



Planning Direction Pty. Ltd.
Town Planning & Development Services

**STATEMENT
OF
ENVIRONMENTAL
EFFECTS**



Proposed Secondary Dwelling

at

**No 1 Garner Street
St Marys**

A.B.N 60 074 291 615

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STATEMENT OF ENVIRONMENTAL EFFECTS

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1.0 INTRODUCTION

Planning Direction P/L has been engaged to prepare a Statement of Environmental Effects to accompany a development application that is being submitted to Penrith City Council.

The applicant seeks development consent to undertake works to the existing building so as to create a principle dwelling and a secondary dwelling under the provisions of SEPP 2007- Affordable Housing.

The owner of the property has undertaken previous works to the existing building on the subject land converting it to two dwellings. It is understood that Council has issued an Order in respect of those works. The works previously undertaken by the owner could be addressed by a building certificate, if considered necessary by Council.

This development application does not seek retrospective development consent for the works that have previously been undertaken; rather this development application seeks development consent for further works to the property and for the 'use' of the property as a primary dwelling and a secondary dwelling. The works required to the property comprise alterations to the internal wall that divides the two domiciles so as to comply with the minimum Building Code of Australia requirements for fire separation.

This Statement is intended to assist Penrith City Council in its determination of the development application by providing an assessment of the proposal against the provisions of SEPP 2009- Affordable Housing and the relevant local planning instruments and controls. This Statement also considers the heads of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended).

2.0 SITE ANALYSIS

The subject site is situated on the western side of Garner Street and is legally identified as Lot 3 in DP 508698.



Site Location

Existing on the site is a single storey dwelling that has been converted by means of an internal dividing wall into two dwellings. It is understood that development consent was not obtained for the division of the dwelling and that the internal dividing wall does not comply with the fire rating requirements of the BCA. Development consent is thus required for works to the premises (instating a fire rated internal dividing wall) and for the use of the premises as two domiciles.

The existing building is of single storey brick construction with a tiled pitched roof. The property is not identified as being of heritage significance and is not located within a heritage conservation area.

The premises have a large backyard and the property is devoid of significant vegetation. The site does not contain critical habitat.

The site has an extensive history of residential use; there was nothing observed on site that was indicative of potential site contamination.

The subject site is located within a medium/high density residential precinct. Medium density development is located to the north, south and west, effectively land locking the subject site.

3.0 PROPOSED DEVELOPMENT

3.1 Description of Proposed Development

The applicant seeks development consent to undertake works to the existing building so as to create a principle dwelling and a secondary dwelling under the provisions of SEPP 2007- Affordable Housing.

3.2 Proposed Works

This development application seeks development consent for works to the property to enable the 'use' of the property as a primary dwelling and a secondary dwelling. The works required to the property comprise alterations to the internal wall that divides the two domiciles so as to comply with the minimum Building Code of Australia requirements for fire separation.

There are no external changes to the building- there is no change in building height or setbacks. There is no increase in floor space.

3.3 Parking

There is a car parking space and tandem driveway space located adjacent to the northern property boundary.

3.4 Site Facilities

Shared laundry facilities are available to primary and secondary dwelling. Each dwelling has its own bedrooms, living room, kitchen and bathroom.

3.5 Waste Management

The development will continue to use Councils domestic waste services.

3.6 Amenity Considerations

The building is of single storey construction and is well setback from all side boundaries. Standard boundary fencing maintains privacy.

The limited height of the building coupled with the existing generous setbacks negates significant shadow impacts on neighbouring properties. There are no works to the building that increase its size or height that alter or influence the existing shadowing characteristics.

In terms of acoustic impacts it would not be expected that the creation of a small secondary dwelling would manifest in significant adverse noise generation noting the existing medium/high density context of the site.

3.7 Numeric Summary

Site Area: 664sqm

Primary Dwelling Floor Space: 54.6sqm

Secondary Dwelling Floor Space: 46.4sqm

Total Floor Space: 101sqm

FSR: 0.15:1

Building Height: Single storey

Northern side setback: Min 2.985m

Southern side setback: 3.515m

Rear setback: 21.36m

Street setback: 5.515m

Site Coverage: 15%

Landscaped area: 363.6sqm or 54% (excludes any hard paved area)

Landscaped area behind the building line: 340.8sqm or 42% (excludes any hard paved area)

4.0 TOWN PLANNING LEGISLATION

4.1 SEPP 2009- Affordable Housing-

Division 2 Secondary Dwellings

Provision	Comment	Complies
<p>19 Definition In this Division: <i>development for the purposes of a secondary dwelling</i> includes the following:</p> <p>(a) the erection of, or alterations or additions to, a secondary dwelling, (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p>Note. The standard instrument defines secondary dwelling as follows: <i>secondary dwelling</i> means a self-contained dwelling that:</p> <p>(a) is established in conjunction with another dwelling (the <i>principal dwelling</i>), and (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling.</p>	<p>The proposal is for alterations or additions to a principal dwelling for the purposes of a secondary dwelling.</p> <p>The proposal complies with the definition of secondary dwelling</p>	<p>Yes</p> <p>Yes</p>
<p>20 Land to which Division applies</p> <p>This Division applies to land within any of the following land use zones or within a land use zone that is</p>	<p>The site is zoned 2(e) Residential (Medium-High Density) under PLEP 1998 (Urban Areas).</p>	<p>Yes</p>

<p>equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:</p> <p>(a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone R5 Large Lot Residential.</p>	<p>Dwelling houses are identified as a permissible use under the relevant land use table.</p> <p>The equivalent zone is Zone R3 Medium Density Residential.</p>	
<p>22 Development may be carried out with consent</p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) A consent authority must not consent to development to which this Division applies unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land</p>	<p>This application seeks development consent.</p> <p>There will be a principle dwelling and secondary dwelling only.</p> <p>The floor space does not exceed that permissible on the land.</p> <p>The floor area of the secondary dwelling is 46.4sqm.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>under another environmental planning instrument, that greater floor area.</p> <p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or</p> <p>(ii) the site area is at least 450 square metres,</p> <p>(b) parking if no additional parking is to be provided on the site.</p> <p>(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).</p>	<p>The secondary dwelling is located within the principle dwelling. The site area is 664sqm.</p> <p>There is no additional parking on site.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Noted</p>
<p>23 Complying development</p> <p>(1) Development for the purposes of a secondary dwelling (other than development referred to in subclause (2)) is complying development if the development:</p> <p>(a) General requirements meets the general requirements for complying development set out in clauses 1.17A (1) and 1.18 (1) and (2) of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, and</p> <p>(b) Land-based requirements is on a lot that does not include any land referred to in clause 1.19 (1), (3) and (6) of that Policy, and</p> <p>(c) Specified development is on land in Zone R1, R2, R3 or R4</p>	<p>The provisions of subclause (1) are not relevant to the proposal because the development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house. The provisions of subclause (2) apply to the circumstances of the proposal.</p>	<p>NA</p>

<p>or a land use zone that is equivalent to any of those zones, and (d) is on a lot that has an area of at least 450 square metres, and (e) does not involve the erection of a basement or alterations or addition to an existing basement, and (f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such existing terrace, and (g) Development standards satisfies the development standards set out in Schedule 1.</p>		
<p>23 Complying development (2) Development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house is complying development if the development:</p> <p>(a) General requirements meets the relevant provisions of the <i>Building Code of Australia</i>, and</p>	<p>Consent is not sought as 'complying development' however it is noted that the proposal would in any event generally satisfy the relevant complying development criteria.</p> <p>The development for the purposes of a secondary dwelling that is located entirely within an existing dwelling house. The provisions of subclause (2) apply to the circumstances of the proposal.</p> <p>The proposal will be required to comply with the BCA. Specifically the dividing wall between the dwellings will need to be fire rated to BCA standards. This can be addressed by a condition of development consent.</p>	<p>Yes</p> <p>Yes</p>

<p>(b) Land-based requirements is on a lot that does not include any:</p> <p>(i) land that is an environmentally sensitive area within the meaning of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u>, or</p> <p>(ii) land that comprises, or on which there is, a heritage item or a draft heritage item within the meaning of that Policy, and</p>	<p>The land is not environmentally sensitive.</p> <p>The land does not contain a heritage item</p>	<p>Yes</p> <p>Yes</p>
<p>(c) Specified development is on land in Zone R1, R2, R3 or R4 or a land use zone that is equivalent to any of those zones, and</p>	<p>The development is on land equivalent to the R3 medium density zoning.</p>	<p>Yes</p>
<p>(d) involves no external alterations to the principal dwelling other than the provision of an additional entrance, and</p>	<p>The proposal does not involve any external alterations to the building.</p>	<p>Yes</p>
<p>(e) does not involve the erection of a basement or alterations or addition to an existing basement, and</p>	<p>There is no basement.</p>	<p>Yes</p>
<p>(f) does not involve the erection of a roof terrace on the topmost roof of a building or alterations or addition to any such existing terrace, and</p>	<p>There is no roof terrace.</p>	<p>Yes</p>
<p>(g) Development standards will not result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling, and</p>	<p>There will be a principle dwelling and secondary dwelling only.</p>	<p>Yes</p>
<p>(h) will not result in the floor area of the secondary dwelling being more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on</p>	<p>The floor area of the secondary dwelling is 46.4sqm.</p>	<p>Yes</p>

the land under another environmental planning instrument, being more than that greater floor area.		
(2A) Development under subclauses (1) and (2) must also satisfy the requirements for complying development specified in clauses 3.36B and 3.36C of <u>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</u> .	Not relevant as the development application does not seek consent as complying development	Yes
24 No subdivision A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.		

4.2 Schedule 1 of SEPP 2007

The provisions of schedule 1 of the SEPP are not relevant to the proposed development because:

1. The application is not being submitted as complying development
2. Even if it were schedule 1 would not be relevant as the proposal would fall within clause 23(2) rather than clause 23(1) of the SEPP noting the fundamental difference that the schedule only applies to assessment under clause 23(1)

Notwithstanding the schedule provides a useful merit assessment tool noting that there are no specific controls for secondary dwellings applying to the subject land under Councils LEP and DCP.

The following table of compliance with schedule xx is therefore provided to assist with the 'merit' assessment of the development application.

Provision	Comment	Complies
<p>2 Lot requirements</p> <p>(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:</p> <p>(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and</p> <p>(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:</p> <p>(i) 12 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,</p> <p>(ii) 15 metres, if the lot has an area of more than 900 square metres but less than 1500 square metres,</p> <p>(iii) 18 metres, if the lot has an area of at least 1500 square metres, and</p> <p>(c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.</p> <p>(2) A lot on which a new secondary dwelling is erected must have lawful access to a public road.</p>	<p>One principle and one secondary dwelling will eventuate.</p> <p>16.73m</p> <p>16.73m- area 664sqm</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>Lawful access available</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>Yes</p>
<p>3 Maximum site coverage of all development</p> <p>(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:</p> <p>(a) 50 per cent of the area of the lot, if the lot has an area of at least 450 square metres but less than 900 square metres,</p> <p>(b) 40 per cent of the area of the lot,</p>	<p>15%</p> <p>NA</p>	<p>Yes</p> <p>NA</p>

<p>if the lot has an area of at least 900 square metres but less than 1500 square metres,</p> <p>(c) 30 per cent of the area of the lot, if the lot has an area of at least 1500 square metres.</p> <p>(2) For the purpose of calculating the site coverage in subclause (1), the area of any of the following is not included:</p> <p>(a) an access ramp,</p> <p>(b) that part of an awning, blind or canopy that is outside the outer wall of a building,</p> <p>(c) a balcony, deck, patio, pergola, terrace or verandah attached to the principal or secondary dwelling that is not enclosed by a wall higher than 1.4 metres above the floor level,</p> <p>(d) an eave,</p> <p>(e) a driveway,</p> <p>(f) a farm building,</p> <p>(g) a fence or screen,</p> <p>(h) a pathway or paving,</p> <p>(i) a rainwater tank that is attached to the principal or secondary dwelling,</p> <p>(j) a swimming pool or spa pool.</p>	<p>NA</p> <p>Calculated as per definition</p>	<p>NA</p> <p>Yes</p>
<p>4 Maximum floor area for principal and secondary dwelling</p> <p>(1) The floor area of a secondary dwelling must not be more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p> <p>(2) The floor area of a principal dwelling, secondary dwelling and any carport, garage, balcony, deck, patio, pergola, terrace or verandah attached to either dwelling and</p>	<p>54.6sqm</p>	<p>Yes</p>

<p>enclosed by a wall (other than the external wall of a dwelling) higher than 1.4 metres above the floor level on a lot must not be more than the following:</p> <p>(a) 330 square metres, if the lot has an area of at least 450 square metres but less than 600 square metres,</p> <p>(b) 380 square metres, if the lot has an area of at least 600 square metres but less than 900 square metres,</p> <p>(c) 430 square metres, if the lot has an area of at least 900 square metres.</p> <p>(3) For the purpose of calculating the floor area in subclause (2):</p>	101sqm	Yes
<p>5 Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs</p> <p>(1) The maximum floor area of a balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3 metres above ground level (existing) is 12 square metres.</p>	There are no decks etc	NA
<p>6 Building height</p> <p>Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a building height above ground level (existing) of more than 8.5 metres.</p>	Single storey, as existing	Yes
<p>7 Setbacks from roads, other than classified roads</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from the boundary with a primary road that is not a classified road of</p>	<p>NA as there is no 'new building' or 'new building element'</p> <p>The setback is 5.15m as existing</p>	NA

<p>less than:</p> <p>(2) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a secondary road that is not a classified road of less than:</p> <p>(3) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback from a boundary with a parallel road that is not a classified road of less than:</p>	<p>NA. There is no secondary road</p> <p>NA as there is no 'new building' or 'new building element'</p>	<p>NA</p> <p>NA</p>
<p>9 Setbacks from side boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a side boundary of less than the following:</p> <p>(a) 0.9 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,</p> <p>(b) 1.5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,</p> <p>(c) 2.5 metres, if the lot has an area of at least 1500 square metres.</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part</p>	<p>NA as there is no 'new building' or 'new building element'</p> <p>Notwithstanding the existing setbacks readily comply.</p> <p>Northern side setback: Min 2.985m</p> <p>Southern side setback: 3.515m</p> <p>NA as there is no 'new building' or 'new building element'</p>	<p>NA</p> <p>NA</p>

<p>of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:</p> <p>(a) the amount of the setback specified for the relevant sized lot in subclause (1), and</p> <p>(b) an amount that is equal to one-quarter of the additional building height above 3.8 metres</p>		
<p>10 Setbacks from rear boundaries</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p> <p>(a) 3 metres, if the lot has an area of at least 450 square metres but less than 900 square metres,</p> <p>(b) 5 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres,</p> <p>(c) 10 metres, if the lot has an area of at least 1500 square metres.</p> <p>(2) Development for the purposes of a secondary dwelling that involves the construction of a new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8 metres must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is</p>	<p>NA as there is no 'new building' or 'new building element'</p> <p>Notwithstanding the existing setback readily complies.</p> <p>Rear setback: 21.36m</p> <p>NA as there is no 'new building' or 'new building element'</p> <p>Notwithstanding the existing setback readily complies.</p> <p>Rear setback: 21.36m</p>	<p>NA</p> <p>NA</p>

<p>attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <p>(a) 3 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 8 metres, if the lot has an area of at least 450 square metres but less than 900 square metres, or</p> <p>(b) 5 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum setback of 12 metres, if the lot has an area of at least 900 square metres but less than 1500 square metres, or</p> <p>(c) 10 metres, plus an amount that is equal to three times the additional building height above 3.8 metres, up to a maximum of 15 metres, if the lot has an area of at least 1500 square metres.</p> <p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50 per cent of the length of that boundary.</p>	NA. There is no laneway	NA
<p>11 Exceptions to side and rear setbacks</p> <p>Despite any other clause in this Part:</p> <p>(a) development for the purposes of a secondary dwelling must not result in a new building or a new part of an existing building having a setback of less than 3 metres from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two</p>	<p>NA as there is no 'new building' or 'new building element' and the site does not adjoin a reserve</p> <p>Not relied on.</p>	<p>NA</p> <p>NA</p>

of the <i>Building Code of Australia</i> or any eave or roof overhang that has a horizontal width of not more than 0.45 metres.		
<p>12 Calculating setbacks</p> <p>(1) For the purpose of calculating the setback of an existing dwelling, the location of any of the following is not included:</p> <p>(a) any part of an existing garage or carport that is located between the building line of the dwelling and a boundary with the primary road,</p> <p>(b) any existing building element of a dwelling that is located within the articulation zone.</p> <p>(2) For the purpose of calculating the setbacks of the nearest 2 dwelling houses, those dwelling houses must be on the same side of the road as the lot.</p> <p>(3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot is to be used.</p> <p>(4) A setback is to be calculated at the closest point to the boundary from the building line.</p>	Setbacks have been calculated as per the requirements	Yes
<p>13 Articulation zone</p> <p>(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road.</p> <p>(2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot)</p>	<p>An entrance faces the primary road</p> <p>A window faces the primary road</p>	<p>Yes</p> <p>Yes</p>

<p>must not result in neither the principal dwelling nor the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.</p> <p>(3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3 metres.</p>	Noted but not relied upon	Noted
<p>14 Building elements within the articulation zone</p> <p>(1) The following building elements are permitted in an articulation zone:</p> <p>(a) an entry feature or portico,</p> <p>(b) a balcony, deck, patio, pergola, terrace or verandah,</p> <p>(c) a window box treatment,</p> <p>(d) a bay window or similar feature,</p> <p>(e) an awning or other feature over a window,</p> <p>(f) a sun shading feature.</p> <p>(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.</p> <p>(3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25 per cent of the area of the articulation zone, measured through the horizontal plane of the elements.</p>	Noted but not relied upon	Noted
<p>15 Privacy</p> <p>(1) Development for the purposes of a secondary dwelling must not result in a new window in the principal or</p>	<p>There are no new windows. The dwelling is single storey and the existing</p>	Yes

<p>secondary dwelling without a privacy screen if:</p> <p>(a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1 metre above ground level (existing), and</p> <p>(b) the wall in which the window is located has a setback of less than 3 metres from a side or rear boundary, and</p> <p>(c) the window has a sill height of less than 1.5 metres.</p> <p>(2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:</p> <p>(a) has a setback of less than 3 metres from a side or rear boundary, and</p> <p>(b) has a floor area more than 3 square metres, and</p> <p>(c) has a floor level more than 1 metre above ground level (existing).</p> <p>(3) Development for the purposes of a secondary dwelling must not result in a new or altered detached deck, patio, pergola or terrace having a floor level that is more than 0.6 metres above ground level (existing).</p> <p>(4) In this clause alter includes making additions to.</p> <p>privacy screen means a screen that:</p> <p>(a) faces the boundary identified in subclause (2) (a), and</p> <p>(b) is 1.5 metres high, measured from the floor level, and</p> <p>(c) has no individual opening more than 30 millimetres wide, and</p> <p>(d) has a total of all openings less than 30 per cent of the surface area of the screen.</p>	<p>floor level is not more than 1m above NGL.</p> <p>There are no new or altered balconies etc</p> <p>There are no new or altered balconies etc</p> <p>Noted</p>	<p>NA</p> <p>NA</p> <p>Noted</p>
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<p>16 Landscaped area</p> <p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have a landscaped area of at least the following:</p> <p>(a) 20 per cent, if the lot has an area of at least 450 square metres but less than 600 square metres,</p> <p>(b) 25 per cent, if the lot has an area of at least 600 square metres but less than 900 square metres,</p> <p>(c) 35 per cent, if the lot has an area of at least 900 square metres but less than 1500 square metres,</p> <p>(d) 45 per cent, if the lot has an area of at least 1500 square metres.</p> <p>(2) At least 50 per cent of the landscaped area must be located behind the building line to the primary road boundary.</p> <p>(3) The landscaped area must be at least 2.5 metres wide.</p>	<p>54% (excluding any hard paved area)</p>	<p>Yes</p>
<p>17 Principal private open space</p> <p>(1) A lot on which development for the purposes of a secondary dwelling is carried out must have at least 24 square metres of principal private open space.</p> <p>(2) In this clause, <i>principal private open space</i> means:</p> <p>(a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and</p> <p>(b) is at least 4 metres wide, and</p> <p>(c) is not steeper than 1:50 gradient.</p> <p>Part 5 Earthworks and drainage</p>	<p>The lot has an area of POS of 350.8sqm located behind the rear building line</p>	<p>Yes</p>

4.3 Penrith LEP 1998 (Urban Land)

Provision	Comment	Complies
<p>Permissibility</p> <p>Zone No 2 (e) Residential (Medium-High Density)</p>	<p>Dwelling houses are identified as a permissible use under the relevant land use table.</p> <p>The proposed secondary dwelling is permissible pursuant to the provisions of SEPP 2009 Affordable Housing</p>	Yes
<p>Objectives of zone</p> <p>(i) to reinforce the importance of natural landscape settings and areas with heritage conservation value, and</p> <p>(ii) to provide a wider range of housing choices in proximity to the established town centres and railway stations, and</p> <p>(iii) to reinforce established flat zones, and</p> <p>(iv) to allow multi-unit housing up to a three storey appearance, and</p> <p>(v) to allow a range of non-compatible non-residential uses.</p>	<p>The development is for residential purposes permitted under the SEPP. The development retains a high landscaped component. The development provides housing choice.</p>	Yes
<p>7 Aims and objectives of this plan</p> <p>(1) In accordance with the objects of the Act, the aims of this plan are as follows:</p> <p>(a) Vision for the City to promote development which is consistent with the council's vision for Penrith City, namely a harmony of urban and rural qualities with a strong commitment to environmental</p>	Noted	Noted

<p>protection and enhancement,</p> <p>(b) Development control</p> <p>to replace existing environmental planning instruments by a single comprehensive plan to ensure a consistent approach to control of residential development in urban zones, and a high level of certainty for both the local community and the development industry,</p>	<p>Noted. The proposal complies with relevant controls.</p>	<p>Yes</p>
<p>(c) Housing need</p> <p>(i) to encourage and guide private sector development in order to satisfy a wide range of recognised local demands for housing, and</p> <p>(ii) to satisfy city-wide housing needs by promoting housing choice within each neighbourhood through a variety of housing types, and</p> <p>(iii) to facilitate development of special needs housing in areas where appropriate levels of services are available, or can be readily provided, and</p> <p>(iv) to provide for visitor accommodation,</p>	<p>The proposal provides low cost housing choice.</p>	<p>Yes</p>
<p>(d) Density</p> <p>(i) to enable the development of land for residential purposes, and</p> <p>(ii) to make a reasonable contribution to State Government objectives for urban consolidation within the metropolitan region, and</p> <p>(iii) to locate higher densities of development either in proximity to established networks of urban services, or in areas which may be serviced readily, particularly by public transport, shopping centres, educational facilities, community and child care facilities, water, sewerage and drainage, and</p> <p>(iv) to determine residential</p>	<p>The proposal complies with relevant density controls.</p>	<p>Yes</p>

<p>densities that are compatible with the environmental character of established urban areas, and</p> <p>(v) to ensure that future development reflects desired character as well as achieving strategic consolidation objectives,</p> <p>(e) Residential character</p> <p>(i) to promote the community's desired character by ensuring that future development in all residential localities reflects features or qualities of traditional detached houses that are surrounded by private gardens, and</p> <p>(ii) to enhance the essential character and identity of established residential areas, and</p> <p>(iii) to protect items of environmental value, particularly mature vegetation and significant watercourses, significant buildings and gardens, or scenic landscapes and views, and</p> <p>(iv) to encourage development that will ensure that a variety of housing forms address the street frontage and open spaces and that multiple dwellings within each site address each other, where possible,</p>	<p>There are no changes to the external appearance of the building. There is no change/impact on character.</p>	<p>Yes</p>
<p>(f) Residential amenity</p> <p>(i) to promote development which safeguards the residential amenity of the area,</p> <p>(ii) to provide for high levels of residential amenity, particularly acoustic and visual privacy, accessibility to services, climatic comfort of the indoor environment, and safety and security, and</p> <p>(iii) to ensure that development makes a reasonable contribution to provision of the relevant community</p>	<p>No adverse amenity impacts arise from the proposal.</p>	<p>Yes</p>

<p>facilities,</p> <p>(g) Employment to permit small-scale business activities within residential areas which do not significantly adversely affect residential amenity,</p> <p>(h) Environmental performance (i) to promote development which safeguards the environment, (ii) to improve the effective performance of residential development with regard to reduced demand for mechanical heating or cooling of dwellings through effective solar access and landscaping, reduced discharge of contaminated stormwater run-off to the Nepean-Hawkesbury River through suitable design and management, and protection of vegetation endemic to Penrith City together with habitat for native species of fauna, and (iii) to ensure appropriate consideration of environmental threats to life and property, particularly flooding or bushfire events,</p>	<p>Not relevant as the proposal is for residential use.</p> <p>The proposal has an acceptable environmental performance</p>	<p>NA</p> <p>Yes</p>
<p>14 Provision for design principles in development generally</p> <p>The council must not consent to development unless the council is of the opinion that the proposed development has taken into account the following:</p> <p>(a) reinforcement and protection of local topography and setting,</p> <p>(b) reflection of the forms, features or qualities of traditional residential neighbourhoods across Penrith local government area,</p>	<p>No impact as the building remains the same and there are no earthworks.</p> <p>There is no change to the appearance of the property.</p>	<p>Yes</p> <p>Yes</p>

<p>(c) consistency or compatibility with the scale, design and amenity of neighbouring development,</p> <p>(d) contribution to attractive streetscapes through the diversity of building forms and landscaped areas that can be seen from any public place nearby,</p> <p>(e) provision for contemporary standards of amenity within each dwelling and the associated private open space,</p> <p>(f) preservation and enhancement of any significant vista that currently might be available from a public place nearby.</p>	<p>Refer to above comments.</p> <p>There is no streetscape change.</p> <p>The proposal complies with open space requirements.</p> <p>There is no adverse vista impact</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>28 Tree preservation</p> <p>(1) A person must not ringbark, cut down, poison, dig up, top, lop, remove, injure, or wilfully destroy any tree or vegetation by any action (including the addition of soil or drainage works around the base of a tree), except with the consent of the council.</p> <p>30 Development on contaminated land</p> <p>In determining applications for consent to carry out development, the council must take into consideration the provisions of:</p> <p>(a) the requirements of any guidelines, protocols or standards published by the Australian and New Zealand Environment and Conservation Council (ANZECC), the National Health and Medical Research Council (NH&MRC), the Environment Protection Authority (EPA) and the Department of Urban Affairs and Planning relating to</p>	<p>There is no tree removal.</p> <p>The land is not contaminated</p>	<p>Yes</p> <p>Yes</p>

contaminated land, and (b) any development control plan relating to contaminated land.		
32 Flood liable land (1) The council must not consent to the carrying out of any development on or adjacent to flood liable land unless the provisions of any council policy for the development of flood liable land have been taken into consideration.	The land is not flood affected	yes

4.4 Penrith DCP 2006

Provision	Comment	Complies
2.1 Contaminated land	The land is not contaminated	
2.2. Crime Prevention Through Environmental Design	Good casual surveillance is available.	
2.5. Heritage Management	The site is not heritage listing and is not within a heritage conservation area	
2.6. Landscape	There is no change to existing landscaping	
2.9. Waste Planning	The development will use Councils domestic waste services	
2.10. Flood Liable Land	The land is not flood affected	
2.11. Car Parking	No parking is required under the SEPP. There is no specified requirement under the DCP.	
2.13. Tree Preservation		
PART 4 - Land Use Based Controls	There are no controls for secondary dwellings	

5.0 S79(c) SUMMARY

The following provides an assessment of the proposal against the provisions of Section 79(C) of the Environmental Planning and Assessment Act 1979 (as amended).

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,

Comment:

A detailed assessment of the proposed development in respect of the relevant planning instruments has been provided in this SEE. The proposal achieves all relevant planning objectives under the governing planning regime.

(a) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

Comment:

No significant adverse impacts are expected.

(b) The suitability of the site for the development.

Comment:

The subject premises have an area and configuration suited to the proposed development.

(c) Any submissions made in accordance with the Act or the regulations.

Comment:

Nil

(d) The public interest

Comment:

No adverse matters arise.

6.0 CONCLUSION

The proposed development is permissible in the zone.

The proposal promotes the zone objectives.

The proposal complies with relevant SEPP and LEP and DCP provisions.

The proposal will not have a significant adverse impact on the amenity of the locality.

In view of the above, the proposed development is appropriate. Council approval is recommended.