penrith Development Control Plan 2014 and the proposed stormwater measures will not increase the flood hazard or risk to other properties.

Refer to full stormwater and flooding assessment contained in **Appendices B – D** to this report.

#### 4.4 Social and Economic Impacts

The development will bring with it a number of important social and economic benefits for the local and wider community as outlined below.

- The development will provide additional residential accommodation within the site in an area where demand outstrips supply in an affordable manner.
- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of a permanent new development and activity within the site;
- Provide short-term economic benefits through construction expenditure and employment; and
- Provide improvements to streetscape appearance, character, amenity of the area thus enhancing resident quality of life and satisfaction.

#### 4.5 Site Suitability

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- the zoning of the site permits the proposed uses;
- the size and dimensions of the land are appropriate for accommodating the proposal;
- it will deliver a dwelling that positively responds to the streetscape and is compatible in size and siting with surrounding existing developments; and
- the site is considered suitable for that development as it satisfies the need for a variety of housing in the area.

#### 4.6 Public Interest

The proposal will facilitate the development of the site by providing a new high-quality housing development which achieves good design.

It is in the public interest to reinforce the importance of this location for additional housing supply.



Generally, the proposal provides the following public benefits:

- The detached dual occupancy dwelling appears as a single storey when viewed from Ball Street which will reduce any impacts on neighbours and has been designed to fit within the streetscape.
- The development has been designed that enhances and responds sensitively to its setting, creating spaces that reflect the desired scale and significance of the immediate precinct.

## 5.0 Conclusion

This proposal seeks approval for the construction of a detached dual occupancy dwelling, strata subdivision and associated site works at 16 Ball Street, Colyton.

The proposal is generally consistent with the relevant environmental planning instruments including the Penrith Local Environmental Plan (LEP) 2010 and satisfies both the relevant objectives and controls of the Penrith Development Control Plan (DCP) 2014.

The proposed development has planning merit in the following respects:

- The proposed development provides for a variety of housing options within the local area;
- The proposed development complies with the applicable planning controls;
- The proposed development appears as single storey when viewed from the street and as such will fit within the surrounding streetscape; and
- There are no adverse impacts on surrounding properties

Given the above significant planning merits and the distinct lack of any adverse social, economic or environmental impacts, the proposal should be granted development consent subject to appropriate conditions.



Hawes & Swan

Town Planning Consultants

## CONTACT US

Suite 4, Level 4,  
35 Buckingham Street,  
Surry Hills New South Wales 2010  
[www.hawesandswan.com.au](http://www.hawesandswan.com.au)