

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA21/0836
<b>Proposed development:</b>	Construction of an Attached Dual Occupancy with Strata Subdivision
<b>Property address:</b>	6 Assisi Close, CRANEBROOK NSW 2749
<b>Property description:</b>	Lot 20 DP 1197799
<b>Date received:</b>	10 November 2021
<b>Assessing officer</b>	James Heathcote
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010
<b>Class of building:</b>	Class 1a
<b>Recommendations:</b>	Approve

### Executive Summary

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**The reason the subject application is being referred to the Local Planning Panel for determination is due to the number of submissions received.**

Council is in receipt of a development application for an attached two-storey dual occupancy and strata subdivision x 2 lots at 6 Assisi Close, Cranebrook NSW 2749.

Under Penrith Local Environmental Plan (LEP) 2010 the proposal is defined as a dual occupancy. The subject site is zoned RU4 Primary Production Small Lots and the proposal is a permissible land use in the zoning with consent.

The key issue identified in the assessment of the application is minimum lot size requirements within the LEP for dual occupancy developments in the zone. The site does not meet the minimum lot size for dual occupancy development as outlined within Clause 4.1A, being a minimum of 650 square metres. The variation to the lot size requirements has however been appropriately justified through a Clause 4.6 variation request from the applicant. The proposal satisfies the objectives of both Clause 4.1A and the R2 Low Density Zone, by providing a dual occupancy of a reasonable scale that satisfies the many provisions within Penrith LEP 2010 and Penrith Development Control Plan 2014 (DCP). As such the proposed development and variation to a development standard is considered to be supportable.

The application was notified to adjoining properties and exhibited between 22 November 2021 and 6 December 2021. Council received 11 unique submissions in response to the application as made by 10 objectors.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to recommended conditions of consent.

### Site & Surrounds

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### **Properties of the Site:**

The subject site is legally described as Lot 20 of DP 1197799 and is located on the western side of Assisi Close, approximately 50m south of the intersection of Assisi Close and Cassar Crescent in Cranebrook. The site has an area of 640.10 square metres with an approximate 15m curved frontage to Assisi Close.

The site is currently vacant, with a single street tree located at the front verge of the site. The surrounding area is characterised by low density residential development (zoned R2 Low Density Residential), with Assisi Close being a small sectioned cul-de-sac. The subject site is the last lot in the subdivision area to be developed. The site backs onto Corpus Christi Catholic Primary School.

The subject site is not bushfire prone land, is not affected by any local overland flow flooding. The site benefits from a drainage easement along the southern boundary line.

### **Site History (Recent):**

- DA21/0836 - Subject Application.
- DA17/1008 - Attached Dual Occupancy & Strata Subdivision x 2 Lots - Consent expired 22 February 2020. Applicant advised this application not pursued due to consent expiry.
- [Previous Property File] SC15/0055 - Torrens Title Subdivision x 21 Residential Lots, 1 Residue Lot & Public Road.

### **Restrictions on the Land (Lot 20 DP 1197799):**

Deposited plan reviewed. Applicable restrictions listed below:

- 1 - Easement to Drain Water 1.5 and 2 Wide (C). Burdened Lots 15-19. Benefitting Lots include Lot 20. See discussion under the Likely Impacts section of this report for more information.
- 5 - Restriction on the Use of Land - All Lots burdened and benefited. Refers to rules on fencing which do not apply to the proposed development.
- 13 - Positive Covenant - Burdened Lots 1-21 inclusive. Benefitting authority is Penrith City Council. Refers to dwellings being constructed in a manner compliant with AS 2107-2000 (Recommended Design Sound levels and Reverberation Times for Building Interiors). This aspect shall be ensured through recommended conditions of consent.
- 14 - Restriction on the Use of Land - Burdened Lots 1-21 inclusive. Benefitting authority is Penrith City Council. Refers to rainwater tank requirements. This aspect shall be ensured through recommended conditions of consent.

## **Proposal**

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The proposed development includes the following:

- Construction of a two-storey attached dual occupancy,
- Strata title subdivision x 2 lots,
- Associated driveway, landscaping, drainage and associated works.

## **Plans that apply**

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- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

### **Section 4.15(1)(a)(i) The provisions of any environmental planning instrument**

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

The aim of this policy is to ensure consistency in the implementation of the BASIX scheme throughout the state, ensuring that certain types of residential development is sustainable through applications providing a list of commitments regarding the manner in which the development will be carried out.

The BASIX Certificate, numbered 1257151M, submitted with the application confirms that the proposed development will meet the policy's requirements for sustainability, passing sustainability targets for water, thermal comfort and energy.

#### **State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 requires a consent authority to be satisfied that the site is suitable for the proposed development, or can be made suitable prior to the determination of the application.

The site is currently purposed for residential purposes, which is unchanged as a result of the proposed development. No recent history of any contaminating activities are recorded on the subject site.

As such, the proposal satisfies the requirements of SEPP 55.

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) applies to the subject land and stipulates that the consent authority shall not grant consent to the application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of the plan.

The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality.

An assessment has been undertaken of the application against criteria with Sydney Regional Environmental Plan No 20 and the application is satisfactory subject to recommended conditions of consent.

## Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Does not comply - See discussion
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.21 Flood planning	N/A
Clause 7.5 Protection of scenic character and landscape values	N/A
Clause 7.7 Servicing	Complies
Clause 7.10 Dual occupancies and secondary dwellings in certain rural and environmental	N/A

### Clause 2.3 Permissibility

The subject site is zoned R2 Low Density Residential and Dual Occupancies are permitted in the zone with consent.

As such, Clause 2.3 has been satisfied.

### Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Clause 4.1A specifies that for a dual occupancy in the R2 Low Density Residential zone that a minimum lot size of 650 square metres be provided. The subject site has an area of 640.10 square metres (short by 9.9 square metres or 2%). This does not comply with the requirements of Clause 4.1A and a Clause 4.6 variation request has been provided with the application.

See discussion under the Clause 4.6 section of this report for more information.

### Clause 4.6 Exceptions to development standards

Clause 4.1A of Penrith LEP 2010 specifies that for a dual occupancy in the R2 Low Density Residential zone that a minimum lot size of 650 square metres be provided. The subject site has an area of 640.10 square metres (short by 9.9 square metres or 2%). This does not comply with the requirements of Clause 4.1A and a Clause 4.6 variation request has been provided with the application.

This application was submitted with a request that a '4.6 Exception to Development Standards' variation be considered due to the subject site not meeting the minimum lot size requirement, for an attached dual occupancy in an R2 zone.



Clause 4.6(3) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

In addition to the above, the key consideration in assessing a Clause 4.6 variation are the five (5) Land and Environmental Court Principles and demonstrated suitability of the proposal on the site and within the broader character of the area. The test for suitability is also dependent on the demonstrated compliance with the controls and objectives of the relevant development standards.

The applicant has outlined the following justification within the proposed variation request and the established court principles has been undertaken as follows:

**1. The objectives of the standard are achieved notwithstanding non-compliance with the standard.**

The objective of Clause 4.1A is "to achieve planned residential density in certain zones". The development is for a dual occupancy, permitted in the R2 Low Density Residential zone. Penrith Local Environmental Plan 2010 (nor the Standard Instrument)

provide a definition for "residential density". Law Insider defines "residential density" as the number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development. In this regard, the proposed development provides for two dwellings, being an attached dual occupancy, to a single allotment of land exclusive of streets, easements and open space. Practically, residential density can be applied through development standards in Penrith LEP 2010 such as height (as FSR is not applicable to this site) and Penrith DCP 2014, through controls such as Urban form, setbacks, building envelope and landscaped area. The submitted plans and subsequent amendments generally comply with these required built form controls. The development therefore complies with the objective of achieving "planned residential density" for the site.

**2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.**

Clause 4.1A(2) states that "Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table", which then species that a dual occupancy (attached) in the R2 zone requires a 650 square metre lot.

The above affirms that both the objective and purpose of Clause 4.1A(2) is relevant to the proposed development but its intent has been met as outlined above.

**3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.**

As the objective states, the objective of this Clause is to achieve planned residential density in certain zones. As discussed in point 1 above, key development standards and controls listed under Penrith LEP 2010 and Penrith DCP 2014 are complied with through the proposed development.

As such, compliance with Clause 4.1A(2) is not required in order to achieve planned residential density in certain zones.

**4. The development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.**

A near identical attached dual occupancy development has been previously approved under DA17/1008 on the subject site, with the same variation to minimum lot size. The current proposal and justification to vary the minimum lot size requirement is consistent with the merits of the above application. Given this, it is justifiable that compliance with the standard on this site is unnecessary and unreasonable in this instance.

**5. The compliance with the development standard is unreasonable or inappropriate due to the existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.**

The subject site is located within a well established low density residential area in Cranebrook, with the subject site being currently vacant and the last lot to be developed in Assisi Close. The character of the area is subdivided parcels of land averaging at 785.24 square metre lots (average of 21 lots along Assisi Close), zoned R2 Low Density Residential, with development including single dwellings, single dwellings with secondary dwelling and dual occupancies.

There are 4 x dual occupancy developments on Assisi Close approved under the Penrith LEP 2010. Whilst these dual occupancy sites are larger lots (above 800 square metres), it is still considered that the low density residential nature of the area will be maintained through the proposed development with limitations on dwelling size and floor area, and minimum on-site parking requirements, still applicable under the provisions of Penrith DCP 2014.

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After assessment of the submitted Clause 4.6 variation request, including the above justifications, Council staff are satisfied that the variation request has adequately addressed the matters required to be demonstrated by Clause 4.6(3), being that compliance with the Clause 4.1A development standard is unreasonable and unnecessary in this instance and that there are sufficient environmental planning grounds to justify contravening the development standard. Council staff are also satisfied that the proposed development is in the public interest, consistent with the objectives of Clause 4.1A and the objectives of the R2 Low Density Zone.

As such, the 4.6 variation request made for this application is sufficient as it satisfies the objective of Clause 4.1A and Clause 4.6(3) of Penrith LEP 2010.

## **Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument**

### ***Draft Environment State Environmental Planning Policy***

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury/Nepean River (No. 2 - 1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property*

It is noted that the proposed changes to State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury/Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

### ***Draft Remediation of Land SEPP***

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No. 55—Remediation of Land.

The proposed new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land,
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- Clearly list the remediation works that require development consent, and
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

### ***Other Draft NSW Planning Legislation:***

It is noted that the Draft Vegetation SEPP and Draft Design and Place SEPP apply to the subject site. However, these do not affect or alter the recommendation of this report.

## Section 4.15(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	Complies
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	Complies - see Appendix - Development Control Plan Compliance
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A

## Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applicable to the site or area.

## Section 4.15(1)(a)(iv) The provisions of the regulations

The requirements of the Regulations have been considered in the assessment of the application, with applicable conditions of consent being recommended.

## Section 4.15(1)(b) The likely impacts of the development

### Context and Setting

The proposal is consistent with the existing character of other residential development in the locality. The proposal is compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area.

### Access, Parking and Traffic

The proposal will have no adverse traffic generation impacts on the local road system. The proposed vehicle access arrangements and car parking on the site will be adequate for the proposal. See discussion under the C10 Transport, Access and Parking section of this report for more information.

### Visual and Acoustic Amenity

Appropriate setbacks are afforded to boundary lines to limit any potential visual or acoustic impacts to neighbouring properties.

### Drainage

The proposed development includes drainage being directed to existing inter-allotment drainage to which the subject site benefits. The application was referred to Council's Development Engineering, who raised no objections to the proposal subject to recommended conditions of consent.

## Section 4.15(1)(c) The suitability of the site for the development

The site is suitable for the following reasons:

- The proposal is permissible in the zone with Council consent.
- The use is compatible with surrounding/adjoining land uses.
- The grade of the site is suitable for the design proposed.
- The site is able to drain to Council's satisfaction.
- The proposal provides sufficient on-site parking.

## Section 4.15(1)(d) Any Submissions

### Community Consultation

The application was notified to 5 adjoining and nearby properties between 22 November 2021 and 6 December 2021, in accordance with the relevant legislation. During this period 11 unique submissions were received in response, made by 10 objectors to the development. Due to the number of unique submissions made objecting to the development, this application is referred for determination by the Local Planning Panel.

The following issues were raised in the submissions received with feedback commentary detailed below (in no particular order):

Issue Raised	Comments
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<p><b>1. Too many dual occupancies in a small and narrow cul-de-sac street</b></p> <p>There are too many dual occupancies on this street, leading to congestion issues, and this proposal will lead to further congestion issues.</p>	<p>The subject site is zoned R2 Low Density Residential and a dual occupancy is permitted in the zone with consent.</p> <p>Despite the minor variation to the minimum lot size for an attached dual occupancy, the proposal satisfies key development controls as addressed by the submitted Clause 4.6 variation request and further discussed in the DCP section of this report.</p>
<p><b>2.Excessive vehicles parked on the street and associated safety issues</b></p> <p>There are safety issues from too many cars in the street, with cars parked illegally on the footpath and nature strip, forcing pedestrians to walk on the road. There is also limited thoroughfare for cars entering and exiting the street, also having potential safety issues with children playing on the road/street at risk through poor sight-lines. The increased traffic from the development will add to the above issues.</p>	<p>The proposed development includes on-site parking for 2 x car parking spaces for each dwelling, with one space under cover for each dwelling, which complies with the car parking rates specified by Chapter C10 of the DCP.</p> <p>The proposed development will not impact on the safety issues and concerns raised. These issues appear to be separate from the proposed development. A recommendation of this report is to refer the traffic situation along Assisi Close to Council's Rangers and Traffic Engineering department for further investigation.</p>
<p><b>3. Obstruction to service vehicles</b></p> <p>A building of any type will have an impact to drivers on this street, even service vehicles (such as garbage collection) are obstructed by parked vehicles.</p>	<p>See above response to point 2.</p>
<p><b>4. Use of on-site parking</b></p> <p>Residents of dwellings and dual occupancies in the street do not use their garages and park on the street.</p>	<p>See above response to point 2.</p>

<p><b>5. Privacy and overlooking concern</b></p> <p>Unit 1's windows will impact visual privacy to properties either side.</p>	<p>The proposal includes an approximate 1.8m setback to Unit 1 bedroom 1 and the south boundary line, and an approximate 5m setback from to Unit 1 bedroom 2. These rooms are non-primary living rooms looking over the front driveway of the adjoining property to the south. As such, no visual intrusion is expected as a result.</p> <p>The proposal also includes an approximate 1.8m setback to Unit 2 bedroom 1 and the north boundary line, and an approximate 7m setback to Unit 2 bedroom 2 and the northern boundary line. The only perceived issues of visual intrusion from the Unit 2 bedroom 1 window would be to first floor windows to the neighbouring dwelling to the north. Although, given that the first floor rooms of both dwellings are non-primary living areas, the setbacks afforded, the angled nature of the proposed development, there are no expected issues of visual intrusion into the neighbouring property.</p>
<p><b>6. Amenity concerns to adjoining neighbour to the south</b></p> <p>Concern that setback of development will block the view of 8 Assisi Close from the street.</p>	<p>The proposed development includes setbacks that align with those specified under Penrith DCP, including a front setback average that aligns with adjoining properties. Suitable side setbacks have also been proposed, in excess of the development control specified in the DCP.</p>
<p><b>7. Noise impacts</b></p> <p>Noise concern from alfresco directly outside bedroom window on adjoining properties</p>	<p>The proposed positioning of both alfrescos for each dwelling and setbacks afforded to boundaries are not considered to be directly outside bedrooms of adjoining properties. As such, no significant noise impact is expected as a result of the proposed development.</p>
<p><b>8. Storm water connection</b></p> <p>Regarding the proposed connection to stormwater pit at the rear of the site, can the pit withstand this development? Will the connection impact their land?</p>	<p>The subject site benefits by an existing drainage easement through the property to the south. The proposal will connect to this existing inter-allotment drainage. Referral to Council's Development Engineering Department raised no objections to the proposed drainage arrangement. See discussion under the Likely Impacts section of this report for more information.</p>

## Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions

### Development Engineer

The application was referred to Council's Development Engineering Department, who raised no objections to the proposed development subject to recommended conditions of consent.

### Section 4.15(1)(e)The public interest

Given the matters discussed throughout this report, the proposed development is not expected to generate any significant issues of public interest.

### Section 94 - Developer Contributions Plans

The following Section 7.11 plans apply to the site:

- Section 7.11 - District Open Space Facilities
- Section 7.11 - Cultural Facilities

The following Section 7.11 calculations apply to the proposed development.

<b>Calculation for a Dual Occupancy</b>					
<i>Open Space</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.1	-	3.1	3.1
<i>City wide</i>					
No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
2	x	3.0	-	3.0	3.0
<b>AMOUNT</b>					
S.7.11 Contribution Plan	Contribution Rate x Calculation rate			Total	
District Open Space	3.1 x \$2,058.00			\$6,379.00	
Cultural facilities	3.0 x \$197.00			\$591.00	
	<b>NET TOTAL</b>			<b>\$6,970.00</b>	



## **Conclusion**

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In assessing this application against several state policies, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

## **Recommendation**

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1. That DA21/0836 for the proposed construction of a two-storey attached dual occupancy at 6 Assisi Close, Cranebrook NSW 2749, be approved subject to the attached conditions.
2. That referral be made to Council's Traffic Engineering and Ranger departments to further investigate the concerns raised by the residents of Assisi Close in Cranebrook.

## CONDITIONS

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### General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans stamped approved by Council below, BASIX Certificate numbered 1257151M, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Description	Plan No.	Revision	Prepared By	Date
Cover Sheet	Project No. 2146 Drawing A0	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Site Plan Site Analysis	Project No. 2146 Drawing A1	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Ground Floor Plan	Project No. 2146 Drawing A2	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
First Floor Plan	Project No. 2146 Drawing A3	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Roof Plan	Project No. 2146 Drawing A4	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Front Elevation (Assisi Close View), Rear Elevation	Project No. 2146 Drawing A5	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
North Elevation, South Elevation	Project No. 2146 Drawing A6	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Driveway Section, Section Elevation Section -1	Project No. 2146 Drawing A7	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Site Analysis & Waste Management Plan	Project No. 2146 Drawing A8	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022

Erosion & Sediment Control Plan	Project No. 2146 Drawing A9	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Stormwater Plan	Project No. 2146 Drawing A10	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Landscaping Plan	Project No. 2146 Drawing A11	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Shadow Diagram (21st June) 9AM	Project No. 2146 Drawing A12	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Shadow Diagram (21st June) 12PM	Project No. 2146 Drawing A13	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Shadow Diagram (21st June) 3PM	Project No. 2146 Drawing A14	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Subdivision Plan	Project No. 2146 Drawing A15	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022
Notification Plans	Project No. 2146 Drawing A16	C	Eddy Mekhail - AA Dream Homes - Client - Mr. Medhat Nabih Attia	2/02/2022

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A019 - OCCUPATION CERTIFICATE](#)

**The development shall not be used or occupied until an Occupation Certificate has been issued.**

4 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

## Environmental Matters

5 **D001 - Implement approved sediment & erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

6 **D008 - Filling compaction**

Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

7 **D Special (Dust Suppression)**

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

8 **D Special (Mud and Soil)**

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

9 **D Special (Waste Materials)**

All excavated material and other wastes generated as a result of the development are to be reused, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

10 **D Special (Waste Storage)**

All waste materials stored onsite are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.

## **BCA Issues**

11 [E001 - BCA compliance](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
  - complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

## Utility Services

12 [G002 - Section 73 \(not for](#)

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

13 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

14 [G006 -](#)

**Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of an Occupation Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

## Construction

#### 15 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

#### 16 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

#### 17 H022 - Survey

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

18 [H032 - Painting](#)

Prior to the issue of an Occupation Certificate, the building is to be painted internally and externally (as applicable).

19 [H033 – Clothes line](#)

Prior to the issue of an Occupation Certificate, clothes drying facilities are to be positioned, installed and screened from public view.

20 [H036A - Rainwater Tank \(Also impose H037, H038, H039, G005 & Q010\)](#)

Each dwelling shall be provided with a rainwater tank with a minimum capacity of 6000 litres in accordance with Penrith Council's guidelines.

The rainwater tank(s) is to be:

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

Additionally, the following are to be provided:

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

21 [H036B - Rainwater Tank \(Also impose H037, H038, H039, G005 & Q010\)](#)

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

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

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

22 [H037 - Safe supply of water from catchment areas \(Also impose H036, H038 & H039\)](#)

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

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

23 [H038 - Connection of rainwater tank supply \(Also impose H036, H037 & H039\)](#)

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

24 [H039 - Rainwater tank pumps \(Also impose H036, H037 & H038\)](#)

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

25 [H Special \(BLANK\)](#)

All retaining walls are to be of masonry construction. Where cut-and-fill occur as part of the development, appropriate battering shall be provided along each side boundary interface with adjoining properties (where appropriate).

26 [H Special \(BLANK\)](#)

As specified on the title of the land, the dwellings shall be constructed in a manner as follows:

1. Compliance with AS 2107-2000 (Recommended Design Sound Levels and Reverberation Times for Building Interiors, and generally in accordance with the below table:

**Traffic Noise Impact Criteria**

Space/Activity Type	Recommended Internal Design Noise Level
House near major roads - Sleeping Areas	35 dB(A) Leq (9 hour)
House near major roads - Other Habitable Areas	40 dB(A) Leq(15 hour)

2. Compliance with the acoustic construction treatments contained in Table 3 of the Acoustic Assessment prepared by Acoustic Logic (ref 20130425.1/2806A/R1/YK, Rev 1 dated 28/6/2013), generally in accordance with the below table:

**Recommended Glazing Constructions**

Lot	Facade	Glazing Requirements	Acoustic Seals
20 & 21	West & North	6.38mm laminate	Yes
~	South & East	6mm toughened	Yes

## Engineering

27 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

28 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.



#### 29 [K202 - S138 Roads Act - Minor Works in the Public Road](#)

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossing (including kerb reinstatement of redundant vehicular crossings).

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice. The driveway crossover shall be perpendicular with its respective edges and shall be a minimum 6 metres in width.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

#### 30 [K209 - Stormwater Discharge - Minor Development](#)

Stormwater drainage from the site shall be discharged to the interallotment drainage line. The stormwater lines from the development shall connect to a junction pit within the property boundary, before connecting to the existing drainage easement via one pipe connection only.

The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. The design shall ensure that the development has no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifier.

#### 31 [K501 - Penrith City Council Clearance - Roads Act / Local Government Act](#)

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

## Landscaping

32 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

33 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

34 **L008 - Tree Preservation**

No trees are to be removed, ring barked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Part C, C2 Vegetation section of Penrith Development Control Plan 2014.

35 **L Special (BLANK)**

Prior to the issue of an Occupation Certificate, the existing street tree shall be transplanted to a suitable new location in the front verge of the site. If found not to be a viable option, a replacement street tree shall be planted within the front verge of the site. The new street tree shall be the same species, height (already matured) and pot size to the existing street tree. The tree shall be planted in accordance with Penrith Council's Street and Park Tree Management Plan.

See below links for more information:

- [https://www.penrithcity.nsw.gov.au/images/documents/waste-environment/environment/StreetParkTreeManagementPlan\\_2019\\_Elizabeth\\_Oct%202019.pdf](https://www.penrithcity.nsw.gov.au/images/documents/waste-environment/environment/StreetParkTreeManagementPlan_2019_Elizabeth_Oct%202019.pdf)
- <https://www.penrithcity.nsw.gov.au/images/documents/waste-environment/environment/Street%20and%20Park%20Tree%20Management%20Plan%20Appendix%20final%20dra>

For more information on street tree requirements, please contact Penrith Council's Asset Management Department on (02) 4732 7777.

36 **L Special (BLANK)**

Prior to the issue of an Occupation Certificate, a mix of tree and shrubs shall be planted along the rear boundary of both dwellings.

## **Subdivision**

### 37 M008 - Subdivision Certificate requirements

**Prior to the issue of the Subdivision Certificate**, the following is to be submitted:

An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant -

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

**Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to council@penrith.city for approval.**

## Development Contributions

### 38 N001a - Section 7.11 contribution (Cultural Facilities)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$591.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

### 39 N001b - Section 7.11 contribution (District Open Space)

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,379.00 is to be paid to Council prior to a Construction Certificate being** issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

## Certification

40 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act 1979, and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

41 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

#### C10 Transport, Access and Parking

Table C10.2: Car Parking Rates specifies that for dual occupancy development the parking requirement is 2 spaces per dwelling with stack or tandem parking acceptable.

The proposed dual occupancy includes two dwellings in an attached arrangement, each with a single integrated garage and room on the driveway for each dwelling. As such, the minimum requirement of 2 spaces per dwelling are provided, complying with Australian Standards and providing an undercover parking space for each dwelling.

It is acknowledged that several submissions have been received raising concern for traffic, access and parking along Assisi Close. Whilst it is not expected that the proposed development will have any negative impact in this regard, it is recommended that the concerns raised by the community be referred to Council's Rangers and Traffic Engineering Department for further investigation.

### D2 Residential Development

#### 2.2.1 Residential Character

The proposed scale of development and its built form is characteristic of similar development along Assisi Close and in the vicinity.

#### 2.2.4 Urban Form

The proposed dual occupancy includes both dwellings facing the street and display a traditional orientation with a semi-detached configuration and an individual architectural appearance for each dwelling (that is non-symmetrical). All building forms and facades are articulated through different design measures.

#### 2.2.5 Front and Rear Setbacks

Despite the unusual shape of the subject lot and site, the application has been assessed as providing appropriate setback, as discussed below:

- An appropriate front setback of 5.5m is provided to the front building line of Unit 1, and a 5.940m front setback to the front building line of Unit 2. There is a front setback of 6.570m to the integrated garages for each dwelling, and an appropriate 1.2m encroachment of the front porch of each dwelling within the front setback area.
- For the rear setback, only a small portion of ground floor external wall has a rear setback of 3.295m to the rear boundary (for a 1.5m section), where as after this an increasing rear setback range of 4m to 9.7m is provided. The rear setback on the first floor is in excess of 6m. Given the unusual allotment shape of the site and noting that the subject site backs onto a large school site, the proposed rear setbacks are considered to be suitable in instance.

#### 2.2.6 Building Envelope and Side Setbacks

- As mentioned throughout this report, the subject site has an irregular allotment shape resulting in varied setbacks along each boundary line that are in excess of required development controls. In demonstrating that the development complies with the building envelope for the site, the applicant has provided several building envelope perspectives from the porch line, building line and rear line envelope, which demonstrate an appropriate building envelope for the site with only minor encroachments through eaves which is considered appropriate for the site's context.
- The proposal includes stepping through its built form in line with the site's existing

topography with floors no higher than 1m off natural ground level, with cut-and-fill reaching no more than 580mm in some areas of the site. Given the sloped nature of the site, context and cut-and-fill shown in the Cut-and-Fill Plan, this is considered to be suitable in this instance. A condition of consent is recommended to ensure that suitable batters are provided between neighbouring side boundary lines, which is viable given the side setbacks proposed.

- The minimum 900mm side setback is achieved, with side setbacks to both side boundaries ranging from 1.4m to 4.9m in some sections of the built form.

### **2.2.8 Landscaped Area**

- A provision of 54.37% landscaping is afforded by the development.
- The submitted plans make reference to tree removal toward the middle-rear portion of the site. Site inspection to site and review of historical aerial imagery observed these trees appeared to have been removed several years ago. In addition to the applicant's proposed landscaping and planting plan, a condition of consent is recommended that a mix of trees and shrubs be planted along the rear boundary for each dwelling private open space area to replenish any loss of vegetation that may have occurred during the subdivision stages of development in this area.

### **2.2.9 Solar Planning**

The orientation of the lot and development affords the minimum required solar access for the primary living areas and private open spaces areas for the proposed dual occupancy and also those of adjoining sites.

### **2.2.14 Design of Dwellings and Private Courtyards**

Each dwelling provides in excess of the required 30sqm size private open space with a 6m x 4m area suitable for dining.

### **2.2.18 Fences and Retaining Walls**

Appropriate fencing and retaining walls are proposed through the development. Recommended conditions of consent are included to ensure their suitable construction.

### **2.2.19 Visual and Acoustic Privacy and Outlook**

The proposal includes an approximate 1.8m setback to Unit 1 bedroom 1 and the south boundary line, and an approximate 5m setback from to Unit 1 bedroom 2. These rooms are non-primary living rooms looking over the front driveway of the adjoining property to the south. As such, no visual intrusion is expected as a result.

The proposal also includes an approximate 1.8m setback to Unit 2 bedroom 1 and the north boundary line, and an approximate 7m setback to Unit 2 bedroom 2 and the northern boundary line.

The only perceived issues of visual intrusion from the Unit 2 bedroom 1 window would be to first floor windows to the neighbouring dwelling to the north. Although, given that the first floor rooms of both dwellings are non-primary living areas, the setbacks afforded, the angled nature of the proposed development, there are no expected issues of visual intrusion into the neighbouring property.

As such, appropriate setbacks are afforded to boundary lines to limit any potential visual or acoustic impacts to neighbouring properties.

# Proposed Unit 1 & Unit 2 & Strata Subdivision

**Mr. Medhat NABIH ATTIA**

**6 ASSISI CLOSE, CRANEBROOK 2749**

**NOTES:**

It is the contractors responsibility to ensure all work complys with the Building Code of Australia, SAA codes and relevant Australian standards, and conditions of the DA and other council requirements.

All measurements are in millimetres and are to be verified on site prior to commencement of work. Do not scale from these drawings - use figured dimensions only. All wall dimensions are to structure.

All structural work to Structural Engineers detail drawings.

The Contractor/Manufacturer shall check and verify all dimensions, RL groundlines and construction methods prior to commencement of any work on site

All structural elements are diagramatic only and to be verified by suitably qualified engineer to detail plans and specifications.

All storm water drainage details to hydraulic engineer's specifications.

All sewer works to sydney water conditions.

New termite protection to AS 3660- note all pre-treated structural timbers cut on-site to receive further treatment. All services that penetrate slab or footings to have a physical or chemical barrier installed.

Wet areas (bathrooms + laundries) to receive waterproofing to AS 3740.

All timber framing works to comply with the nsw timber framing manual and AS 1684.

All electrical works to comply with the BCA & AS/NZS3000:2000.

All plumbing works to comply with the BCA & AS/NZS3500. Selected hot water system to have minimum seda score of 3.5. All selected plumbing fittings to be aaa rated.

All doors and windows to AS 1288 and all glazing (to be 6.38mm laminated) to as/nzs2208:1996.

All doors & windows installed to AS 2048.

All doors & windows to have weather seals fitted.

Roofing membrane to as/nzs4200-1 and installed to AS/NZS 4200-2.

Thermal insulation to AS 2627.

All balustrades to BCA clause d2.16.

Smoke alarms to be connected to mains power and installed to AS 3786.

Air exhaust fans to be fitted to bathrooms/laundrys; allow for return air source.

On-site contractors + sub-contractors to meet all workcover conditions and AS 1470.

Drawings Index

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- A1 Site Plan
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- A6 Side Elevations
- A7 Section Elevation & Schedule of Finishes
- A8 Site Analysis & Waste Management Plan
- A9 Erosion & Sediment Control Plan
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- A16 Notification Plans
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- A20 Envelope Plans



REV.	DATE	REMARKS
C	3-02-22	FOR DA APPROVAL
B	23-12-21	AMENDED AS PER LETTER 14-12-2021
A	02-11-21	ISSUED FOR DA APPROVAL

THIS DRAWINGS HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY

SCALE:	-	DRAWING	REV.
DATE:	OCT. 2021	A0	C
PROJECT No.:	2146		



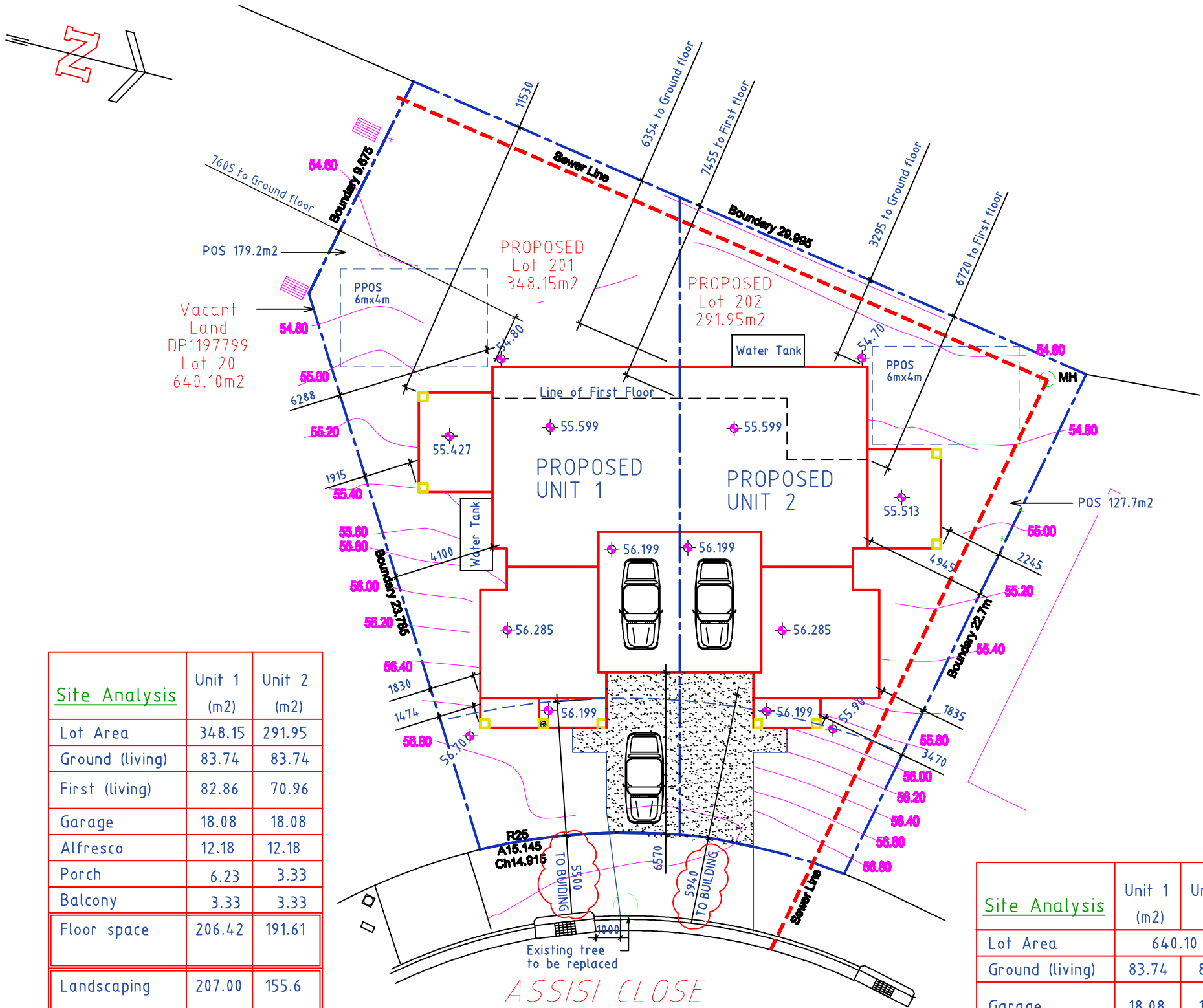


TM  
**DIAL BEFORE YOU DIG  
 SHOULD BE CONTACTED  
 PRIOR TO ANY EXCAVATION ON SITE**

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- ◆ NGL 00.00 - Denotes Natural Ground Level
- ◆ GL 00.00 - Denotes Reduced Ground Level
- ◆ RL 00.00 - Denotes Finished Level

CONTRACTORS ARE RESPONSIBLE FOR ALL SITE LEVELS AND DIMENSIONS AND MUST VERIFY THESE AT THE JOB BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWINGS. IF ANY DISCREPANCIES ARISE, THEY ARE TO BE REPORTED TO THE BUILDER PRIOR TO COMMENCEMENT OF WORK. BUILDER IS RESPONSIBLE FOR CHECKING THESE PROPOSED DRAWINGS AND TO PREPARE AND VERIFY ANY SHOP DRAWINGS.



Site Analysis	Unit 1 (m <sup>2</sup> )	Unit 2 (m <sup>2</sup> )
Lot Area	348.15	291.95
Ground (living)	83.74	83.74
First (living)	82.86	70.96
Garage	18.08	18.08
Alfresco	12.18	12.18
Porch	6.23	3.33
Balcony	3.33	3.33
Floor space	206.42	191.61
Landscaping	207.00	155.6
Open Space	179.20	124.7
Roof	136.30	130.0
SQUARE	22.15	20.60

Site Analysis	Unit 1 (m <sup>2</sup> )	Unit 2 (m <sup>2</sup> )
Lot Area	640.10	
Ground (living)	83.74	83.74
Garage	18.08	18.08
TOTAL FLOOR	203.64	
Site Coverage	31.81%	
Gross floor	300.20	
FSR	46.90	

Less Garage & Patio & Alfresco Internal Area

# Site Plan Site Analysis

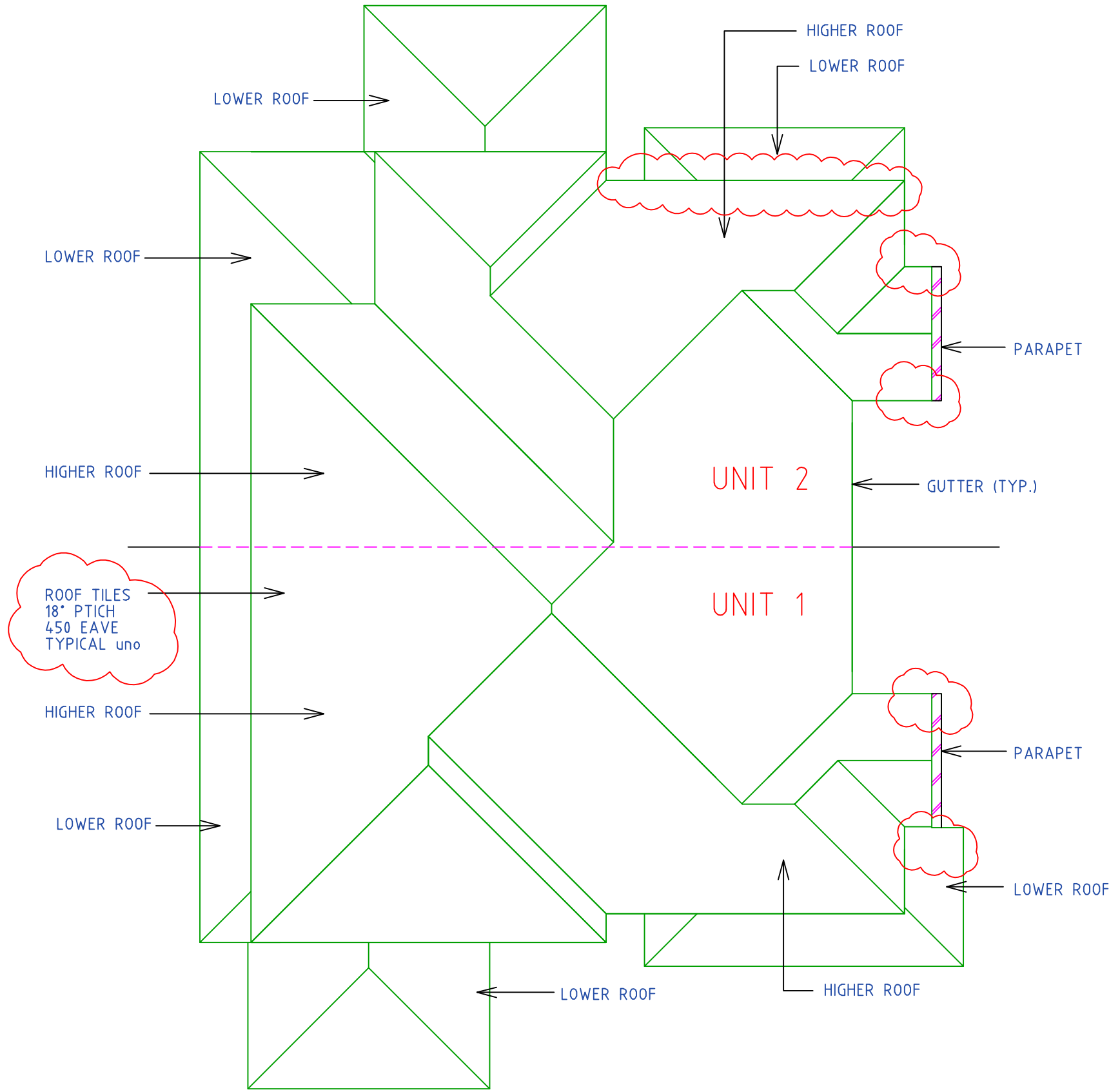
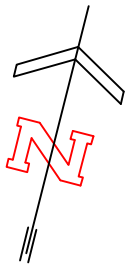
REV.	DATE	REMARKS
C	3-02-22	FOR DA APPROVAL
B	23-12-21	AMENDED AS PER LETTER 14-12-2021
A	02-11-21	ISSUED FOR DA APPROVAL

## Proposed Unit 1 & Unit 2 & Strata Subdivision

**Mr. Medhat NABIH ATTIA**  
 6 ASSISI CLOSE, CRANE BROOK 2749

SCALE:	1:200	DRAWING	A1	REV.	C
DATE:	OCT. 2021				
PROJECT No.:	2146				

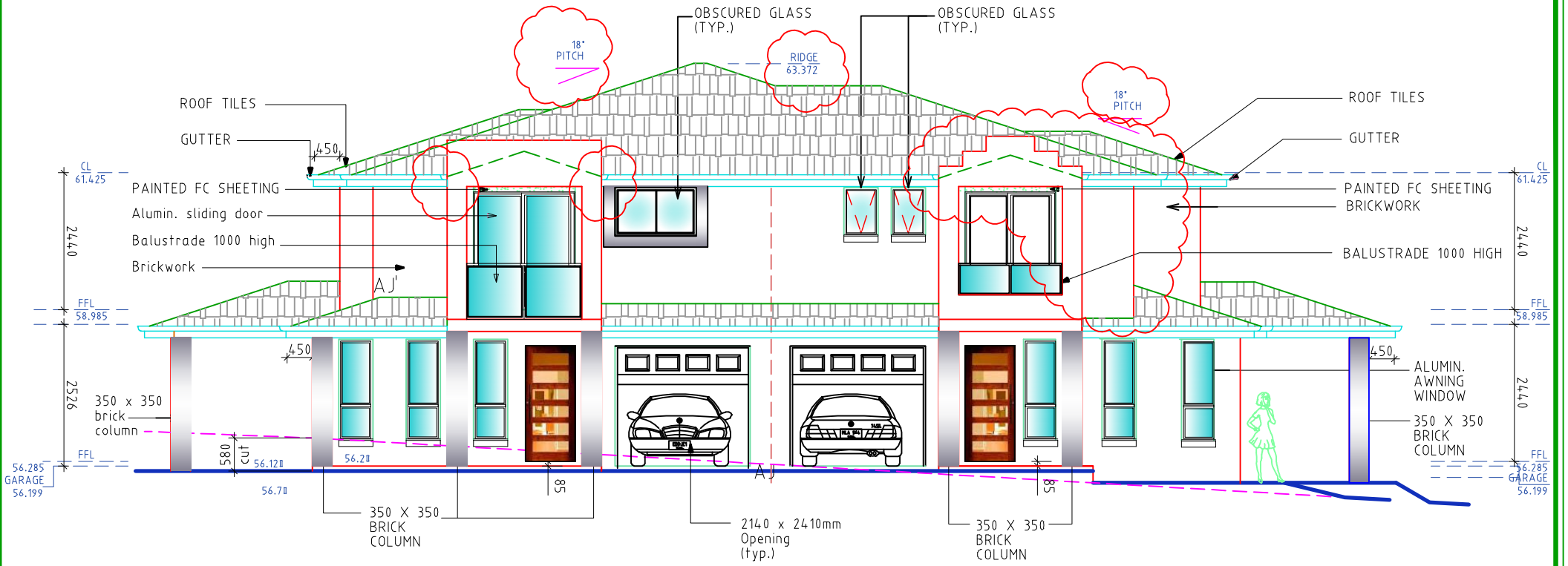




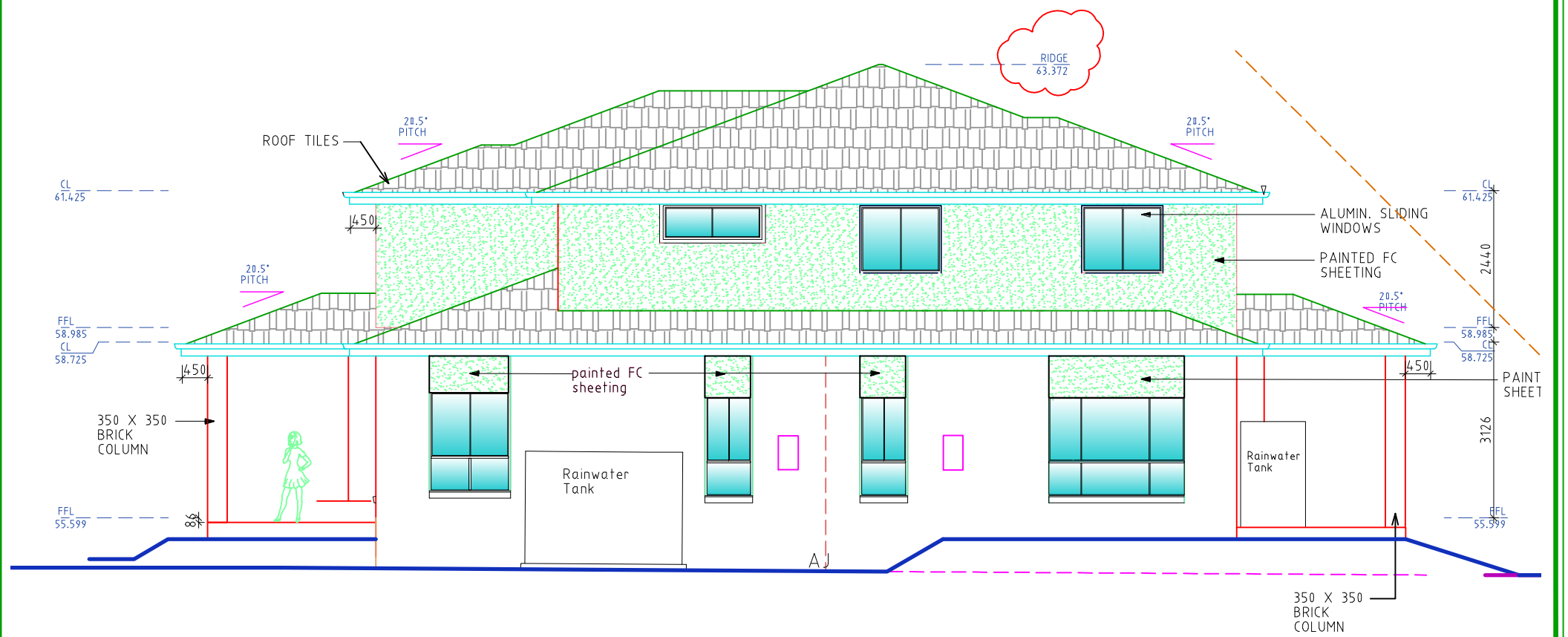
# Roof Plan

BRICK VENEER  
CONSTRUCTION

REV.	DATE	REMARKS		SCALE:	1:100	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>  <b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>	DATE:	OCT. 2021	A4	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021		PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL					
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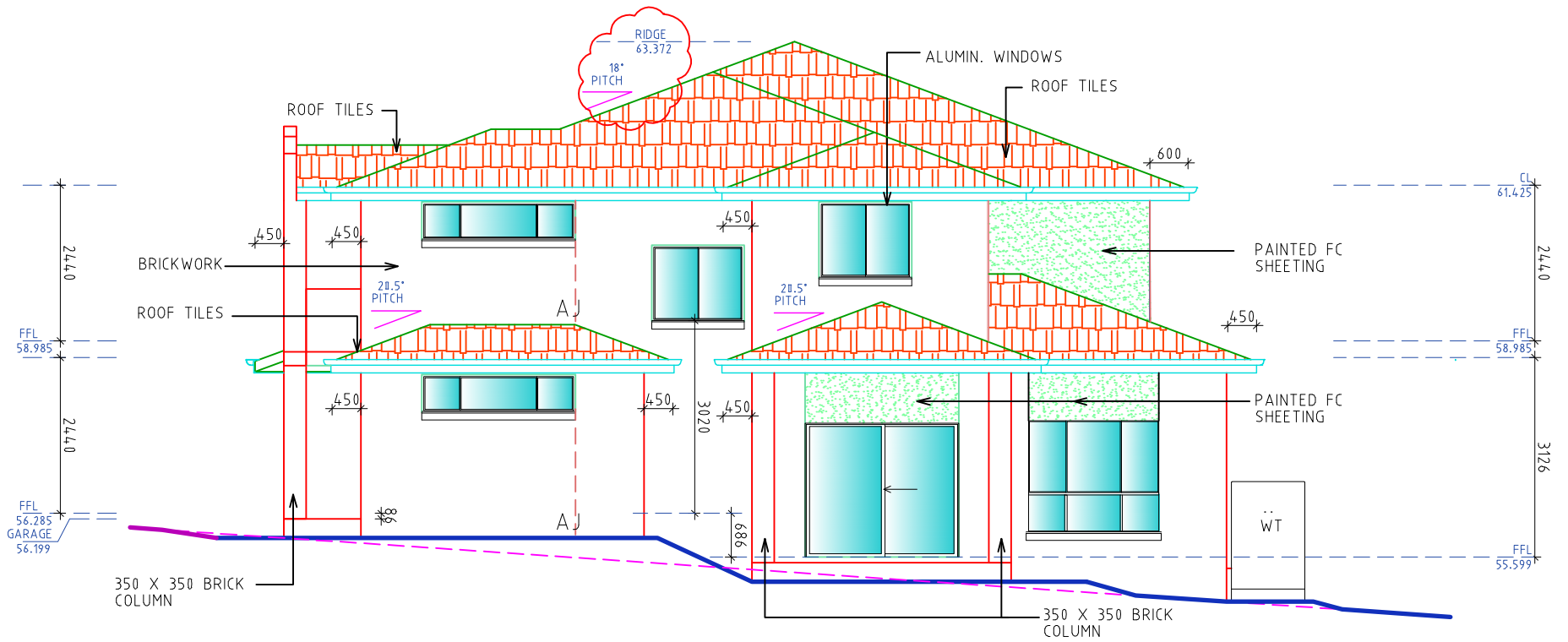


Front Elevation  
ASSISI CLOSE VIEW)

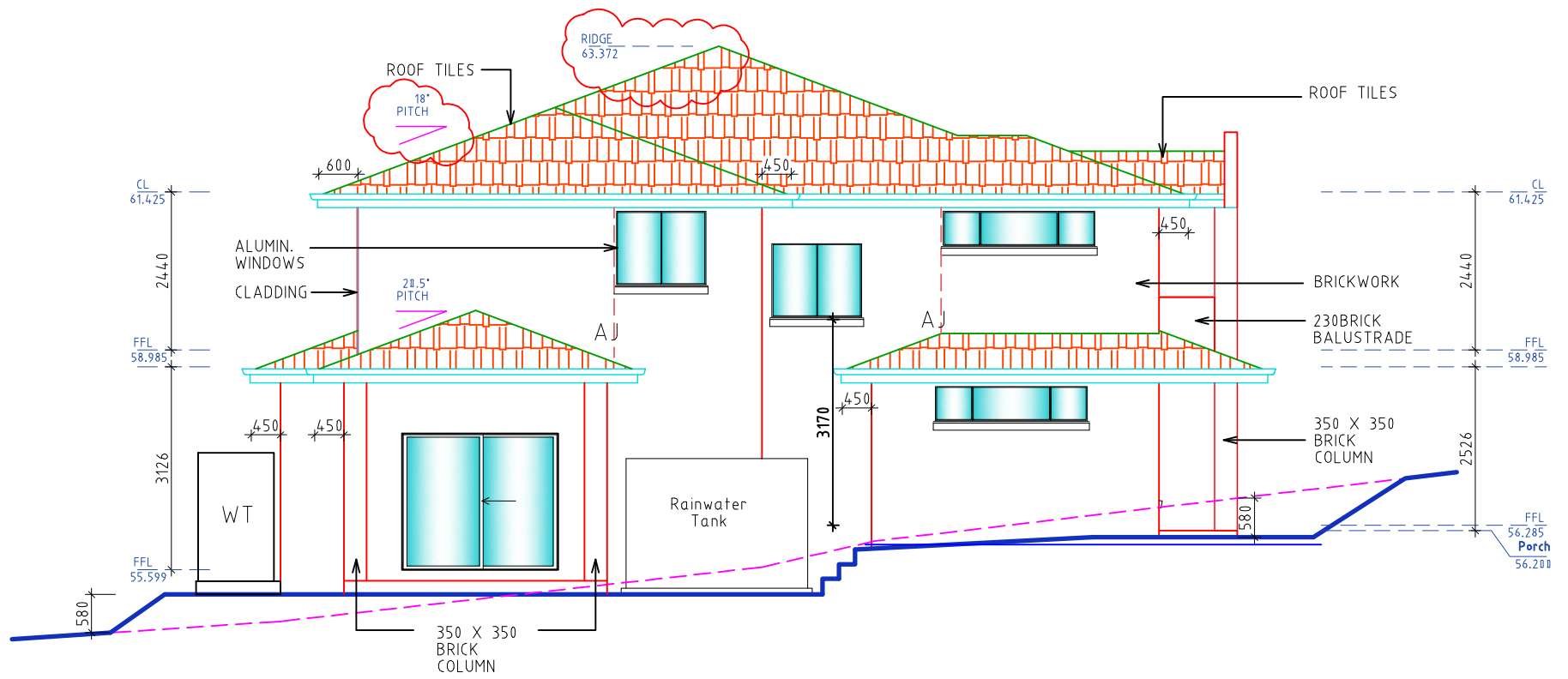


Rear Elevation

REV.	DATE	REMARKS		SCALE:	1:100	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>  <b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>	DATE:	OCT. 2021	A5	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021		PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL					
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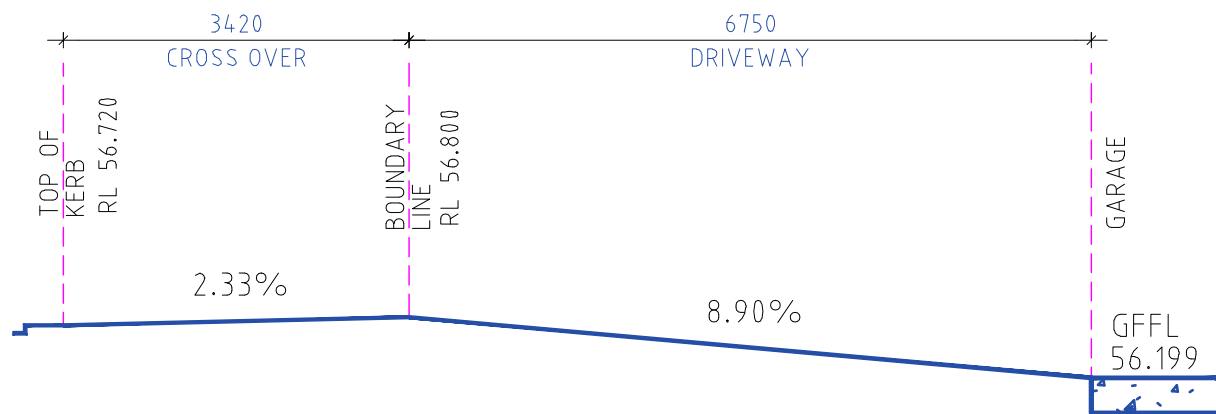
North Elevation



South Elevation

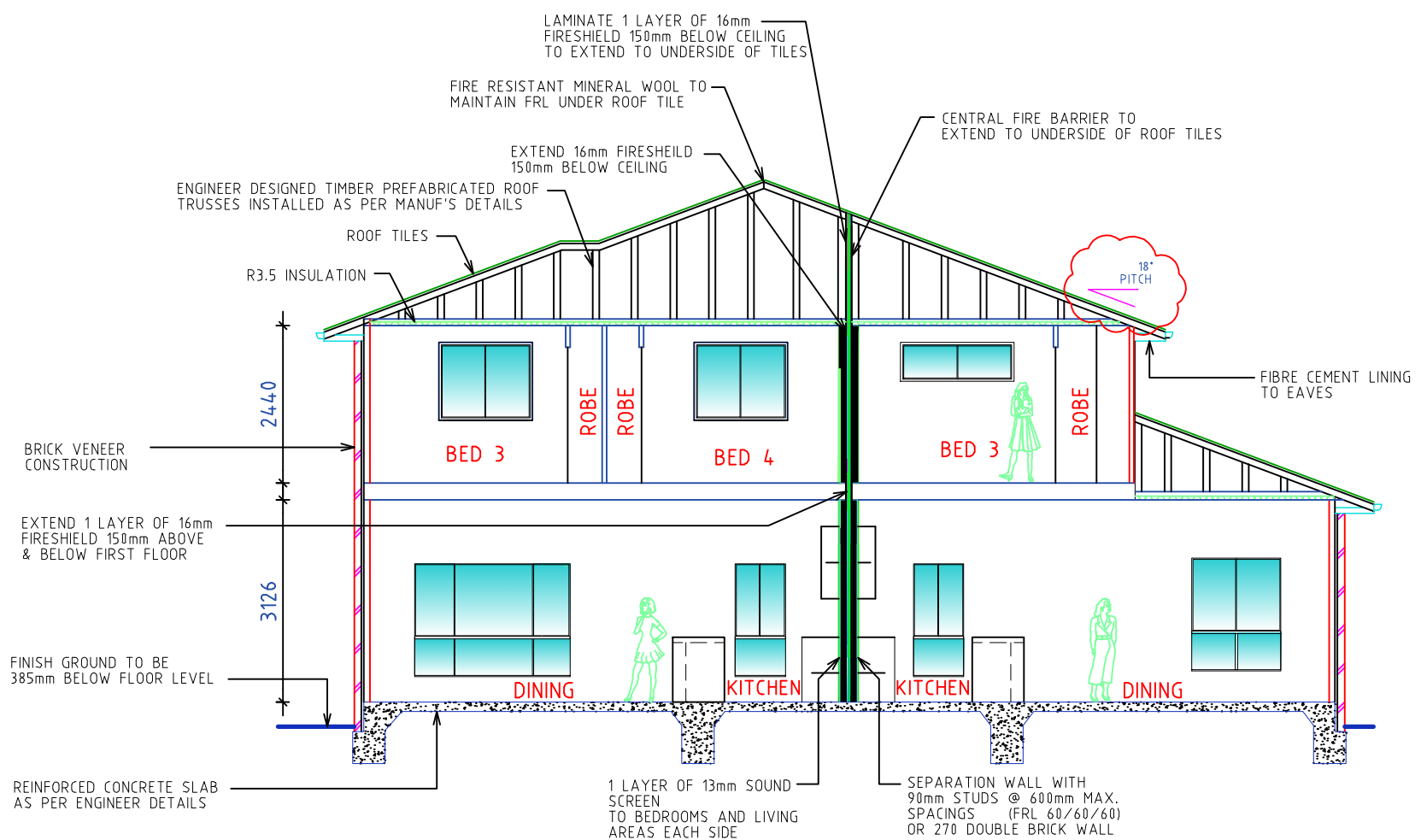
REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	1:100	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A6	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
THIS DRAWING HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY								

SCHEDULE OF FINISHES & COLOURS	
ITEM	COLOUR
Ground Floor Walls	Rendered brick & Paint (White)
First Floor Walls	Painted Cladding (White)
Column	Rendered brick & Paint (Dark Grey)
Garage Door	Dulux Shale (Grey)
Main Door	Stained Wood
Fascia Gutters	Dulux Monument
Roof Tiles	Black
Down Pipes	Dulux Monument
Aluminium Windows Frame	Aluminium (Black)
Driveway	Stencil Concrete (Charcoal)



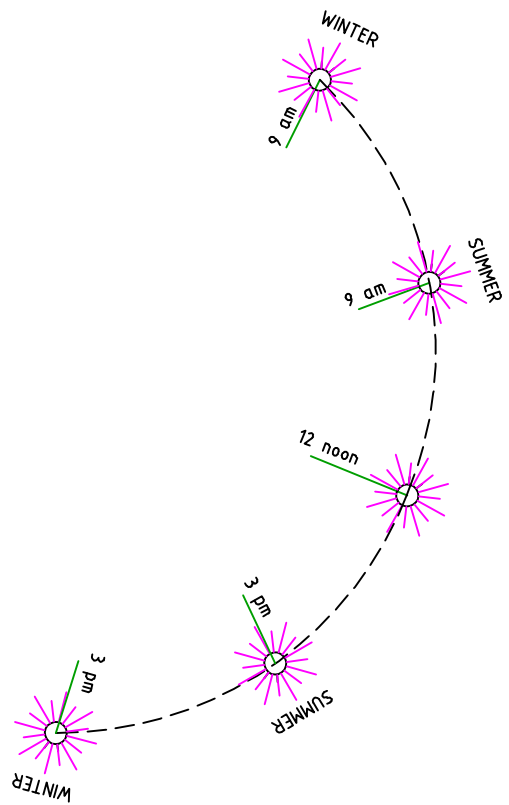
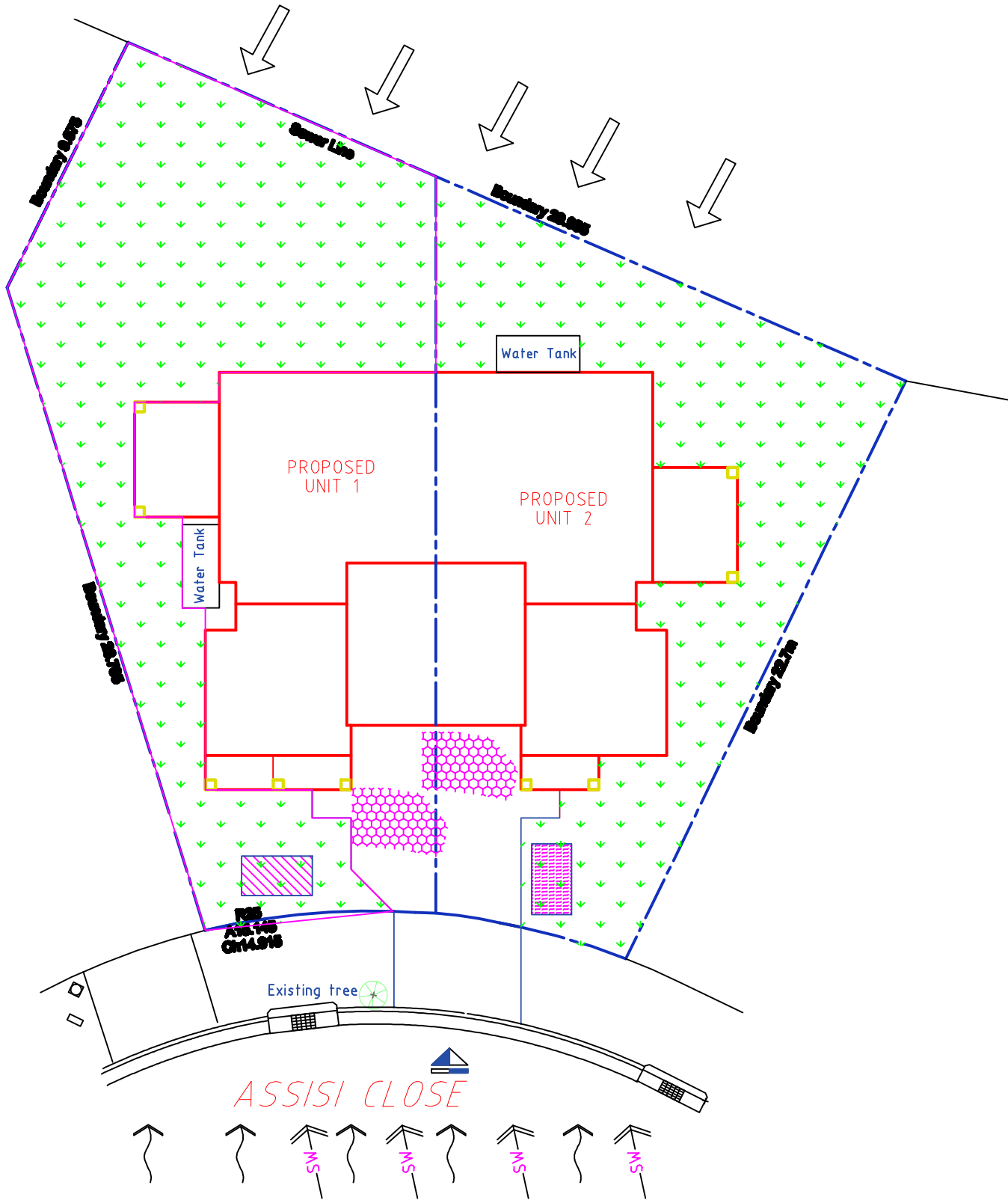
## Driveway Section

NTS



## Section Elevation Section -1

REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	1:100	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A7	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
THIS DRAWING HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY								



# Site Analysis & Waste Management Plan

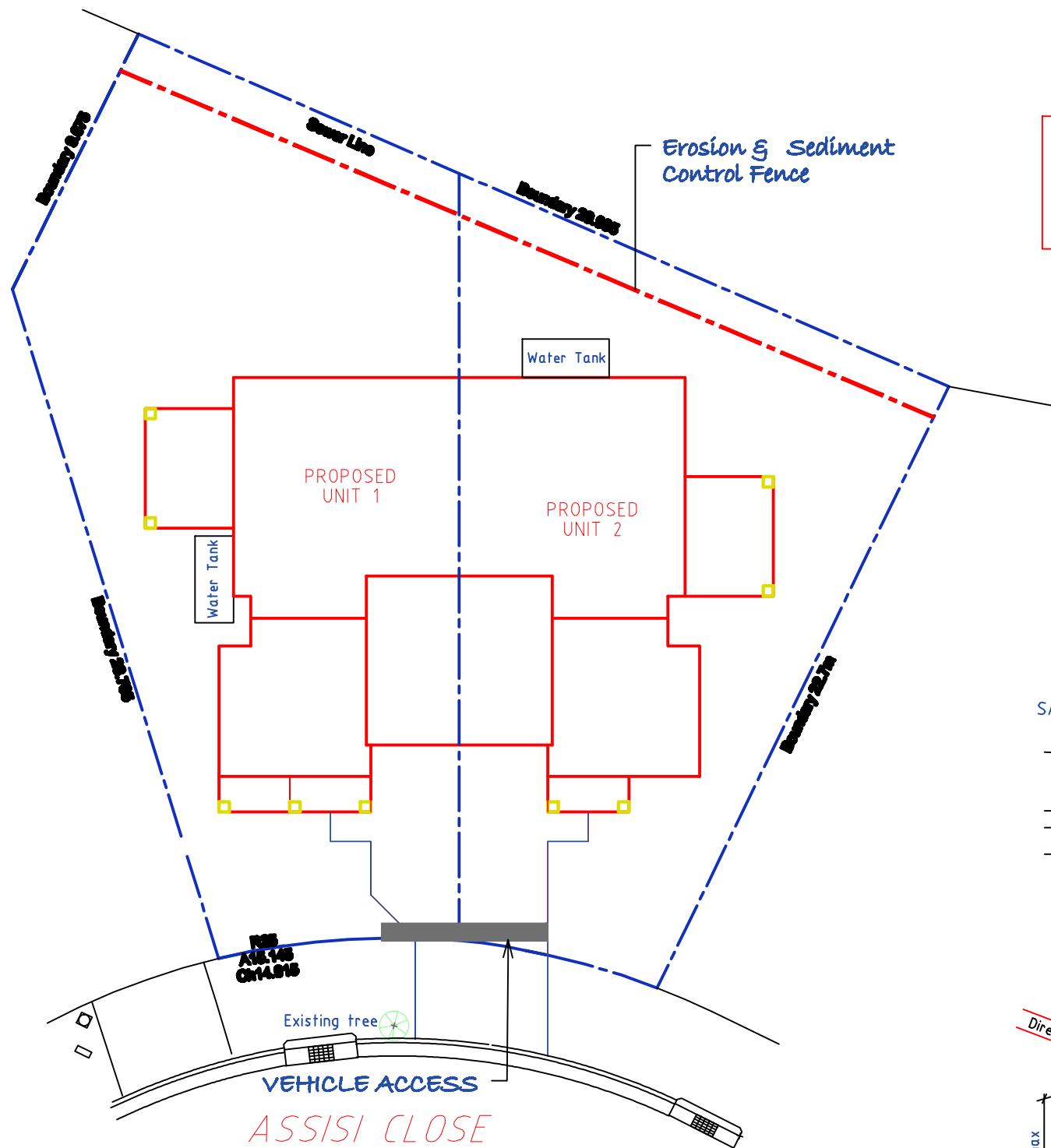
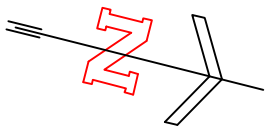
## LEGEND:

	TREES TO BE REMOVED		WINTER WESTERLY PREVAILING WIND		PRIVATE OPEN SPACE		CONCRETE DRIVEWAY / FOOTPATH
	TREES TO BE RETAINED		VEHICLE SITE ENTRY		STOCKPILES		WASTE BIN
	DIRECTION OF SHADOW		NOISE		SITE BOUNDARY		SUMMER NE PREVAILING WIND

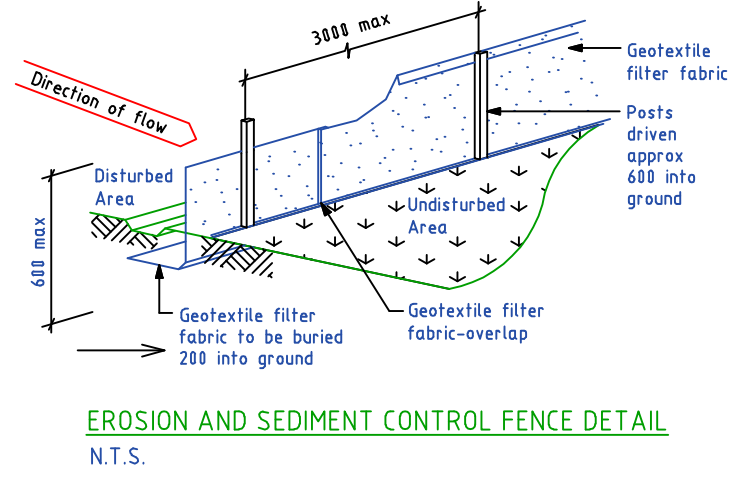
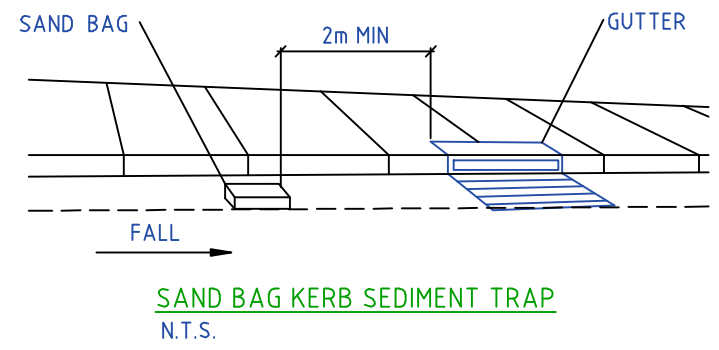
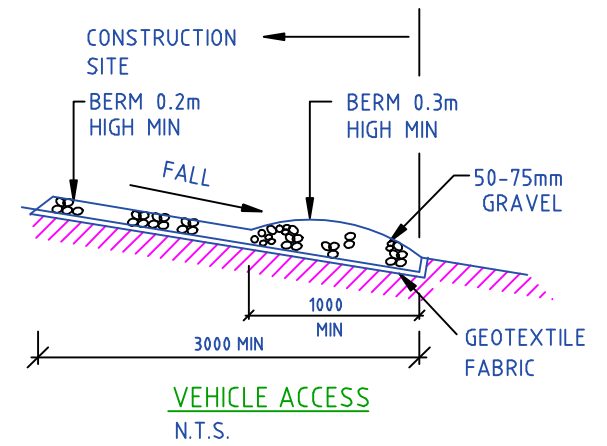
REV.	DATE	REMARKS
C	3-02-22	FOR DA APPROVAL
B	23-12-21	AMENDED AS PER LETTER 14-12-2021
A	02-11-21	ISSUED FOR DA APPROVAL

**Proposed Unit 1 & Unit 2 & Strata Subdivision**  
**Mr. Medhat NABIH ATTIA**  
**6 ASSISI CLOSE, CRANEBROOK 2749**

SCALE:	1:200	DRAWING	REV.
DATE:	OCT. 2021	A8	C
PROJECT No.:	2146		



THE BUILDER SHALL NOTIFY ALL SUBCONTRACTORS AND ENSURE COMPLIANCE WITH ALL CONDITIONS OF COUNCIL APPROVAL IN PARTICULAR EROSION AND SEDIMENT CONTROL.



# Erosion & Sediment Control Plan

## Sediment Fence Construction Notes

1. Construct sediment fence as close as possible to be parallel to the contours of the site
2. Drive 1.5 metre long start pickets into ground 3 meters apart
3. Dig a 150 deep trench along upslope line of the fence for bottom of fabric to be entrenched
4. Backfill trench over base of fabric
5. Fix self-supporting geotextile to upslope side of posts with wire ties or as recommended by geotextile manufacturer
6. Join sections of fabric at a support post with a 150 overlap or as recommended by geotextile manufacturer

## Legend

- Erosion & Sediment Control Fence
- VEHICLE ACCESS

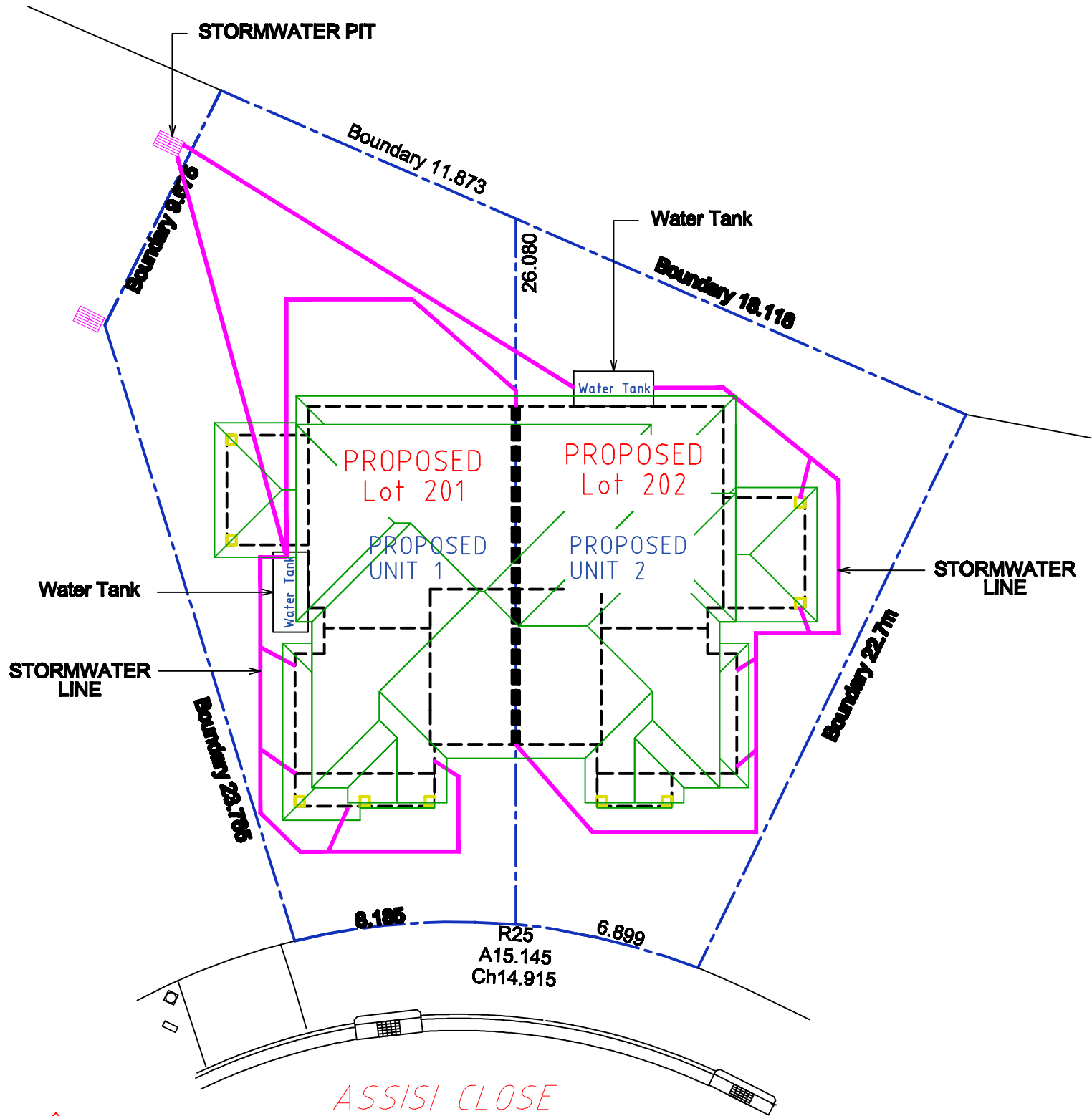
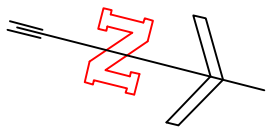
REV.	DATE	REMARKS
C	3-02-22	FOR DA APPROVAL
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A	02-11-21	ISSUED FOR DA APPROVAL

Proposed Unit 1 & Unit 2 & Strata Subdivision

Mr. Medhat NABIH ATTIA  
6 ASSISI CLOSE, CRANEBROOK 2749

SCALE:	1:200 <th>DRAWING</th> <td>A9</td> <th>REV.</th> <td>C</td>	DRAWING	A9	REV.	C
DATE:	OCT. 2021				
PROJECT No.:	2146				

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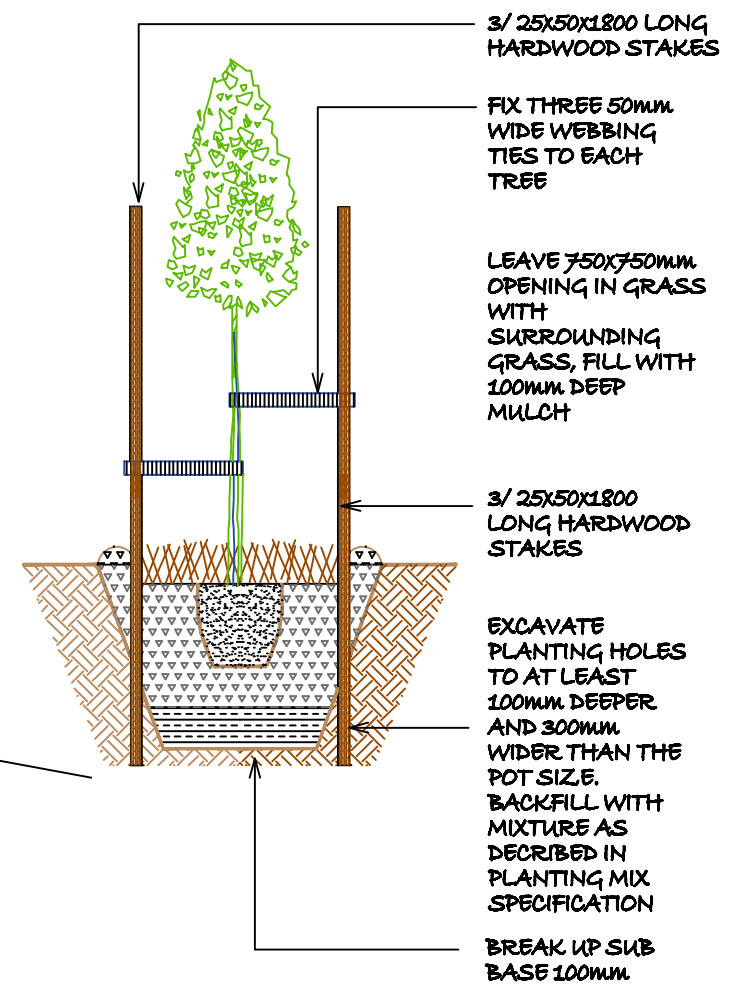
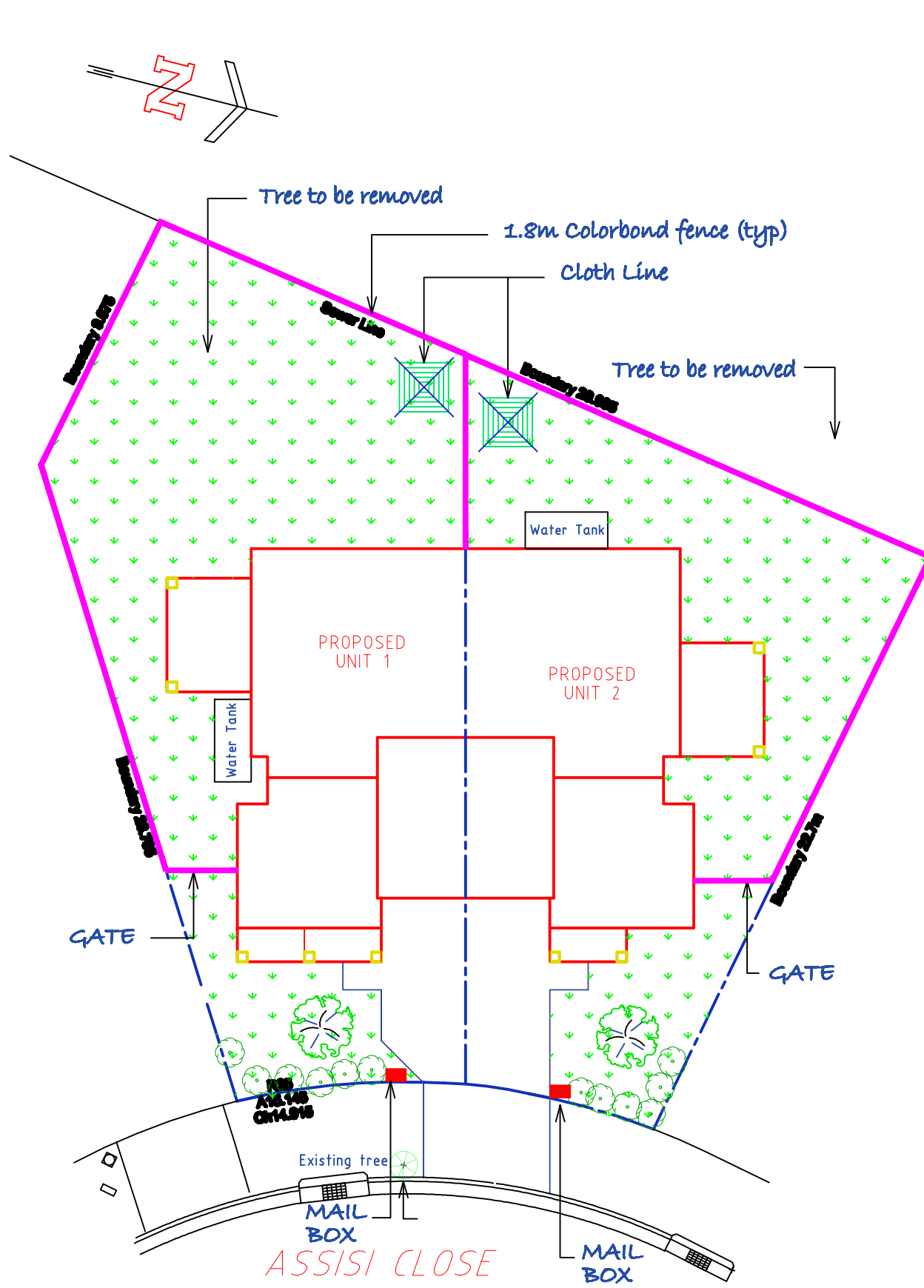
Stormwater line to be connected to existing hydraulic engineer details

## Stormwater Plan

- - - Stormwater Line     
  Water Tank

REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A10	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
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**INDIVIDUAL TREE PLANTING DETAIL**

NTS

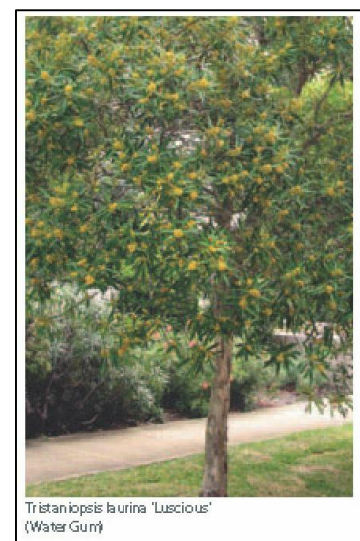
- Grass Sir walter buffalo turf
- TREES TO BE REMOVED
- TREES TO BE RETAINED

**Landscaping Plan**



Murraya paniculata (Murrays)

**Shrubs**  
 Murraya Paniculata



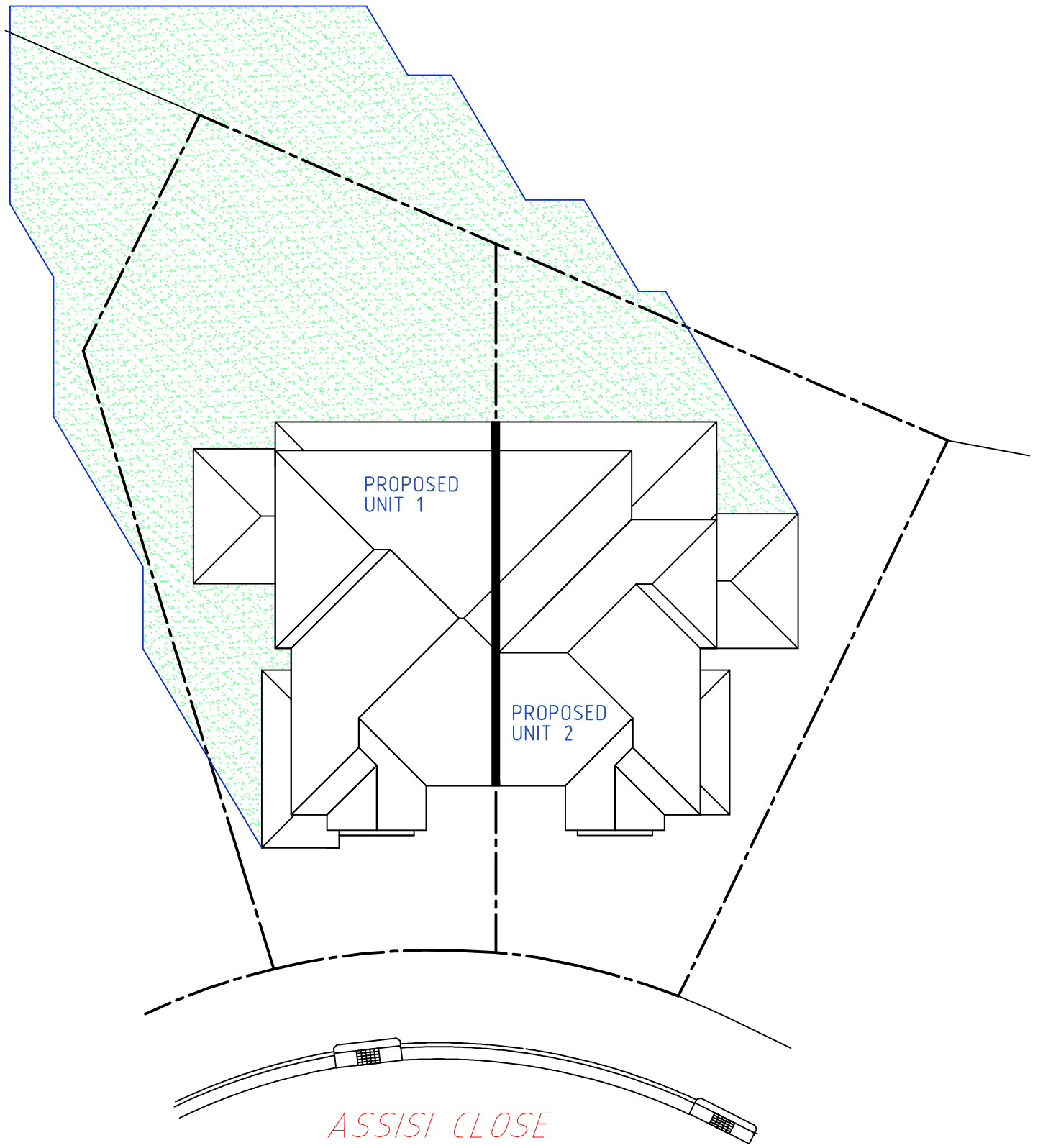
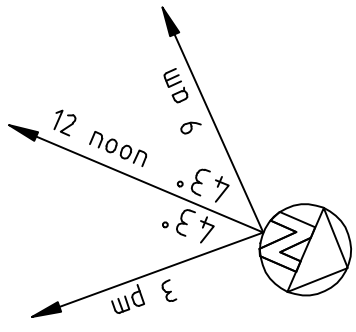
Tristaniopsis laurina 'Luscious' (Water Gum)

**TREE**  
 3MX3M UNENCUMBERED AREA FOR A DEEP ROOTED TREE

REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>		DATE:	OCT. 2021	<b>A11</b>	<b>C</b>
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						

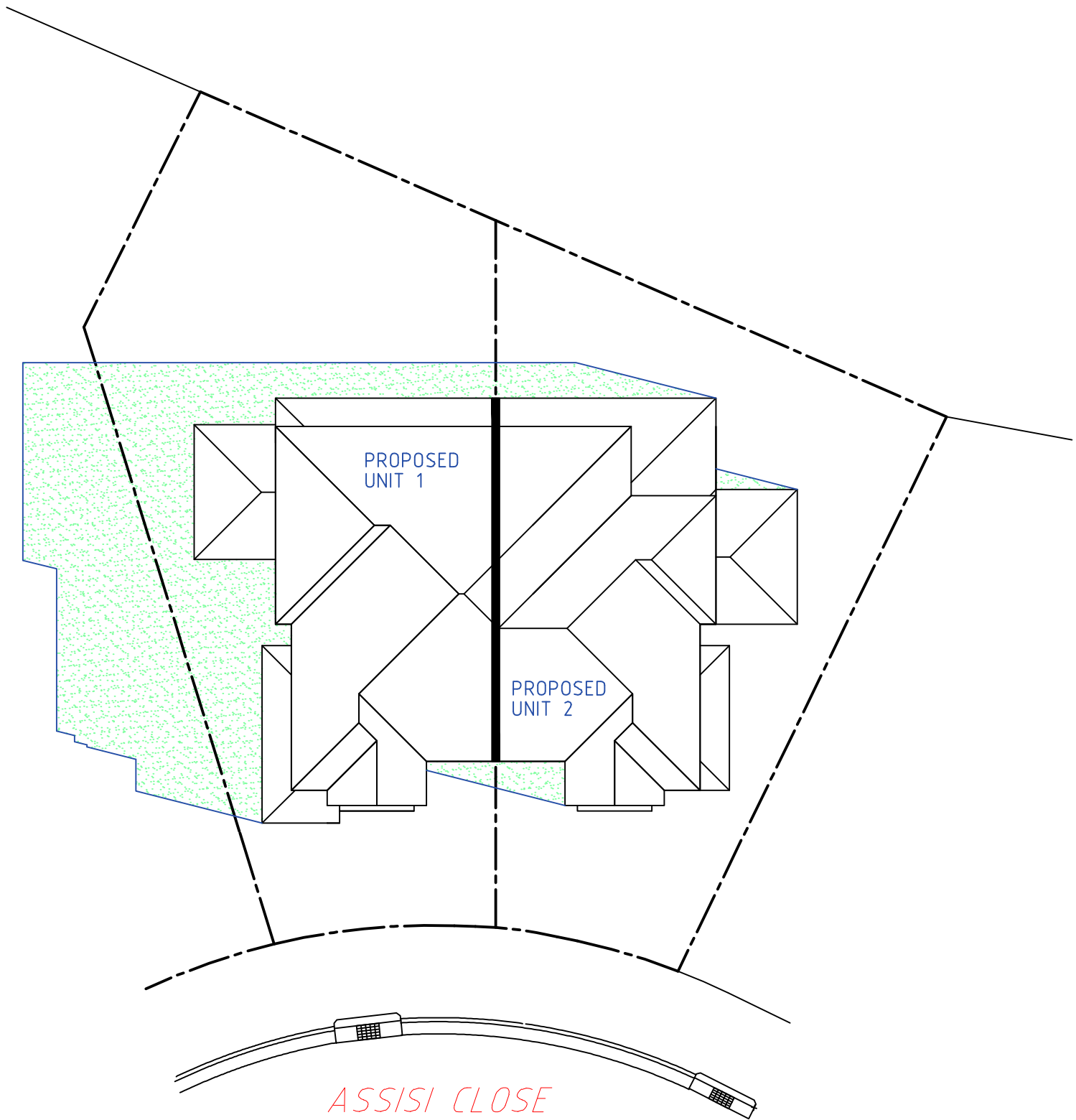
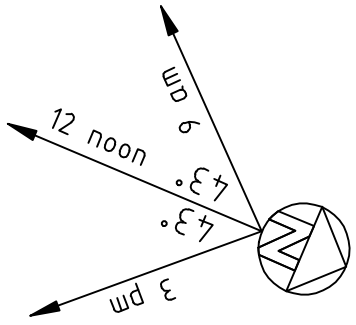
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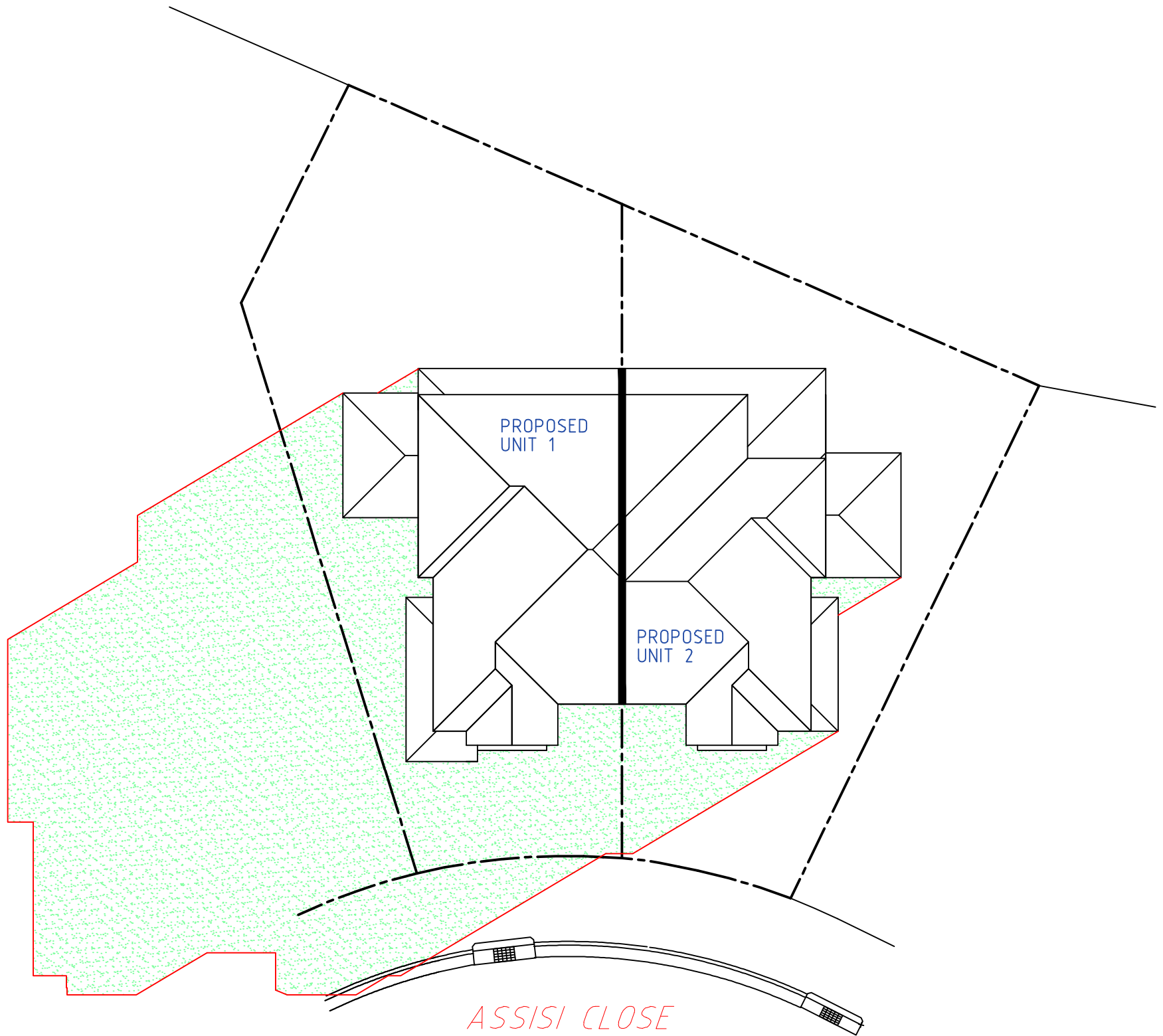
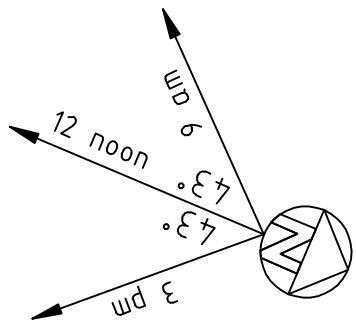
Shadow Diagram (21st June)  
9AM

REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>		DATE:	OCT. 2021	<b>A12</b>	<b>C</b>
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
<small>THIS DRAWINGS HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY</small>								



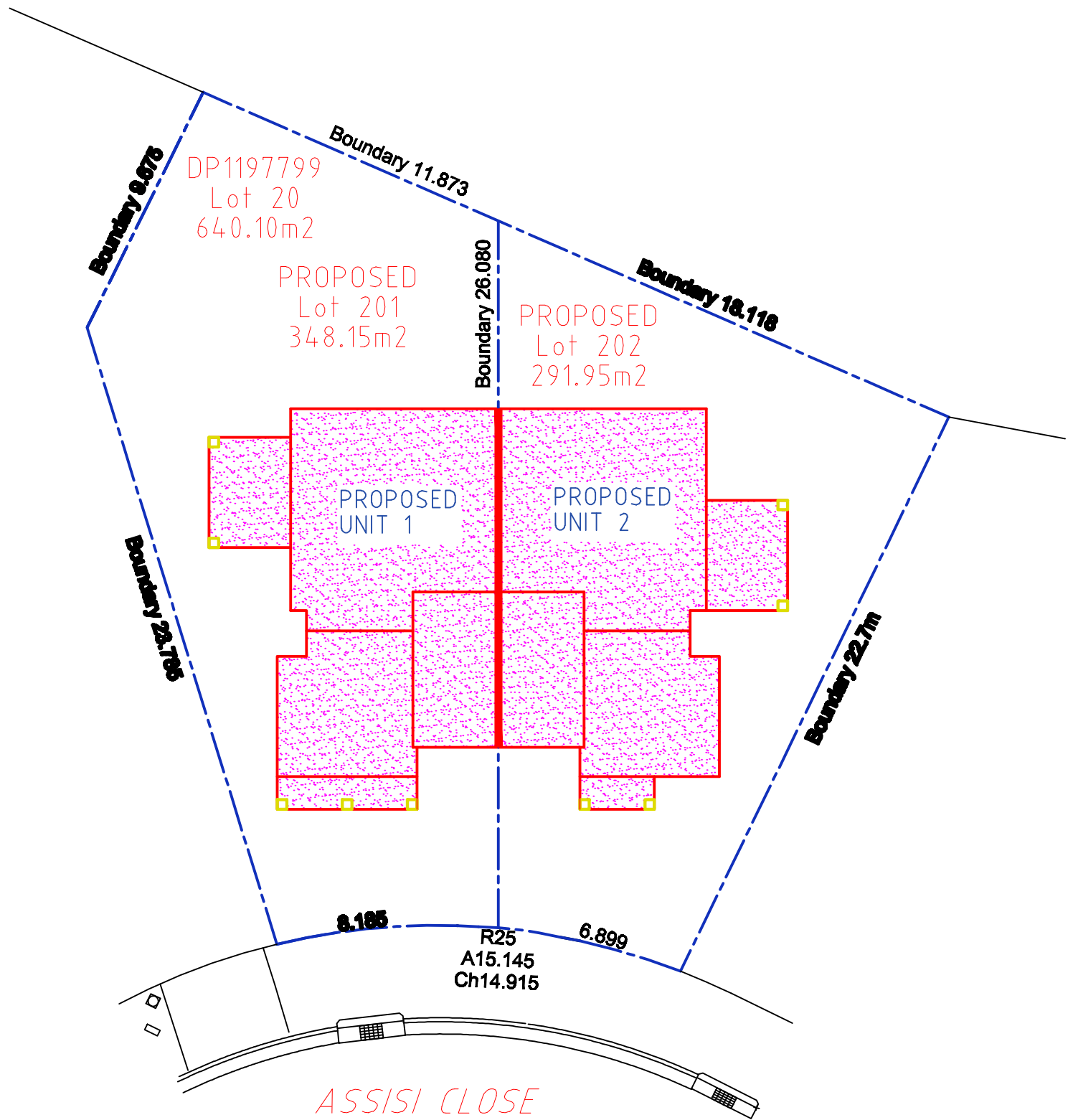
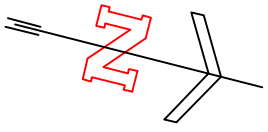
Shadow Diagram (21st June)  
12PM

REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>		DATE:	OCT. 2021	<b>A13</b>	<b>C</b>
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
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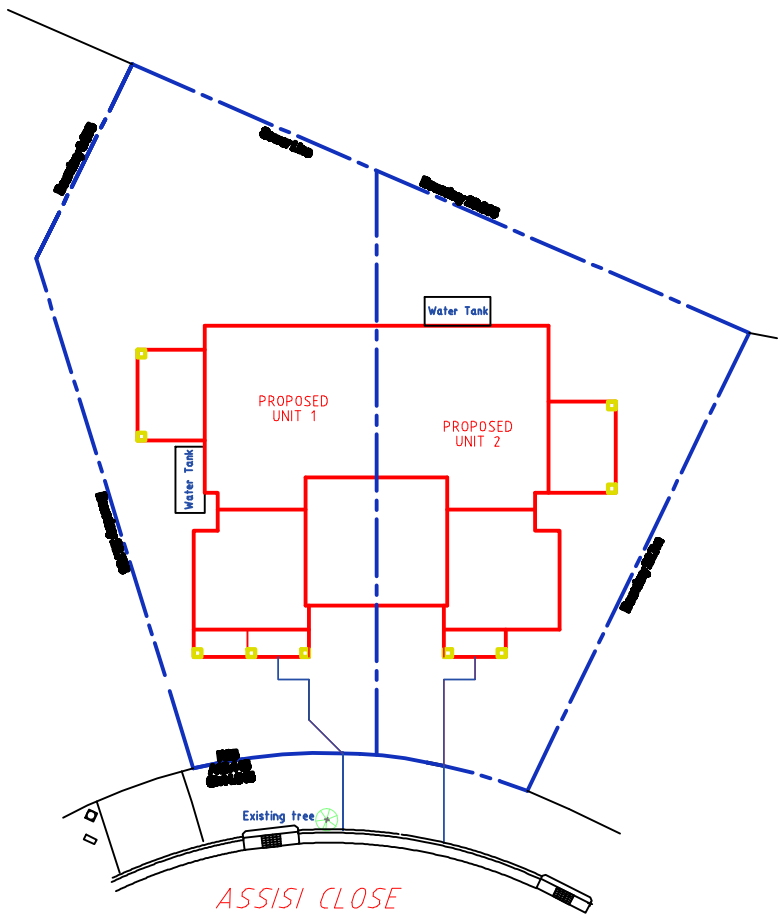
Shadow Diagram (21st June)  
3PM

REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>		DATE:	OCT. 2021	A14	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
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<small>THIS DRAWINGS HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY</small>								



## Subdivision Plan

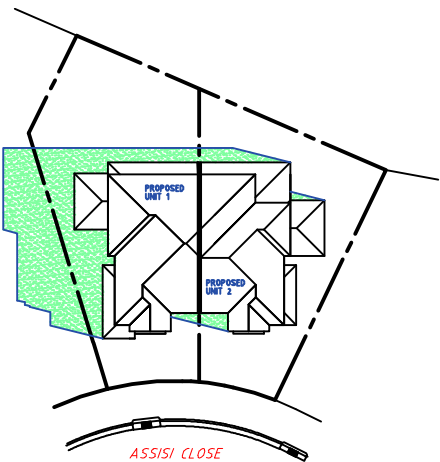
REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	1:200	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A15	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
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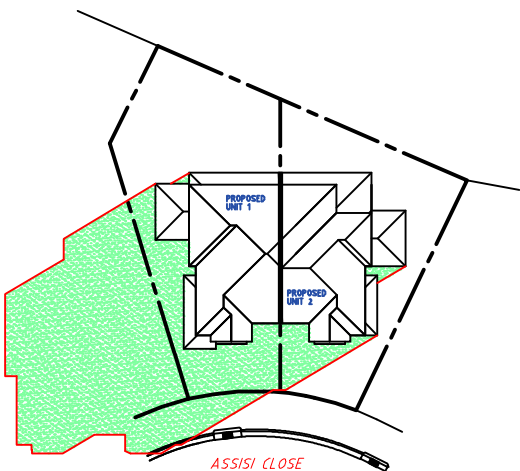
ASSISI CLOSE



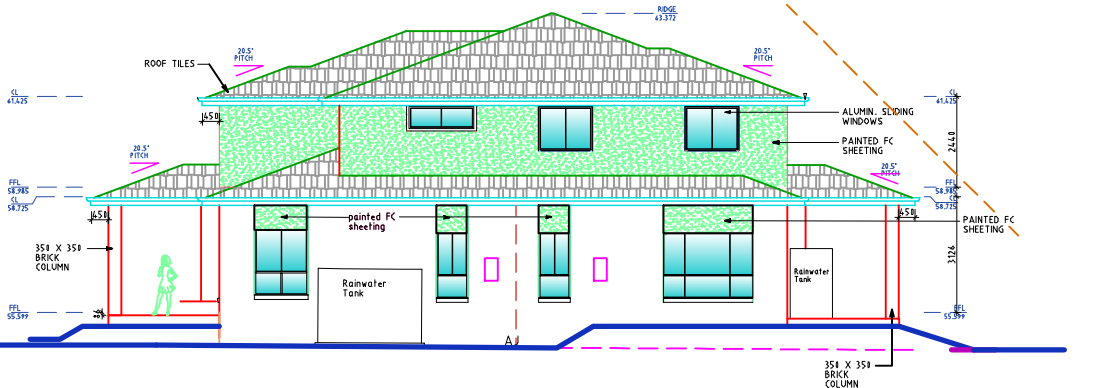
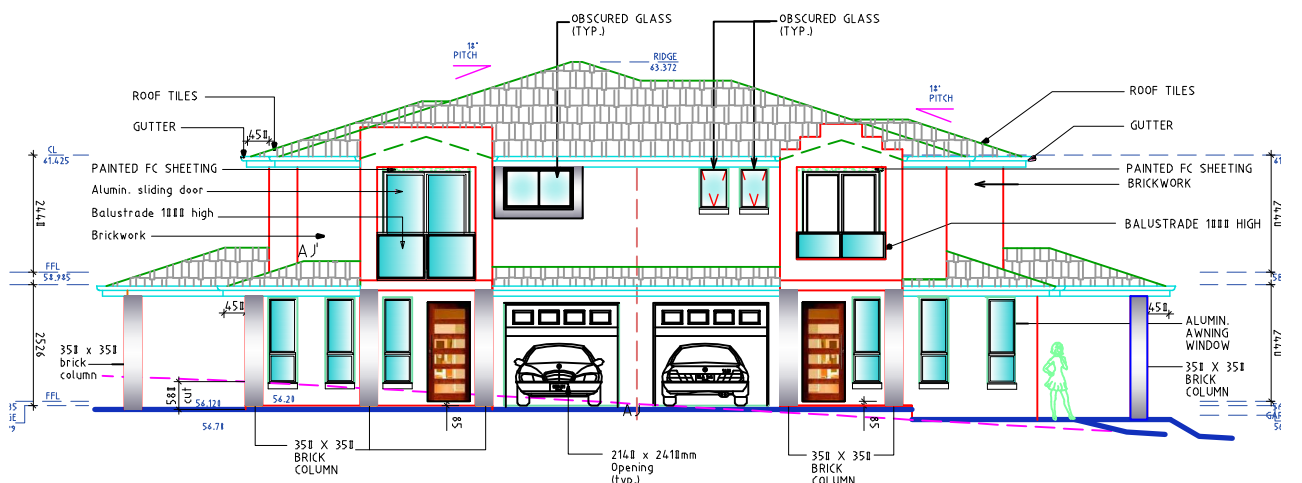
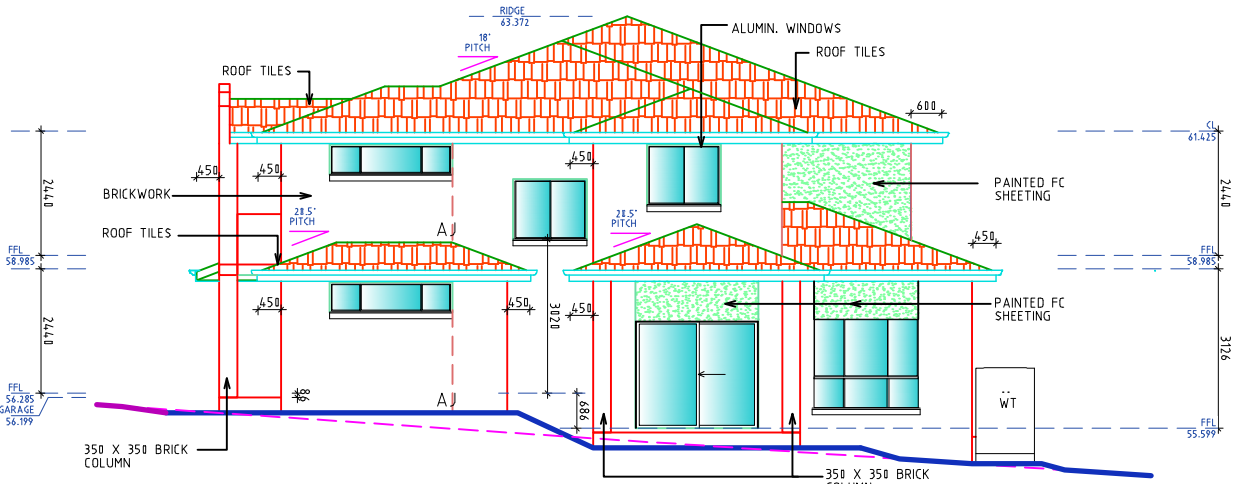
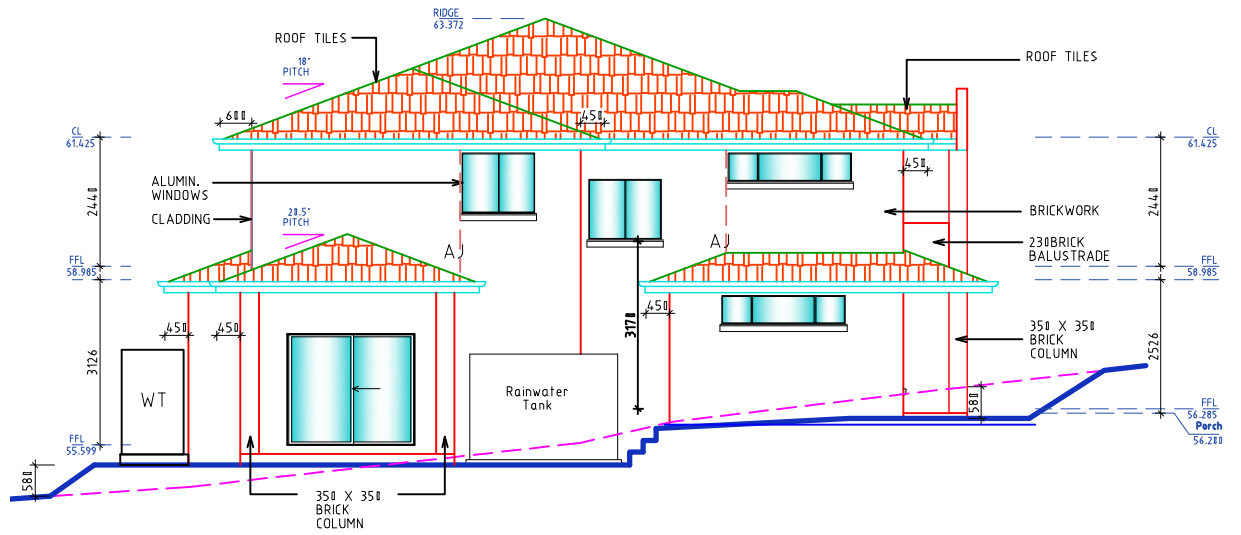
ASSISI CLOSE



ASSISI CLOSE



ASSISI CLOSE



# Notification Plans

REV.	DATE	REMARKS
C	3-02-22	FOR DA APPROVAL
B	23-12-21	AMENDED AS PER LETTER 14-12-2021
A	02-11-21	ISSUED FOR DA APPROVAL

**Proposed Unit 1 & Unit 2 & Strata Subdivision**

**Mr. Medhat NABIH ATTIA**  
**6 ASSISI CLOSE, CRANEBROOK 2749**

SCALE:	NTS	DRAWING	REV.
DATE:	OCT. 2021	A16	C
PROJECT No.:	2146		

THIS DRAWINGS HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY



# BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

## Multi Dwelling

Certificate number: 1257151M

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

Secretary  
Date of issue: Saturday, 06 November 2021  
To be valid, this certificate must be lodged within 3 months of the date of issue.



Project summary			
Project name	6 Assisi Close, Cranebrook		
Street address	6 ASSISI CLOSE CRANE BROOK 2749		
Local Government Area	Penrith City Council		
Plan type and plan number	deposited 1197799		
Lot no.	20		
Section no.	-		
No. of residential flat buildings	0		
No. of units in residential flat buildings	0		
No. of multi-dwelling houses	2		
No. of single dwelling houses	0		
Project score			
Water	40	Target	40
Thermal Comfort	Pass	Target	Pass
Energy	51	Target	50

Certificate Prepared by	
Name / Company Name:	plan for tomorrow
ABN (if applicable):	31622692516

## Description of project

Project address	
Project name	6 Assisi Close, Cranebrook
Street address	6 ASSISI CLOSE CRANE BROOK 2749
Local Government Area	Penrith City Council
Plan type and plan number	deposited 1197799
Lot no.	20
Section no.	-
Project type	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	2
No. of single dwelling houses	0
Site details	
Site area (m <sup>2</sup> )	640.10
Roof area (m <sup>2</sup> )	269
Non-residential floor area (m <sup>2</sup> )	-
Residential car spaces	2
Non-residential car spaces	-

Common area landscape	
Common area lawn (m <sup>2</sup> )	0.0
Common area garden (m <sup>2</sup> )	0.0
Area of indigenous or low water use species (m <sup>2</sup> )	-
Assessor details	
Assessor number	DMN21/2023
Certificate number	S9QEJKWBHT
Climate zone	28
Ceiling fan in at least one bedroom	No
Ceiling fan in at least one living room or other conditioned area	No
Project score	
Water	40 Target 40
Thermal Comfort	Pass Target Pass
Energy	51 Target 50

## Description of project

The tables below describe the dwellings and common areas within the project

### Multi-dwelling houses

Dwelling no.	Min. of bedrooms	Conditioned floor area (m <sup>2</sup> )	Unconditioned floor area (m <sup>2</sup> )	Area of garden & lawn (m <sup>2</sup> )	Indigenous species (min. area m <sup>2</sup> )	Dwelling no.	Min. of bedrooms	Conditioned floor area (m <sup>2</sup> )	Unconditioned floor area (m <sup>2</sup> )	Area of garden & lawn (m <sup>2</sup> )	Indigenous species (min. area m <sup>2</sup> )
U1	4 or more bedrooms	142.9	0.0	207.0	-	U2	3	136.4	0.0	152.0	0.0

No common areas specified.

## Schedule of BASIX commitments

- Commitments for multi-dwelling houses
  - Dwellings
    - Water
    - Energy
    - Thermal Comfort
- Commitments for single dwelling houses
- Commitments for common areas and central systems/facilities for the development (non-building specific)
  - Water
  - Energy

## Schedule of BASIX commitments

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

### 1. Commitments for multi-dwelling houses

#### (a) Dwellings

(i) Water	Show on DA plans	Show on CC/DCG plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	✓
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: <ol style="list-style-type: none"> <li>a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and</li> <li>a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.</li> </ol>		✓	✓
(f) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	✓
(g) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	✓
(h) The pool or spa must be located as specified in the table.	✓	✓	✓
(i) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances		Individual pool			Individual spa			
	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	3 star (> 7.5 but <= 9 L/min)	4 star	4 star	4 star	no	-	-	-	-	-	-	-	-	-

Dwelling no.	Alternative water supply systems		Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
	Size	Configuration						
U1	individual water tank (no. 1)	Tank size (min) 2500.0 litres	To collect run-off from at least: 136.0 square metres of roof area;	yes	yes	yes	no	no
All other dwellings	individual water tank (no. 1)	Tank size (min) 2500.0 litres	To collect run-off from at least: 133.0 square metres of roof area;	yes	yes	yes	no	no

(ii) Energy	Show on DA plans	Show on CC/DCG plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✓	✓	✓
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✓	✓
(d) The applicant must install the cooling and heating systems specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✓	✓

# BASIX Information UNIT-1

REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	NTS	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A17	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
THIS DRAWING HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY								

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump, and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓	✓
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	✓
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

Dwelling no.	Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control	
All dwellings	gas instantaneous 6 star	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off	individual fan, ducted to facade or roof	manual switch on/off	

Dwelling no.	Cooling		Heating		Artificial lighting				Natural lighting			
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bedrooms &/or toilets	Main kitchen
U1	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	3 (dedicated)	3 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	yes
All other dwellings	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	1-phase airconditioning EER 3.0 - 3.5 (zoned)	4 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	no

Dwelling no.	Individual pool		Individual spa		Appliances & other efficiency measures							
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	gas cooktop & electric oven	-	yes	-	-	-	no	yes

Alternative energy	
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
All dwellings	-

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			

(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✓		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✓	
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✓	✓	✓
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✓	✓	✓

Thermal loads		
Dwelling no.	Area adjusted heating load (in mJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in mJ/m <sup>2</sup> /yr)
U1	52.8	34.3
All other dwellings	38.2	32.6

Dwelling no.	Construction of floors and walls				
	Concrete slab on ground (m <sup>2</sup> )	Suspended floor with open subfloor (m <sup>2</sup> )	Suspended floor with enclosed subfloor (m <sup>2</sup> )	Suspended floor above garage (m <sup>2</sup> )	Primarily rammed earth or mudbrick walls
All dwellings	76	-	-	16	No

### 3. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	✓
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	✓
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

### Notes

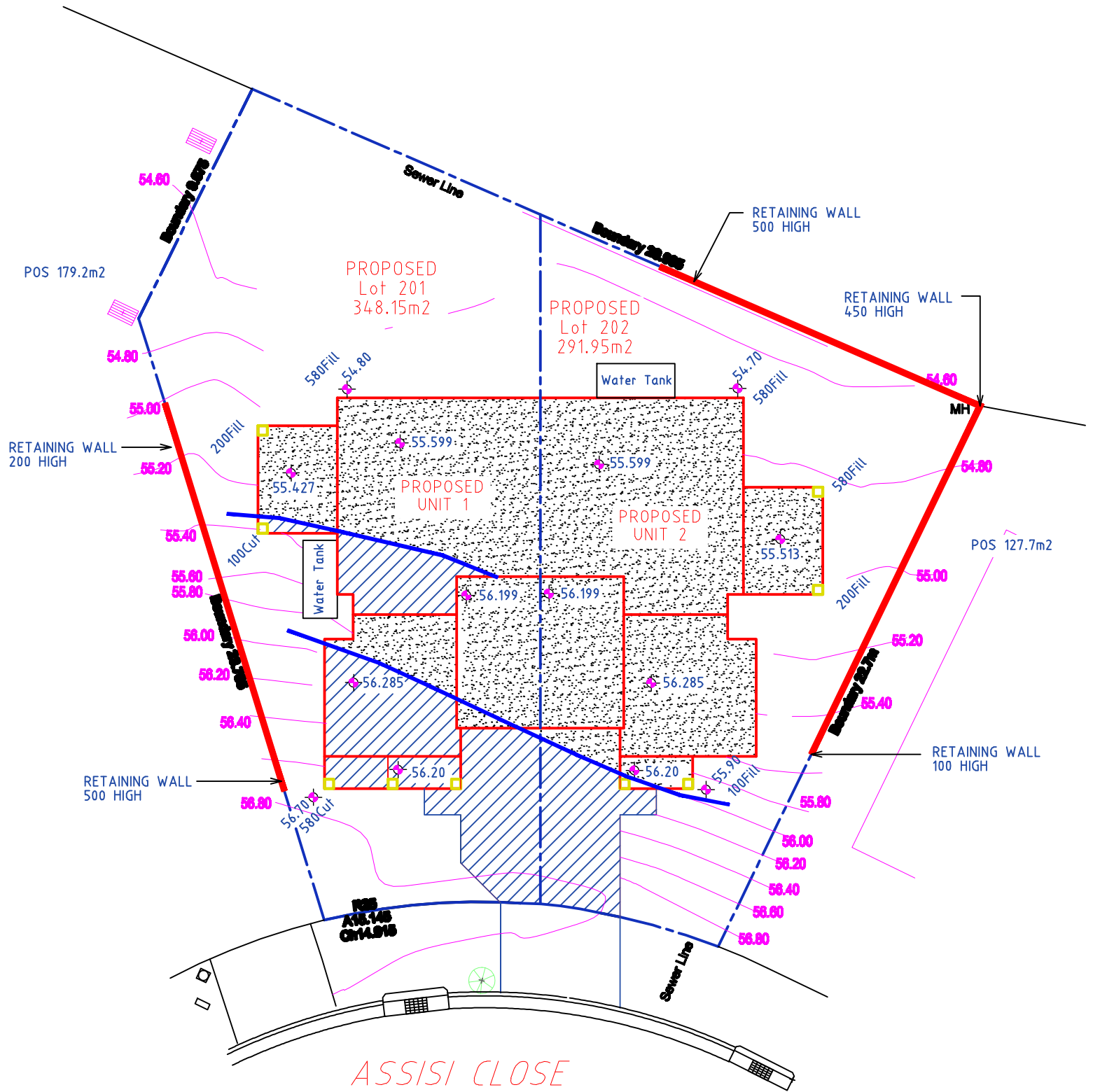
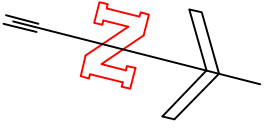
- In these commitments, "applicant" means the person carrying out the development.
- The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
- This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
- If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
- If a star or other rating is specified in a commitment, this is a minimum rating.
- All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

### Legend

- Commitments identified with a ✓ in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
- Commitments identified with a ✓ in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
- Commitments identified with a ✓ in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfillment it is required to monitor in relation to the building or part, has been fulfilled).

# BASIX Information UNIT-2

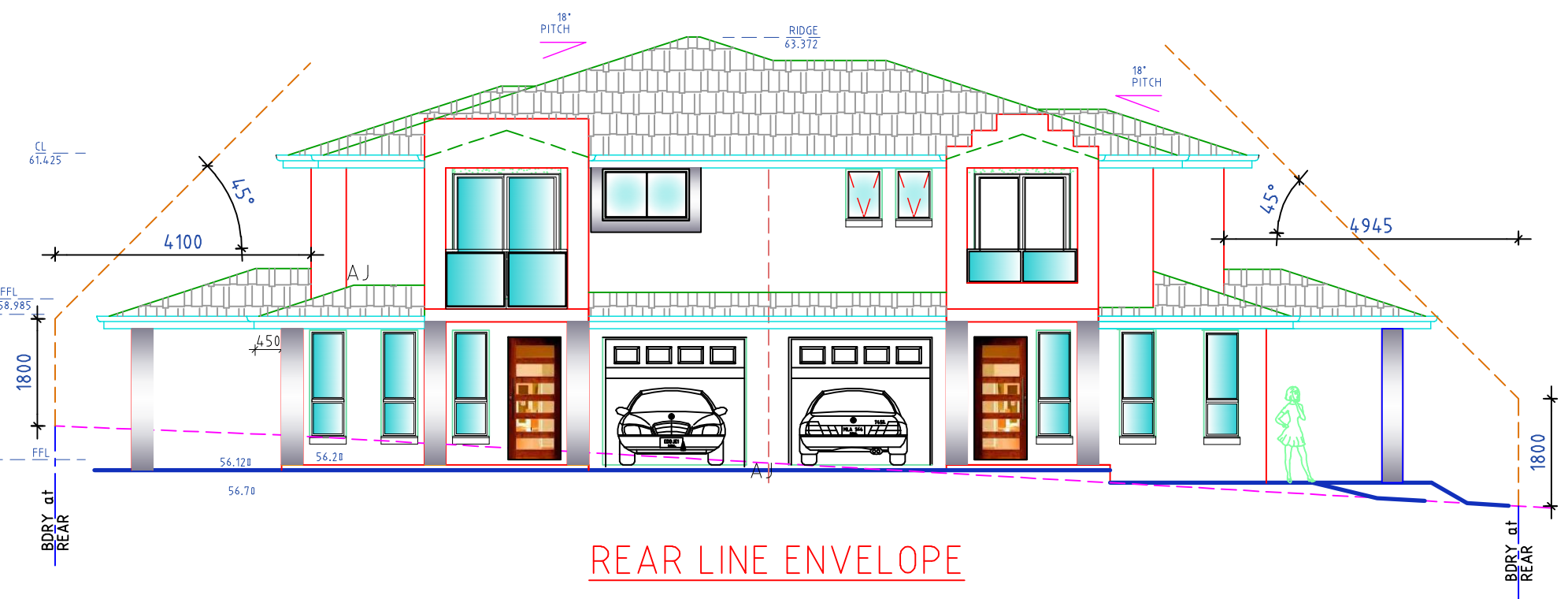
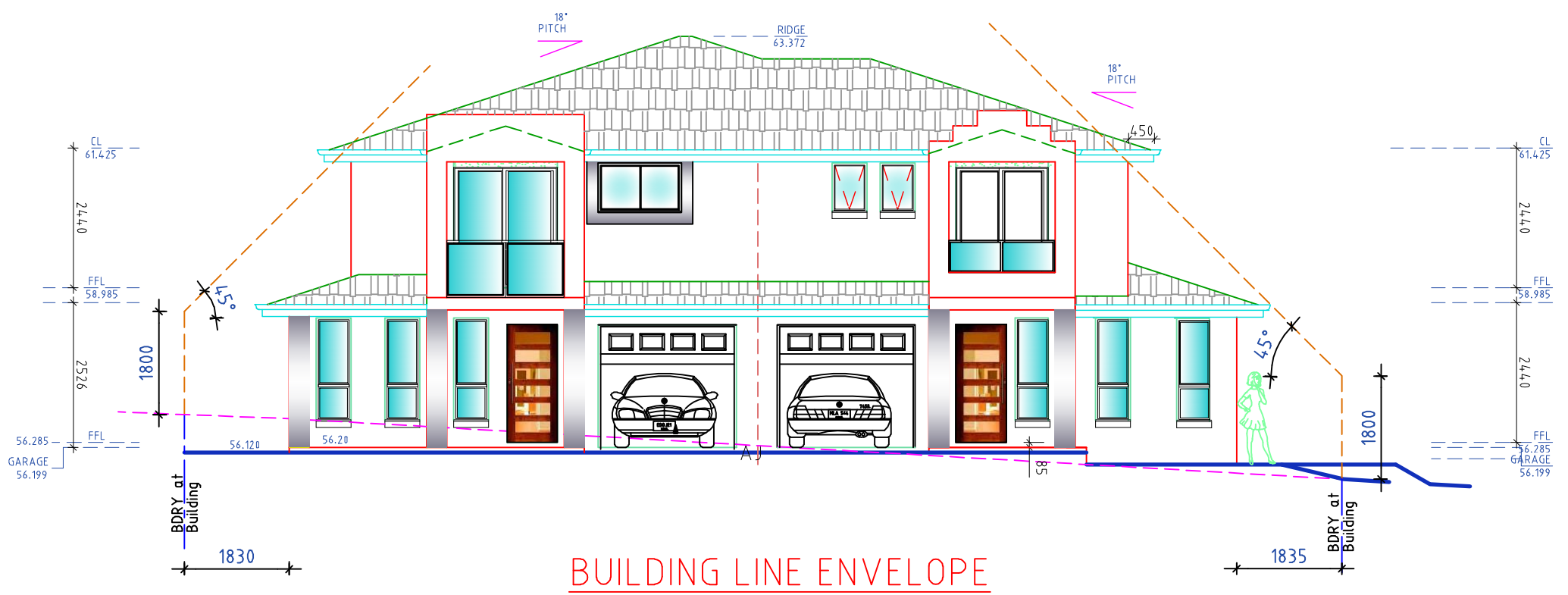
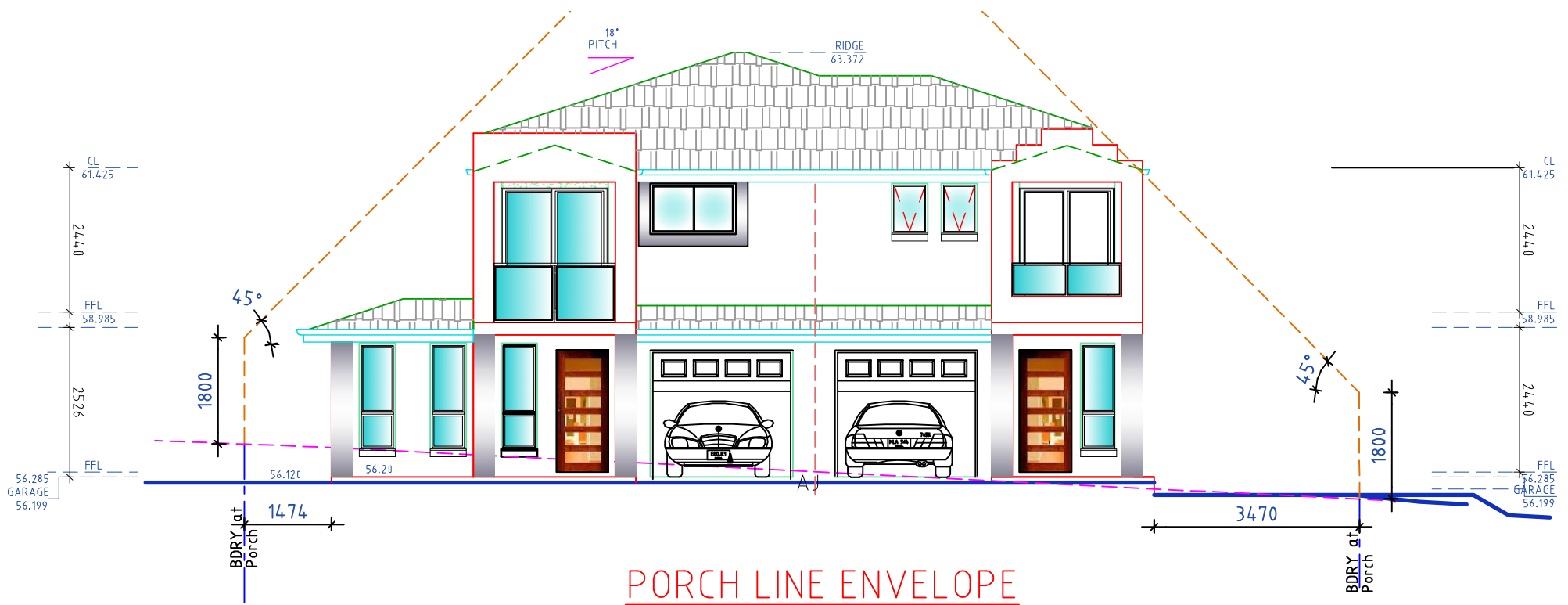
REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	NTS	DRAWING	REV.
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANE BROOK 2749</b>		DATE:	OCT. 2021	A18	C
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			PROJECT No.:	2146		
A	02-11-21	ISSUED FOR DA APPROVAL						
THIS DRAWING HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY								



## Cut & Fill Plan

REV.	DATE	REMARKS	<b>Proposed Unit 1 &amp; Unit 2 &amp; Strata Subdivision</b>		SCALE:	DRAWING	REV.	
C	3-02-22	FOR DA APPROVAL	<b>Mr. Medhat NABIH ATTIA</b> <b>6 ASSISI CLOSE, CRANEBROOK 2749</b>		1:200	A19	C	
B	23-12-21	AMENDED AS PER LETTER 14-12-2021			DATE:			OCT. 2021
A	02-11-21	ISSUED FOR DA APPROVAL			PROJECT No.:			2146
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## Envelope Plans

REV.	DATE	REMARKS	Proposed Unit 1 & Unit 2 & Strata Subdivision		SCALE:	1:100	DRAWING	REV.
			Mr. Medhat NABIH ATTIA		DATE:	OCT. 2021	A20 C	
C	02-02-22	ISSUED FOR DA APPROVAL	6 ASSISI CLOSE, CRANE BROOK 2749		PROJECT No.:	2146		
<small>THIS DRAWING HAS BEEN DESIGNED BY THE OWNER OF THE PROPERTY</small>								

# Statement of Environmental Effects

## Construction of a Dual Occupancy and Strata Subdivision.

LOT: 20 DP: 1197799

6 Assisi Close, Cranebrook

New South Wales, 2749

**Penrith City Council**



# Statement of Environmental Effects

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### *Revision*

*05.11.2021 – Issued to Designer – Waiting for additional information.*

*08.11.2021 – Issued to Designer – FINAL*



# Statement of Environmental Effects

## Introduction

This Statement of Environmental Effects has been prepared on behalf of the designer of the proposed development at the subject property, 6 Assisi Close, Cranebrook. This Statement of Environmental Effects provides the supporting evidence for the Construction of a new attached dual occupancy and Strata subdivision (Figure 1) in accordance with the Environmental Planning and Assessment Act 1979 (EPA&A 1979).



Under section 4.15 of the Environmental Planning and Assessment Act 1979, the consent authority is required to assess the impacts of the development. This Statement of Environmental Effects, its supporting plans and reports contain all the necessary information to assist the consent authority in making an informed assessment and determination of the proposal.

This Statement is based on the assessment of the following architectural plans:

Architectural plans prepared by AA Dream Homes, Project No. 2146, Drawing A0 – A16, Revision A, dated October 2021.

Other plans and reports pertaining to this Statement are outlined where relevant within the report.

## Local Character and Context

*Character is what makes a neighbourhood distinctive. It is created by a combination of the land, public and private spaces and how they interact to make a distinctive character and identity of an area.*

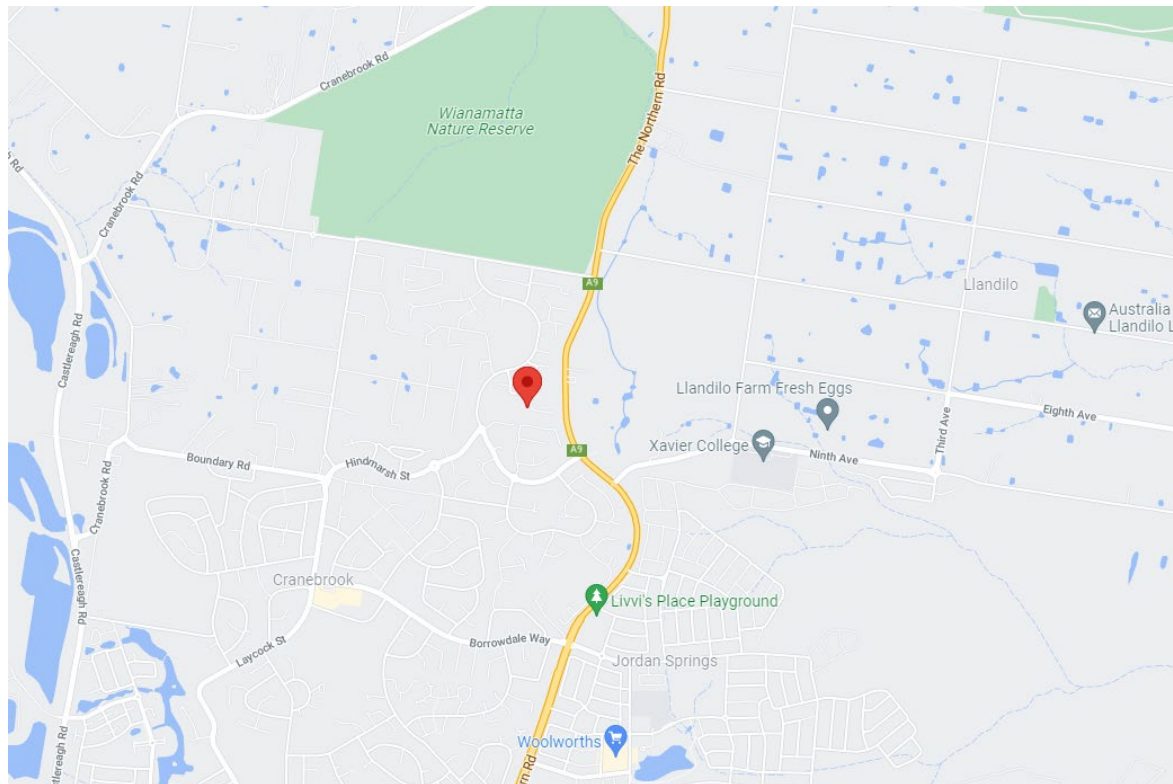


## Statement of Environmental Effects

*This includes the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation*  
*(<http://www.planning.nsw.gov.au/Policy-and-Legislation/Local-character>)*

### Local Character

The site is situated west of The Northern Road at Llandilo and north east of the Cranebrook town centre (Figure 2).



### Neighbourhood Scale & Streetscape

The locality is characterised by similar lot sizes and frontages, with recently constructed single and double storey dwellings, with associated pools, outbuildings and attached and detached garages (Figure 3)





## Statement of Environmental Effects



### Site Scale

Lot 20 DP 1197799 (6 Assisi Close, Cranebrook) is located within an established low residential area, is irregular in shape and has a total area of approximately 640.10m<sup>2</sup> and an arc frontage of 15.4m frontage (Figure 2). The site has a rear boundary to Corpus Christi Primary School accessed from Andromeda Drive. The site is currently vacant.



## Statement of Environmental Effects



### Planning History

DA17/1008: Attached Dual Occupancy & Strata Subdivision x 2 Lots  
Determined: 21/02/2018.

The application has since lapsed with no works yet to have commenced.

### The Proposal

The development proposes an identical development to that approved in DA17/1008 being an attached dual occupancy and strata title subdivision consisting:

#### Dual Occupancy

Each dwelling will contain:

Ground floor:

- Entry patio;
- Living room
- Combined Bathroom and Laundry;
- Combined Kitchen, Dining and Living.
- Attached single garage

1<sup>st</sup> Floor (Unit 1):

- Master Bedroom, WIR & Ensuite



## Statement of Environmental Effects

- Bedroom 2, Bedroom 3 & Bedroom 4
- Bathroom
- TV Area

### 1<sup>st</sup> Floor (Unit 2):

- Master Bedroom, WIR & Ensuite
- Bedroom 2 & Bedroom 3
- Bathroom
- TV Area

### Strata title subdivision

Lot 1: 348.15sqm

Lot 2: 291.95sqm

## Considerations under section 4.15 of the Environmental Planning & Assessment (EP&A) Act 1979

### (a)(i) – Provisions of any environmental planning instrument

#### State Environmental Planning Policies

The following State Environmental Planning Policies are applicable to the land:

#### **SEPP (Building Sustainability Index: BASIX) 2004**

This policy aims to ensure consistency in the implementation of the BASIX scheme throughout the State by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

A BASIX Certificate is provided with this application

#### **SEPP (Infrastructure) 2007**

The site is not fronting or adjacent to a rail corridor, classified road or within the vicinity of a telecommunications structure requiring consideration under the SEPP.

#### **SEPP (Vegetation in Non-Rural Areas) 2017**

The site does not contain trees or vegetation with biodiversity values.

#### **SEPP 55 – Remediation of Land**

The site is currently vacant being part of a newly developed area with dwellings used for residential purposes. In this regard the site does not require remediation under the *Contaminated land Management Act 1997*.

#### **Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**





## Statement of Environmental Effects

### (No 2—1997)

The secondary dwelling will not affect the environment of the Hawkesbury-Nepean River.

### Penrith Local Environmental Plan 2010

The site is identified within area covered by Penrith Local Environmental Plan 2010

#### Zoning:

Zone is R2. The proposed development (Dual Occupancies) is permissible with consent. The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

In this regard, the proposal has a compatible land use (i.e. *housing needs of the community within a low density residential environment*). The proposed development therefore complies with one or more objectives of the zone.

#### 4.1 Minimum subdivision lot size

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *This clause does not apply in relation to the subdivision of any land—*

(a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*

(b) *by any kind of subdivision under the Community Land Development Act 1989.*

The minimum size shown on the Lot Size Map is 550sqm. The development proposes Strata subdivision to which the minimum lot size does not apply.

#### 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

(2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.*



## Statement of Environmental Effects

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone R2 Low Density Residential	650 square metres

The development is for a Dual occupancy (attached) in Zone R2 Low Density Residential and the lot has an area of 640.10sqm which is less than that required by this clause. A 4.6 Exceptions to development standards have been submitted as a separate attachment with this application for Councils consideration as was the case in the identical approved development DA17/1008.

### 4.3 Height of buildings

*(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

The height of building is proposed as 8.46m which is less than the height of building shown on the [Height of Buildings Map](#) (8.5m) and therefore complies with this development standard.

### 4.6 Exceptions to development standards

*(1) The objectives of this clause are as follows—*

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless—*

*(a) the consent authority is satisfied that—*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Planning Secretary has been obtained.*



## Statement of Environmental Effects

The development is for a Dual occupancy (attached) in Zone R2 Low Density Residential and the lot has an area of 640.10sqm which is less than that required by this clause. A 4.6 Exceptions to development standards have been submitted with this application as a separate attachment for Councils consideration as was the case in the identical approved development DA17/1008.

### 5.10 Heritage conservation

The site is not within nor in the vicinity of a heritage item.

### 5.11 Bush fire hazard reduction

The site is not identified as being affected by bushfire.

### 5.21 Flood Planning

The site is not identified as being flood prone.

### 7.1 Earthworks

The dual occupancy will require ground works to support the footings as is standard engineering practice.

### 7.4 Sustainable development

In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—

- (a) *conserving energy and reducing carbon dioxide emissions,*
- (b) *embodied energy in materials and building processes,*
- (c) *building design and orientation,*
- (d) *passive solar design and day lighting,*
- (e) *natural ventilation,*
- (f) *energy efficiency and conservation,*
- (g) *water conservation and water reuse,*
- (h) *waste minimisation and recycling,*
- (i) *reduction of vehicle dependence,*
- (j) *potential for adaptive reuse.*

The development is considered sustainable. Refer to SEPP BASIX.

### (a)(ii) – Provisions of any draft environmental planning instrument

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

### (a)(iii) – Provisions of any development control plan

#### Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 is applicable to the site. In particular, the following apply:



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## C1 Site Planning and Design Principles

This Section provides an overview of the key site planning and design principles applicable to all developments. It illustrates how the design of any development should adopt an integrated approach to improve design quality and sustainability.

<b>1.1. Site Planning</b>	
<b>1.1.1. Site Analysis</b>	
Site analysis should include plan and section drawings of the existing features of the site at the same scale as the site and landscape plan.	A site analysis has been provided.
<b>1.1.2. Key Areas with Scenic and Landscape Values</b>	
N/A. The site is not on land identified in the LEP Scenic and Landscape Values Map (including gateway sites) or on land zoned E1 National Parks and Nature Reserves or E2 Environmental Conservation.	
<b>1.2. Design Principles</b>	
<b>1.2.1. Application of Certification System</b>	
a) Non-residential developments, including mixed-use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system, now part of the National Australian Built Environment Rating System (NABERS).	N/A
<b>1.2.2. Built Form - Energy Efficiency and Conservation</b>	
a) The selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.	The development complies with SEPP (BASIX) 2004 and the specifications (CC) outline the material properties.
b) Buildings should be designed on passive solar design principles which: i) Respond to orientation to maximise the northerly aspect and solar access in the cooler periods; ii) Reduce overheating in summer and promote solar gain in winter; and iii) Ensure there is adequate cross flow of air by utilising natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems.	The development complies with SEPP (BASIX) 2004 and complies with the relevant heating and cooling loads.
c) The future use and occupants of the building should be considered in the design and location of building services/equipment to ensure that: i) The thermal comfort of occupants is optimised through zoning sections of the floor area to ii) of building services is provided enable individual control of heating and cooling; iii) Lighting systems and fittings have reduced energy consumption that are also appropriate for the use/activity located in that part of the building; iv) The equipment or service will be used and its future use will not affect other elements of sustainability; and v) Sub-metering to individual tenancies within the development to enable individual monitoring of consumption performance.	The development complies with SEPP (BASIX) 2004 and complies with the relevant energy requirements.
d) Common and service areas in the building should incorporate energy and water efficiency/conservation measures in their design and location.	N/A the development does not propose any "common or services areas".
<b>1.2.3. Building Form - Height, Bulk and Scale</b>	
a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.	The proposed dual occupancy is not more than 2 storeys in height and is consistent with a residential development in form and scale.

## Statement of Environmental Effects

<p>b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.</p> <p>c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.</p> <p>d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.</p> <p>e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:</p> <ul style="list-style-type: none"> <li>i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</li> <li>ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</li> <li>iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</li> <li>iv) Maximise permeable surface areas for stormwater management; and</li> <li>v) Minimise overshadowing.</li> </ul> <p>f) Building Façade Treatment: The aim is to ensure that any built form will:</p> <ul style="list-style-type: none"> <li>i) promote a high architectural quality commensurate with the type of building and land use;</li> <li>ii) adopt façade treatments which define, activate and enhance the public domain and street character;</li> <li>iii) ensure that building elements are integrated into the overall building form and façade design;</li> <li>iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character;</li> <li>v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls;</li> <li>vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and</li> <li>vii) co-ordinate and integrate building services to improve the visual presentation.</li> </ul> <p>g) Roof Design: The roof is an important architectural element of any building and:</p> <ul style="list-style-type: none"> <li>i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and</li> <li>ii) should consider opportunities for incorporating 'green roofs'.</li> </ul>	<p>The site does not have views to or from the site to impact on the area's landscape, scenic or rural character.</p> <p>The dimension of the building is not more than 20m.</p> <p>The site is located along the east-west axis with shadows being cast to the front of the dwelling and its access handle at 8 Assisi Close not reducing the amenity of the users of that site.</p> <p>The setbacks are consistent with the requirements of the DCP to ensure privacy and the availability of landscape area and the like.</p> <p>The proposed development has a façade that consistent with a residential dwelling.</p> <p>The roof is pitched consistent with a residential dwelling.</p>
<p><b>1.2.4. Responding to the Site's Topography and Landform</b></p>	
<p>a) Applicants must demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings.</p> <p>b) Any built form should be located, oriented and designed to</p>	<p>The site has a slope from south to north (side to side) and west to east (rear to front). The development incorporates minimal cut and fill.</p>

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<p>minimise excavation, cut and fill in accordance with the requirements of the Land Management Section of this Plan.</p> <p>c) The built form should respond to the natural topography by:</p> <ul style="list-style-type: none"><li>i) Avoiding steep slopes for buildings;</li><li>ii) Aligning the built form with the contours; and</li><li>iii) Utilising split level design on gentler slopes.</li></ul> <p>d) Where relevant, buildings should be placed so there is a backdrop of a hill, slope or rise behind the building. In this way, the ridgeline of any building is lower than the highest level of any hill, slope or rise on which the building is placed to avoid being visible above that hill, slope or rise.</p>	
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### C3 Water Management

#### *General Objectives*

- a) To adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources;*
- b) To promote sustainable practices in relation to the use of water resources for human activities;*
- c) To minimise water consumption for human uses by using best practice site planning, design and water efficient appliances;*
- d) To address water resources in terms of the entire water catchment;*
- e) To protect water catchments and environmental systems from development pressures and potential pollution sources;*
- f) To protect and enhance natural watercourses, riparian corridors, wetlands and groundwater dependent ecosystems;*
- g) To protect, conserve and enhance surface and groundwater resources;*
- h) To integrate water management with stormwater, drainage and flood conveyance requirements; and*
- i) To utilise principles of Water Sensitive Urban Design in designing new developments or infill development in existing areas.*

The site is not identified as being affected by flood. The dual occupancy will not cause undue load on the stormwater system.

### C5 Waste Management

#### *General Objectives*

- a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development;*
- b) To manage waste in accordance with the 'Waste Hierarchy' to:*
  - i) Avoid producing waste in the first place;*
  - ii) Minimise the amount of waste produced; iii) Re-use items as many times as possible to minimise waste;*
  - iv) Recycle once re-use options have been exhausted; and v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;*
- c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;*
- d) To minimise the overall environmental impacts of waste by:*





## Statement of Environmental Effects

- i) Encouraging development that facilitates ongoing waste avoidance and complements waste services offered by both Council and/or private contractors;*
- ii) Requiring on-site source separation and other design and siting standards which assist waste collection and management services offered by Council and/or the private sector;*
- iii) Encouraging building designs and construction techniques that minimise waste generation;*
- v) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and*
- v) Reducing the demand for waste disposal.*

A waste management plan has been prepared in accordance with the requirements of the DCP.

### **C10 Transport, Access and Parking**

#### *General Objectives*

- a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;*
- b) To minimise the impacts of traffic generating developments and manage road safety issues;*
- c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;*
- d) To provide appropriate parking for all development whilst promoting more sustainable transport use;*
- e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;*
- f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and*
- g) To ensure that access is provided for all people with diverse abilities.*

Each dwelling is provided with a single attached garage located behind the building line with sufficient space to the front for a second hard stand space.

### **C12 Noise and Vibration**

#### *General Objectives*

*The objective of this section is to ensure that future development that generates noise or vibration does not adversely affect the amenity of surrounding land uses.*

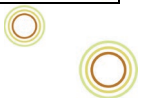
The site is not fronting or adjacent to a rail corridor, classified road requiring a noise assessment. The subdivision or the construction of dwellings will not unduly increase noise in the area.

### **D2 Residential Development**

## **2.2. Dual Occupancies**

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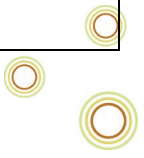
<b>2.2.2 Preferred Configuration for Dual Occupancy Development</b>	
<p>1) New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:</p> <p>a) traditional development demonstrates social 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>2) There are several possible types of dual occupancy development:</p> <p>a) attached: as semi-detached pairs fronting the street, or one dwelling set behind another;</p> <p>b) detached: either two dwellings fronting the street, or one dwelling set behind another.</p> <p>3) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves a "green corridor" of trees and shrubs along rear boundaries:</p> <p>a) conserving remnant vegetation;</p> <p>b) providing new shelter and habitat;</p> <p>c) contributing to streetscape; and</p> <p>d) providing a green outlook for dwellings.</p> <p>4) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves substantial back garden areas:</p> <p>a) adjoining neighbouring back yards;</p> <p>b) surrounded by stepping building forms, predominantly of a single storey.</p> <p>5) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens:</p> <p>a) allowing living areas and entrances to remain visible from the street;</p> <p>b) maximising the area available for front garden plantings.</p>	<p>The development is appropriate for the residential streetscape and generally incorporates a traditional configuration and presentation to the streetscape.</p> <p>The dwellings are attached side-by-side fronting the street</p> <p>Landscaping is provided to the front, sides and rear of the development.</p> <p>Landscaping is provided to the front, sides and rear of the development.</p> <p>A single attached garage is provided to the street façade of each of the dwellings flanked by a living room and with sufficient space in the front yard for landscaping</p>
<b>2.2.3 Alternative Configuration for Dual Occupancy Development</b>	
Various Controls	N/A. The development is for "traditional" side by side dual occupancy.
<b>2.2.4 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>d) garages integrated within the building façade, ensuring that at least one principal living room and the entry to each</p>	<p>Both dwellings front the Assisi Close street frontage, and display a traditional orientation with:</p> <p>a) a semi-detached configuration, and an individual architectural appearance for each dwelling; and</p> <p>b) a ground floor living rooms and entrances that face the street; and</p> <p>c) extensive private gardens to the rear adjacent to neighbouring yards; and</p> <p>d) garages integrated within the building façade, flanked by a principal living room with the entry to each dwelling visible from the street; and</p>





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<p>dwelling are visible from the street; and  e) the size of driveways minimised, retaining sufficient area for attractive front gardens.</p> <p>2) For any dwelling behind the street frontage:  a) a single storey appearance; and  b) living rooms, entrances and any dormer windows should face the street and / or the landscaped rear boundary setback; and  c) private gardens fill the rear setback; and  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:  a) for attached dwellings, use stepped walls to cast shadows and reduce apparent scale of buildings;  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:  - a combination of garden areas and parking courtyards; or  - open parking spaces lined by an "avenue" of shady, overhanging trees;</p> <p>4) "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation:  a) external walls should not be longer than 5m between distinct corners;  b) use a variety of roof forms and pitches;  c) provide windows in every elevation;  d) use a variety of shady verandahs, awnings and car-ports.</p>	<p>e) a suitable sized driveway retaining sufficient area for attractive front gardens.</p> <p>N/A. As above.</p> <p>N/A. As above.</p> <p>The development is well articulated across all building forms and facades by design measures that cast deep shadows across every elevation.</p>
<p><b>2.2.5 Front and Rear Setbacks</b></p>	
<p>1) Development must be within the development footprint which is determined by the maximum development footprint for your site by:  a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.  b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.  c) Adopting an average 6m rear setback on irregular shaped allotments; and  d) Adopting a front setback that matches the neighbourhood character.</p> <p>2) Within the rear boundary setback:  a) there shall be no building encroachments either above or below ground (eaves excepted);  b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;  c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p> <p>3) Determine an appropriate front setback:  a) either average the setbacks of  b) the immediate neighbours; or  c) adopt a 5.5m minimum whichever is the greater dimension;  d) and provide extensive landscaping within the front setback area.</p>	<p>Front: front setback that matches the neighbourhood character.  Rear:  Ground floor: Generally, 4m with the exception of a small portion of the Unit 2 as proposed in the approved DA17/1008. The encroachment does not reduce privacy as the rear neighbour is the rear of Corpus Christi primary School.  Upper floor: &gt;6m</p> <p>As above.  The rear setback allows for a sufficient area of landscaping.</p> <p>The lot is an irregular allotment and the front setback is consistent with the neighbouring dwelling to the north at 4 Assisi Close.</p>



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<p>4) Permissible encroachments within the front setback are:  a) verandahs and pergolas only;  b) with a maximum 1.5m encroachment.</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>Front patios of not more than 1.21m encroach the front setbacks</p> <p>The garages are located behind the building line.</p>
<p><b>2.2.6 Building Envelope and Side Setbacks</b></p>	
<p>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.</p> <p>2) The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:  a) side boundaries only; and  b) existing ground level.</p> <p>3) Only minor encroachments through the building envelope shall be permitted:  a) eaves to main roofs;  b) chimneys and antennas;  c) pergolas.</p> <p>4) Cut and fill and ground floor heights are restricted by the following:  a) provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;  b) restrict cut-and-fill to a maximum of 500mm;  c) provide effective sub-soil drainage.</p> <p>5) Pitches for main roofs are to be in accordance with the following:  a) for single-storey dwellings: not greater than 35 degrees, providing for attic rooms;  b) 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>The development generally complies with the building envelope for the site with the exception of an encroachment by the patio at ground floor and minor parts of the upper floor as shown on the front elevation and consistent with that approved in DA DA17/1008. The encroachment is a direct result of the irregular shape of the site. The development does not pose privacy issues from the encroachment having complying with the overall side setbacks, landscaping and maximum height for the site.</p> <p>The building envelope, and the apparent rise in storeys and external wall heights, has been measured relative to:  a) side boundaries only; and  b) existing ground level.</p> <p>The development includes encroachments as noted above.</p> <p>Cut and fill and ground floor heights are provided:  a) stepped building platforms in line with existing topography with floors no higher than 1m above natural ground level;  b) Cut of 800mm with fill less than 500mm. The proposed cut is consistent with that approved in DA DA17/1008. The encroachment is a direct result of the topography of the site having a cross fall both north to south and east to west. The cut is able to be undertaken using standard engineering practices and does not result in any privacy issues.  c) with effective sub-soil drainage.</p> <p>The pitch for the main roofs is not greater than 25 degrees, in order to reduce the visual scale of buildings (20.5)</p> <p>The setbacks from side boundaries are in excess of 900mm and varied in plan and form.</p>

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<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:</p> <ul style="list-style-type: none"> <li>a) being within the prescribed building envelope</li> <li>b) within a hipped or gabled roof where the maximum roof pitch is 35 degrees</li> <li>c) provided that dormer windows do not face side boundaries.</li> </ul>	<p>N/A. Zero setbacks are not proposed.</p> <p>N/A. The dwellings are side-by-side</p>										
<b>2.2.7 Driveways and Parking Areas</b>											
<p>1) Provide onsite parking in accordance with parking section of this DCP.</p> <p>2) Garages for attached dwellings should:</p> <ul style="list-style-type: none"> <li>a) occupy not more than 50% of any street frontage;</li> <li>b) flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation.</li> </ul> <p>3) For dwellings located one behind the other, driveways should:</p> <ul style="list-style-type: none"> <li>a) be separated from dwellings by a landscaped verge at least 1m wide;</li> <li>b) where possible, also separated from boundary fences by a landscaped verge;</li> <li>c) prevent adverse long-term effect upon any vegetation that must be preserved;</li> <li>d) provide for effective and healthy landscaping along all site boundaries;</li> <li>e) drain by gravity to Council's stormwater network.</li> </ul>	<p>Two spaces are provided per dwelling in accordance with the parking section of the DCP.</p> <p>The garages occupy less than 50% of the street frontage and are flanked by a front living room that faces the street</p> <p>N/A. The dwellings are side-by-side</p>										
<b>2.2.8 Landscaped Area</b>											
<p>1) Landscaped areas should be:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="text-align: left;">Zone</th> <th style="text-align: left;">Minimum landscaped area % of the site</th> </tr> </thead> <tbody> <tr> <td>R1 Residential General</td> <td>40</td> </tr> <tr> <td>R2 Low Density Residential</td> <td>50</td> </tr> <tr> <td>R3 Medium Density Residential</td> <td>40</td> </tr> <tr> <td>R4 High Density Residential</td> <td>35</td> </tr> </tbody> </table> <p>2) Landscaped areas should provide:</p> <ul style="list-style-type: none"> <li>a) effective separation between neighbouring dwellings;</li> <li>b) healthy growth of new trees and shrubs; and</li> <li>c) long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties); and</li> <li>d) private courtyards for all dwellings and a green outlook; and</li> <li>e) civic gardens along street frontages.</li> </ul> <p>3) Landscaped areas are required to:</p> <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> </ul>	Zone	Minimum landscaped area % of the site	R1 Residential General	40	R2 Low Density Residential	50	R3 Medium Density Residential	40	R4 High Density Residential	35	<p>Required: 50% (320.05m<sup>2</sup>) Provided: 56% (359m<sup>2</sup>)</p> <p>The landscaped areas provide:</p> <ul style="list-style-type: none"> <li>a) effective separation between neighbouring dwellings;</li> <li>b) healthy growth of new trees and shrubs; and</li> <li>c) long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties); and</li> <li>d) private courtyards for all dwellings and a green outlook; and</li> <li>e) civic gardens along street frontages.</li> </ul> <p>The landscaped areas:</p> <ul style="list-style-type: none"> <li>a) have a minimum width of 2m and serve as functional spaces;</li> <li>b) including private courtyards measuring a minimum</li> </ul>
Zone	Minimum landscaped area % of the site										
R1 Residential General	40										
R2 Low Density Residential	50										
R3 Medium Density Residential	40										
R4 High Density Residential	35										

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<p>c) may include verandahs or patios that open directly to private courtyards;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.</p>	<p>of 30m<sup>2</sup>;</p> <p>c) include patios that open directly to private courtyards;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) do not include that part of any easement exceeding 10% of the site area.</p>
<p><b>2.2.9 Solar Planning</b></p>	
<p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <p>a. Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions;</p> <p>b. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;</p> <p>c. Demonstrating shadows cast by neighbouring buildings;</p> <p>d. Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</p> <p>e. Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>f. Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings; and</p> <p>g. In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.</p>	<p>Suitable shadow diagrams are included with the application.</p> <p>The site is located along the east-west axis with shadows being cast to the front of the dwelling and its access handle at 8 Assisi Close not reducing the amenity of the users of that site.</p> <p>Sufficient solar access is available to each of the POS and living rooms within the proposed development.</p>
<p><b>2.2.10 Significant Landscapes &amp; Townscapes</b></p>	
<p>Various Controls</p>	<p>N/A. The site is not located in a significant Landscape or Townscape area</p>
<p><b>2.2.11 Corner Sites and Park Frontages</b></p>	
<p>Various controls</p>	<p>N/A. The site is not a corner site or a site with a park frontage</p>
<p><b>2.2.12 Building Design</b></p>	
<p>1) Dormer windows apply traditional design practices including:</p> <p>a) capped by hipped or gabled roofs, within the building envelope, and no taller than the ridgeline of the building's principal roof;</p> <p>b) appear predominantly glazed, or open and have a vertical proportion;</p> <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>2) 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</p>	<p>N/A. No dormer windows proposed.</p> <p>The development demonstrates a variety of architectural features including:</p> <p>a) expressing the street frontage as two individual dwellings;</p> <p>b) down-playing the appearance of garages;</p> <p>c) minimizing the scale and bulk the alignment of walls by the use of step and corners</p> <p>d) accentuating the articulation of building forms by</p>

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<p>materials;</p> <p>c) to minimize 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>using a variety of windows and doors in all visible walls, projecting roofs, awnings and verandahs and combination of building materials</p>
<p><b>2.2.13 Energy Efficiency</b></p>	
<p>1) All new dual occupancy development should employ construction techniques that provide appropriate thermal mass such as:</p> <p>a) ground floor: slab-on-ground;</p> <p>b) walls: masonry internal walls to ground floor are desirable.</p> <p>2) All new dual occupancy development should adopt an appropriate orientation for rooms and windows including:</p> <p>a) living areas - facing within 30 degrees of solar north is desirable;</p> <p>b) windows - at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable;</p> <p>3) All new dual occupancy development should provide effective shading from summer sun including:</p> <p>a) Overhanging eaves: at least 450mm wide;</p> <p>b) Adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights;</p> <p>c) Pergolas over courtyards.</p> <p>4) All new dual occupancy development should employ effective glazing including:</p> <p>a) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames;</p> <p>b) windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames;</p> <p>c) all windows and external doors: weather-stripping should be used.</p> <p>5) All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation including:</p> <p>a) living areas and bedrooms with two external walls for windows;</p> <p>b) particularly important for attic rooms.</p>	<p>Refer to SEPP BASIX.</p>
<p><b>2.2.14 Design of Dwellings and Private Courtyards</b></p>	
<p>1) A reasonable area of private open space should be provided for each dwelling:</p> <p>a) a minimum of 30m<sup>2</sup>;</p> <p>b) including one area measuring at least 6m by 4m, suitable for outdoor dining; and</p> <p>c) located immediately next to, and level with, living or dining rooms; and</p> <p>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</p> <p>e) with access direct to the street or a common driveway</p>	<p>A reasonable area of private open space is provided for each dwelling including:</p> <p>a) a minimum of 30m<sup>2</sup>;</p> <p>b) including one area measuring at least 6m by 4m, suitable for outdoor dining; and</p> <p>c) located immediately next to, and level with, living rooms; and</p> <p>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</p>

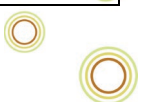
## Statement of Environmental Effects

<p>through a courtyard at least 2m wide; or via a carport with an open design.</p> <p>2) Landscaped areas should maximise the area available for private courtyards and gardens:</p> <p>a) the front and rear boundary setbacks should be used for private residential gardens;</p> <p>b) common open space should be restricted to the verges of any shared driveway.</p>	<p>e) with access direct to the street</p> <p>The landscaped areas are maximized throughout the site.</p>
<p>1) Rooms within a dual occupancy development should have dimensions and an area that:</p> <p>a) can accommodate the range of furniture typically associated with their function; and</p> <p>b) recognise that furnishing options may be restricted by the location of windows and doors;</p> <p>c) acknowledge that access and furnishing options may be restricted by raked attic ceilings;</p> <p>d) provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.</p>	<p>Rooms within the development have dimensions and an area that:</p> <p>a) can accommodate the range of furniture typically associated with their function; and</p> <p>b) recognise that furnishing options may be restricted by the location of windows and doors;</p> <p>c) acknowledge that access and furnishing options may be restricted by raked attic ceilings;</p> <p>d) provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.</p>
<p><b>2.2.15 Garage Design</b></p>	
<p>1) Garage and parking areas should be planned to:</p> <p>a) minimise disruption to traditional or established streetscapes by concealing from the street;</p> <p>b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation (as shown in figure D2.6);</p> <p>c) minimise transmission of noise to adjoining dwellings;</p> <p>d) provide secure parking;</p> <p>e) allow for maintenance access to rear garden courtyards; and</p> <p>f) provide for effective and healthy landscaping along verges and boundaries.</p> <p>g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.6-2009;</p> <p>2) For dwellings that require two spaces:</p> <p>a) provide at least one covered space;</p> <p>b) for dwellings located one behind the other: the second space may be an open court facing the side driveway; or</p> <p>c) for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space. Please refer to figure D2.7.</p> <p>3) Garages and parking spaces are not permissible within the front setback</p>	<p>The garage and parking areas have been planned to:</p> <p>a) minimise disruption to the streetscapes by concealing from the street;</p> <p>b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation;</p> <p>c) minimise transmission of noise to adjoining dwellings;</p> <p>d) provide secure parking;</p> <p>e) allow for maintenance access to rear garden courtyards; and</p> <p>f) provide for effective and healthy landscaping along verges and boundaries.</p> <p>g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.6-2009;</p> <p>The dual occupancy requires 2 spaces per dwelling provided as follows:</p> <p>a) one covered space;</p> <p>c) The second space is proposed as stacked on the driveway in front of the covered space.</p> <p>The garages and parking spaces are not proposed within the front setback</p>
<p>1) Design of covered garages to consider the following:</p> <p>a) low, open appearance similar to a wide verandah;</p> <p>b) if exposed at the end of a building, enclosed by semi-transparent screens that provide for natural ventilation and effective security (rather than surrounded by masonry walls);</p> <p>c) with shutters that have windows, or are semi-transparent screens providing natural ventilation and effective security.</p>	<p>The garages are attached to the front of the dwellings and located behind the building line.</p>
<p><b>2.2.16 Garden Design</b></p>	
<p>1) The rear boundary setback should provide:</p> <p>a) private garden courtyards;</p> <p>b) a corridor of habitat, and a green backdrop that is visible from the street;</p> <p>c) conservation for any existing corridor of mature trees; or</p>	<p>The rear boundary setback provides:</p> <p>a) private garden courtyards;</p> <p>b) a corridor of habitat, and a green backdrop that is visible from the street;</p> <p>d) an interlocking canopy of low to medium-height</p>



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<p>d) an interlocking canopy of low to medium-height trees and shrubs; e) predominantly species indigenous to the soils of Penrith City.</p> <p>2) Alongside boundaries, provide: a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings; b) within the verges to any common driveway: hedges fronting windows to any dwelling;</p> <p>3) Alongside boundaries within private courtyards provide: a) feature plantings of ground covers and shrubs growing to fence height at maturity; b) a level area of well-drained turf, or an alternative water-permeable material such as river pebbles.</p> <p>4) Street frontage plantings should provide: a) private gardens for street-front dwellings; b) a civic garden frontage appropriate to the established neighbourhood character; and c) mixed species of trees, shrubs, and accent plantings including flowers and ground covers; d) level areas of well-drained turf; and e) along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees underplanted with dense hedges.</p>	<p>trees and shrubs; e) predominantly species indigenous to the soils of Penrith City.</p> <p>Alongside boundaries: a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings; b) within the verges to any common driveway: hedges fronting windows to any dwelling;</p> <p>Alongside boundaries within private courtyards provide: a) feature plantings of ground covers and shrubs growing to fence height at maturity; b) a level area of well-drained turf, or an alternative water-permeable material such as river pebbles.</p> <p>Street frontage plantings provide: a) private gardens for street-front dwellings; b) a civic garden frontage appropriate to the established neighbourhood character; and c) mixed species of trees, shrubs, and accent plantings including flowers and ground covers; d) level areas of well-drained turf</p>
<p><b>2.2.17 Paving Design</b></p>	
<p>1) Hard paved surfaces should: a) maximise the area available for landscaping and gardens; b) impose no adverse long term effect on any vegetation that Council requires preserved.</p> <p>2) Driveways and associated parking courts should: a) provide an attractive "address" for any dwellings without a direct frontage to the street; b) minimise the area and width of driveways along the street-frontage; c) be overlooked by continuously-occupied rooms such as kitchens and living rooms; d) be divided into panels by bands of contrasting materials or pavers; e) provide barrier-free access continuous from the street to the entrance of each dwelling; f) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence; g) incorporate materials and a profile that maximise the potential for direct infiltration of rainfall (other than in areas of recognised high soil salinity); h) collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.</p> <p>3) Courtyard paving should be provided: a) at the threshold to each doorway leading from a dwelling: at least 1m wide; b) beneath clothes lines; c) where outdoor storage of garbage bins is proposed; d) in the form of widely spaced pavers, or porous unit paving,</p>	<p>Hard paving areas are limited to the driveway and access from the driveway to the front porches.</p> <p>Driveways: b) minimise the area and width of driveways along the street-frontage; c) are overlooked by continuously-occupied front living room; d) have an appropriate finish; e) provide barrier-free access continuous from the street to the entrance of each dwelling; f) provide for landscaping as continuous verges along both sides, g) incorporate materials and a profile that maximise the potential for direct infiltration of rainfall; h) collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.</p> <p>Suitable paving is provided: a) at the threshold to each doorway leading from a dwelling at least 1m wide; b) beneath the clothes lines; c) where outdoor storage of garbage bins is proposed;</p>





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<p>maximising direct infiltration of rainfall.</p>	
<p><b>2.2.18 Fences and Retaining Walls</b></p>	
<p>1) Be sympathetic to the natural setting and character in form, materials and colour.</p> <p>2) Maximise natural surveillance from the street to the building and from the building to the street.</p> <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:</p> <p>a) 1.8m generally; and</p> <p>b) 2.4m on sloping sites, including the height of any retaining wall.</p> <p>5) Fences along boundaries forward of the front building alignment: Penrith Development Control Plan 2014 D2 Residential Development D2 - 33</p> <p>a) should not be taller than 1.2m, or if taller, of see-through construction;</p> <p>b) should not be constructed of metal panels;</p> <p>c) walls of solid construction and taller than 1.2m (such as courtyard walls) should be set back at least 2m from the front boundary (to allow for landscaping) and should not occupy more than 50% of the allotment width.</p> <p>6) Fences along boundaries along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction;</p> <p>7) Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise;</p> <p>8) Fences along boundaries in any location that can be seen from the street or a public park frontage should not be constructed of metal panels;</p> <p>9) Fences along boundaries fronting noisy thoroughfares:</p> <p>a) solid masonry walls are acceptable to a maximum of 1.8m; and</p> <p>b) incorporating corners and planting beds every 5m;</p> <p>10) Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.</p> <p>11) Fencing of a "see-through" construction includes:</p> <p>a) panels set into a timber frame or between brick piers; where</p> <p>b) any solid base is not taller than 1m; and</p> <p>c) panels are spaced pickets or palings, or lattice.</p> <p>12) Retaining walls:</p> <p>a) generally should be no taller than 500mm;</p> <p>b) should not cut through roots of any tree required by Council to be preserved;</p> <p>c) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</p>	<p>No retaining walls or front fences are proposed. A 1.8m high dividing fence is proposed between the two dwellings to the rear.</p>

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d) should provide drainage for any associated planter-bed;  
 e) should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.

### 2.2.19 Visual and Acoustic Privacy and Outlook

1) Demonstrate a package of measures that achieves reasonable privacy:  
 a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows;  
 b) dormer windows generally to be oriented to face the street or the rear boundary;  
 c) private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise;  
 d) screening measures, including:  
 i) offsetting of windows; or  
 ii) oblique orientation for windows; or  
 iii) external screens to windows; or  
 iv) courtyard walls and pergolas;  
 v) note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;  
 e) rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide;  
 f) bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window;  
 g) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.  
 h) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:  
 i) are offset by a distance sufficient to limit views between windows; or  
 ii) have sill heights of 1.7 m above floor level; or  
 iii) have fixed obscure glazing in any part of the window below 1.7 m.

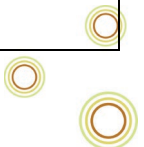
2) Demonstrate measures that protect dwellings from external noise sources:  
 a) windows to ground-level living rooms screened by landscaped verges at least 2m wide;  
 b) within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms;  
 c) sound resisting construction of separating walls, floors and windows, in accordance with BCA;  
 d) zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones;  
 e) plant and equipment should be effectively screened and located away from sleeping areas;  
 f) along frontages to noisy arterial roads or the rail corridor:  
 i) locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices;  
 ii) comply with the requirements of relevant noise and

The development includes suitable privacy measures that include:

- Separation between the proposed development and adjoining developments
- Windows to habitable rooms that have an FFL of 1.5m
- Are offset from the windows of the adjoining dwelling

The development protects the dwellings from external noise sources by:

- a) screening windows to ground-level living rooms with landscaped verges at least 2m wide;
- b) bedrooms do not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms are segregated and separated from living areas
- c) including sound resisting construction of separating walls, floors and windows, in accordance with BCA;
- d) zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones;
- e) locating and screening plant and equipment from sleeping areas;
- i) locating habitable rooms and private open spaces away from noise sources;



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<p>vibration guidelines published by the NSW Government. The NSW Government sets standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. These standards apply in all cases.</p> <p>iii) provide a detailed acoustic design report that demonstrates compliance with the above requirements;</p> <p>iv) provide a certificate of compliance at completion of construction;</p> <p>v) under extreme circumstances identified by Council, employ fixed glazing with air-conditioning for street-frontage bedrooms.</p>	
<p><b>2.2.20 Safety and Security</b></p>	
<p>1) Encourage a sense of community:</p> <p>a) dwelling entrances, the window to at least one continuously-occupied room and private courtyards should face the street and/or a common driveway;</p> <p>b) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.</p> <p>2) Ensure that at least one continuously-occupied room in each dwelling (a kitchen or living room) overlooks:</p> <p>a) the front street;</p> <p>b) driveways and garage forecourts.</p> <p>3) Prevent concealment of intruders by:</p> <p>a) uniform lighting levels across common areas such as driveways;</p> <p>b) planning which does not provide hidden recesses;</p> <p>c) along common pathways: selection of appropriate plant species according to height and density.</p>	<p>A sense of community is encouraged by:</p> <p>a) having the dwelling entrance and the window to a front living room facing the street and common driveway;</p> <p>b) fences are designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.</p> <p>2) A front living room in each dwelling overlooks:</p> <p>a) the front street;</p> <p>b) driveways and garage forecourts.</p> <p>The prevention of concealment of intruders is mitigated by:</p> <p>a) uniform lighting levels across common areas;</p> <p>b) planning which does not provide hidden recesses;</p> <p>c) selection of appropriate plant species according to height and density.</p>
<p><b>2.2.21 Accessibility and Adaptability</b></p>	
<p>1) Demonstrate that planning and design measures do not prevent access by people with disabilities:</p> <p>a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;</p> <p>b) stair nosings should have a distinctive colour and texture;</p> <p>c) dwellings should have:</p> <p>i) dimensions consistent with AS 1428.1-Design for access and mobility.</p> <p>ii) hallways at least 1m wide.</p> <p>iii) circulation areas in bathrooms at least 1m wide.</p> <p>2) Demonstrate that dwellings have been designed to meet the needs of an ageing population:</p> <p>a) incorporate design measures which are appropriate to people with disabilities; and</p> <p>b) employ lever-type door handles and traditional cruciform tap-handles; and</p> <p>c) provide for future low-cost modifications to bathrooms:</p> <p>i) future removal of hobs from shower recesses;</p> <p>ii) provision for future attachment of grab-rails to walls.</p> <p>d) provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers &amp; attachment of grab-rails.</p> <p>e) provide appropriate levels and location of lighting.</p>	<p>Planning and design measures do not prevent access by people with disabilities:</p> <p>a) access pathways slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;</p> <p>b) stair nosings should have a distinctive colour and texture;</p> <p>Dwellings have been designed to meet the needs of an ageing population by:</p> <p>a) incorporating design measures which are able to be modified to provide for people with disabilities</p>
<p><b>2.2.22 Storage and Services</b></p>	
<p>1) Provide storage for household items:</p>	<p>Sufficient storage is provided throughout the</p>

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<p>a) at least 10m<sup>3</sup> per dwelling; either</p> <p>b) as cupboard space within the dwelling in addition to wardrobes; or</p> <p>c) within a lockable garage, not encroaching upon the parking space; or</p> <p>d) in weather-proof lockers that are not visible from the street.</p> <p>2) Letter boxes should be provided according to Australia Post specifications:</p> <p>a) adjacent to the front boundary;</p> <p>b) located conveniently for residents entering the site (by car or on foot);</p> <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 by allowing for:</p> <p>a) additional telephone lines and outlets;</p> <p>b) additional electrical outlets;</p> <p>c) satellite or cable-based reception.</p>	<p>dwelling.</p> <p>A letter box to Australia Post specifications will be provided to each of the dwellings.</p> <p>Telecommunications are available to the development.</p>
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### **(a)(iia) – Provisions of any planning agreement**

There is no planning agreement in conjunction with this proposal.

### **(a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)**

The Application has been made in accordance with the relevant matters prescribed by the Regulations.

### **(b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality**

(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Development Control Plan section in this report and are satisfactory.

(ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal.

(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.

### **(c) – the suitability of the site for the development**

The site is considered suitable for the proposed development.

### **(d) – any submissions made in accordance with the EP&A Act or EP&A Regulation**

This application will be exposed to public comment in the usual manner, as outlined in Part A of the Development Control Plan, however it is not



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anticipated that this process will raise any significant objections if any. We do not anticipate any submissions from neighbouring properties.

### **(e) – the public interest**

The proposed development is within the public interest.

## Conclusion

The proposed development has been designed in a way that it addresses the site abilities and constraints whilst satisfactorily demonstrating compliance with the Environmental Planning and Assessment Act 1979 and Council's local planning instruments and guidelines.

Accordingly, this Development Application is submitted in the belief that it deserves council's favourable consideration.

Yours Faithfully,

Tania Hannaford (BURP, Dip.Proj.Management, Cert IV NatHERS Assessment)

### **Plan for Tomorrow**

*Plan for Tomorrow has not undertaken a site visit for the purposes of this report and is reliant on the information provided by the designer, consultant reports and information generally available on the internet. This report is provided exclusively for the purposes described in this report. No liability is extended for any other use or to any other party. The report is based on conditions prevailing at the time of the report. The report is only for which the land to which the report relates and only for the day it is issued. This report should be read in conjunction with submitted documents and plans relevant to the Development Application.*



# WASTE MANAGEMENT PLAN

## DEMOLITION, CONSTRUCTION AND USE OF PREMISES

If you need more space to give details, you are welcome to attach extra pages to this form.

PLEASE COMPLETE ALL PARTS OF THIS FORM THAT ARE RELEVANT TO YOUR DEVELOPMENT APPLICATION (DA).

IF YOU NEED MORE SPACE TO GIVE DETAILS, YOU ARE WELCOME TO ATTACH EXTRA PAGES TO THIS FORM.

Council will assess the information you provide on this form along with your attached plans. We will take into account the types and volumes of waste that could be produced as a result of your proposed development, and how you are planning to:

- minimise the amount of waste produced
- maximise re-use and recycling
- store, transport and dispose of waste safely and thoughtfully.

### APPLICANT DETAILS

First name

Medhat

Surname

Attia

Postal Address

Street No.

Street name

### DETAILS OF YOUR PROPOSED DEVELOPMENT

Street No.

6

Street name

Assisi Close

Suburb

Cranebrook

Post code

2749

What buildings and other structures are currently on the site?

VACANT

Briefly describe your proposed development

Construction of 2 storey Semi-detached dual occupancy including strata subdivision

Applicant Signature

Date

10/11/2021



## SECTION 1: DEMOLITION

\*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m <sup>2</sup> or m <sup>3</sup> )	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)				
Green waste				
Bricks				
Concrete				
Timber (Please specify type/s)				
Plasterboard				
Metals (Please specify type/s)				
Other	-			

## SECTION 2: CONSTRUCTION

\*Please include details on the plans you submit with this form, for example location of on-site storage areas/containers, vehicle access point/s.

Materials		Destination		
		Re-use and recycling		Disposal
Material	Estimated volume (m <sup>2</sup> or m <sup>3</sup> )	ON-SITE* Specify proposed re-use or on-site recycling	OFF-SITE Specify contractor and recycling facility	Specify contractor and landfill site
Excavation (eg soil, rock)	5-10m3	backfill		
Green waste	-			
Bricks	.7			Skip Bin Hire
Concrete	-			
Timber (Please specify type/s)	1.5			Skip Bin Hire
Plasterboard	1.5			return to supplier
Metals (Please specify type/s)	.1			Skip Bin Hire
Other	-			

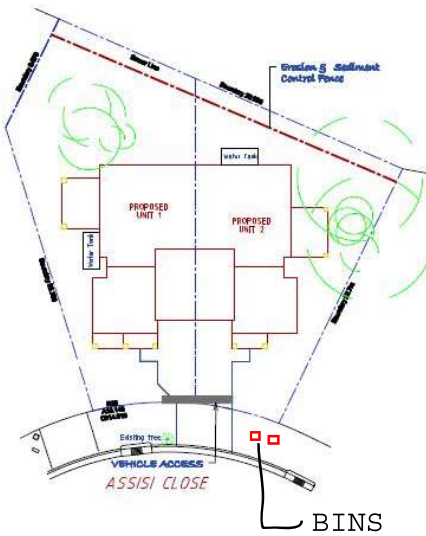
### SECTION 3: WASTE FROM ON-GOING USE OF PREMISES

If relevant, please list the type/s of waste that may be generated by on-going use of the premises after the development is finished.	Expected volume (average per week)
Household recyclables	20-30 litres per unit
Garden! green waste	10-30 litres per unit
Other Waste	30 litres per unit

### SECTION 4: ON-GOING MANAGEMENT OF PREMISES

If relevant, please give details of how you intend to manage waste on-site after the development is finished, for example through lease conditions for tenants or an on-site caretaker/manager. Describe any proposed on-site storage and treatment facilities. Please attach plans showing the location of waste storage and collection areas, and access routes for tenants and collection vehicles.

the location of waste storage and collection areas as shown at street kerb



C/o 6 Assisi Close  
Cranebrook  
NSW 2749

February 2022

Attn: The Assessing Officer

**SITE:** 6 Assisi Close, Cranebrook

**PROPOSAL:** Construction of a Dual Occupancy and Strata Subdivision.

**RE:** Request for further information dated 14 December 2021 including 4.6 Variation to Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

In response to your request for additional information for the application DA21/0836 - 6 Assisi Close, Cranebrook - please find enclosed amended plans and documents and a response to your request below.

### **1. Non-compliance with Penrith Local Environmental Plan 2010 (LEP) and Penrith Development Control Plan 2014 (DCP)**

*The proposed building design for the attached dual occupancy includes several required development controls not being met. Given that the site does not have a compliant lot size, as required by Clause 4.1A of Penrith LEP 2010, these issues are required to be resolved and compliance with the controls within Penrith Development Control Plan 2014 is essential.*

*The following non-compliances are raised:*

- *Character, Form and Building Envelope:*

*There are design issues raised with the proposed front building elevation presentation, including blank façade sections, protruding parapets, and inconsistent use of fenestration. The proposed building also has a non-compliant building envelope, with the plans showing portions of building that are exceeding the building envelope control.*

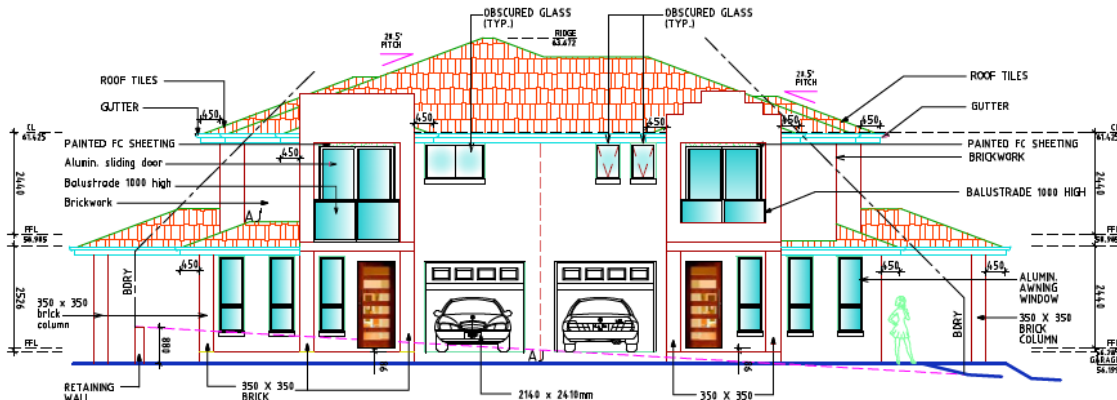
Email: [planfortomorrow@outlook.com](mailto:planfortomorrow@outlook.com)

**Response:** Please find attached amended plans that address the above requirements, specifically:

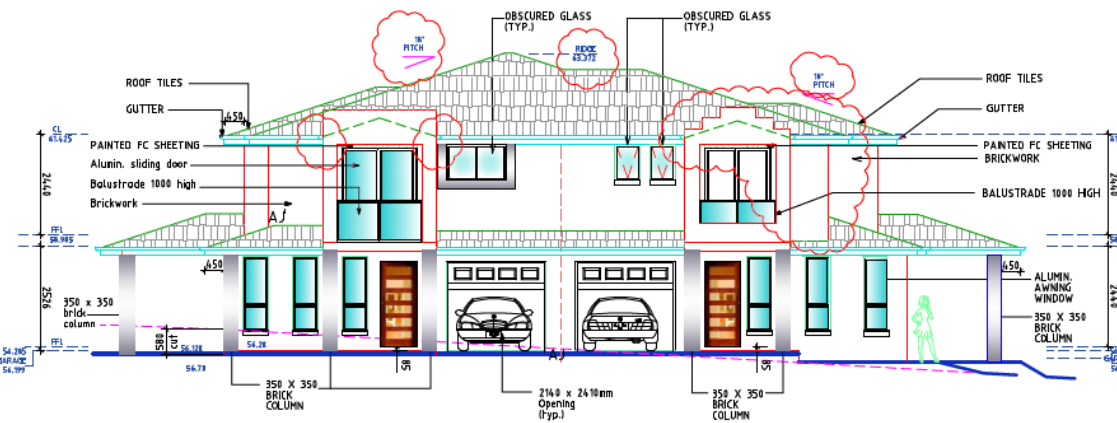
Plan Description	Amendment
Site Plan	<p>Unit 2 First floor living reduced from 74.56sqm to 70.96sqm resulting in a total floor space of the same amount.</p> <p>Unit 2 Increased landscape area from 152sqm to 155.6sqm</p> <p>Unit 2 reduction in roof area from 133.6sqm to 130sqm</p> <p>Unit 2 decreased from 21 squares to 20.6 squares</p> <p>Increase to Unit 1 building line to 5.50m Increase to Unit 2 building line to 5.94m</p>
Ground floor plan	<p>Decrease to the width of the stair area Increase to the width of the garage to 3.1m Addition of setback measurements</p>
Upper floor plan	<p>Decrease to the width of the stair area Addition of setback measurements</p>
Roof plan	<p>Roof pitch decrease from 20.5 degrees to 18 degrees Decrease in max RL from 63.672 to 63.372 Decrease in width of roof over parapet</p>
Front Elevation	<p>Resultant effects of the above floor and roof changes</p> <p>Decrease in retaining wall levels from 880mm to 580mm</p>



Submitted



Amended



Rear Elevation	Resultant effects of the above floor and roof changes
North Elevation	Resultant effects of the above floor and roof changes
South Elevation	Resultant effects of the above floor and roof changes

Additional Porch line envelope and Building line envelope plans have been added to the architectural plan set to demonstrate compliance with the prescribed building envelope.

• *Front setback:*

*The proposal includes a range of 4.7m to 5.46m front setbacks proposed for the front building line for the dual occupancy.*

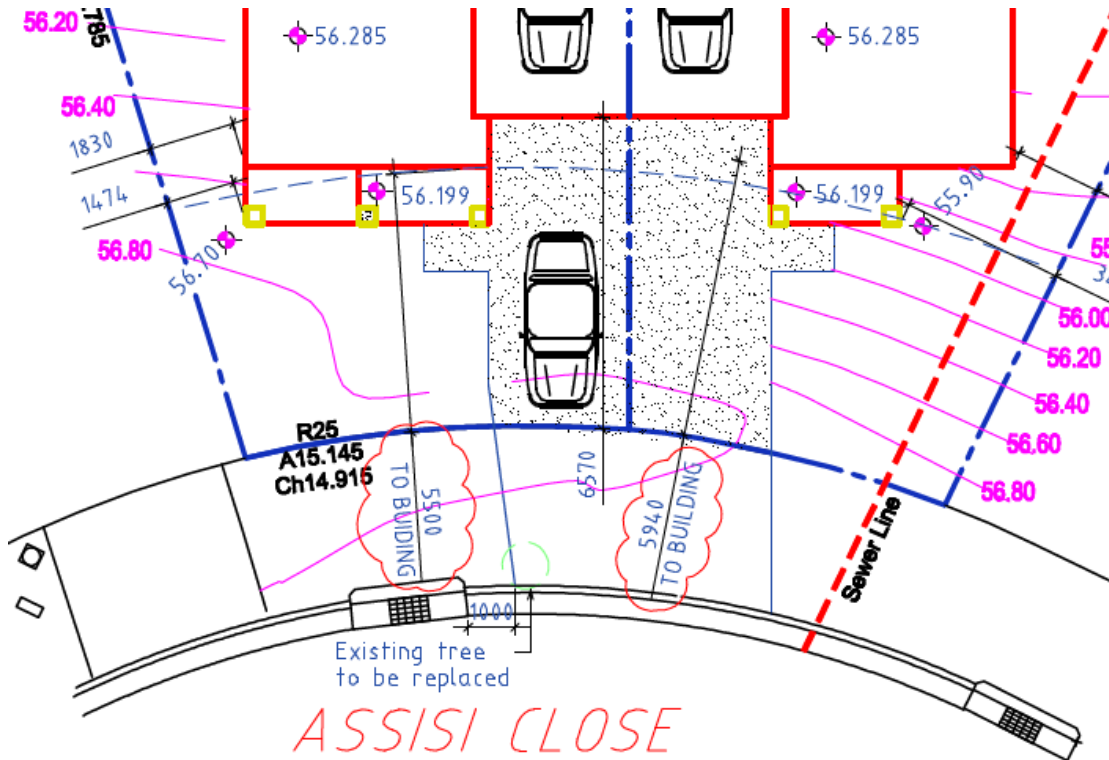
*Average setbacks along Assisi Close have an approximate average of 5-8m front setbacks along Assisi Close.*





A minimum front 5.5m front setback for the proposed building is required.

**Response:** Please find attached amended plans that address the above requirements, specifically with the front setback amended to a minimum 5.5m.



• **Cut-and-Fill and Retaining:**

There is excessive cut proposed to accommodate the development (880mm of cut proposed along the front elevation) and an excessively high retaining wall proposed as a result (retaining wall reaching up to 880mm in height). Both cut-and-fill and retaining walls are to be limited to a maximum of 500mm in height. Options are recommended to be explored in resolving the above. Please provide top and toe heights for retaining walls on all plans.

**Response:** Please find attached amended plans that address the above requirements, specifically with the retaining walls limited to a height of 580mm. It is noted that this exceeds the 500mm requirement by 300mm which will be discernible compared with that of a compliant wall. The non-compliance has no effect otherwise on the height of the building or privacy between dwellings.

## 2. Development Engineering Requirements

The design of the proposed garages is not supported. The minimum internal width of a single garage is to be 3.1 metres in accordance with



*Council's DCP 2014 Section D2.2.15, for the full opening of vehicle doors and AS2890.1.*

**Response:** Please find attached amended plans that address the above requirements, specifically with the garages having an internal width of 3.1 metres.

### *3. Community Concern*

*At the time of writing this letter, 11 unique submissions have been received objecting to the proposed development, mainly concerned with traffic and congestion (& associated safety concerns) along Assisi Close, with properties on the street noted as not using their garages and parking on street, and the like. Some also raised concern with the proposed setback and potential visual privacy issues.*

**Response:** Please find attached amended plans that address the above requirements, specifically:

#### Traffic and congestion, safety and location of parking

The DCP requires parking be provided as follows:

##### **2.2.7 Driveways and Parking Areas**

- 1) *Provide onsite parking in accordance with parking section of this DCP.*
- 2) *Garages for attached dwellings should:*
  - a) *occupy not more than 50% of any street frontage;*
  - b) *flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation.*
- 3) *For dwellings located one behind the other, driveways should:*
  - a) *be separated from dwellings by a landscaped verge at least 1m wide;*
  - b) *where possible, also separated from boundary fences by a landscaped verge;*
  - c) *prevent adverse long-term effect upon any vegetation that must be preserved;*
  - d) *provide for effective and healthy landscaping along all site boundaries;*
  - e) *drain by gravity to Council's stormwater network.*

The development provides two (2) spaces per dwelling consisting of a single attached garage and a car space in front of the garage (permitted by 2.2.5 Front and Rear Setbacks). The garages occupy less than 50% of the street frontage and are flanked by a front living room that faces the street.

The garages have been amended from the submitted plans to have a garage width of 3.1m as required by Section D2.2.15, for the full opening of vehicle doors and AS2890.1.

The issue of congestion is not an issue for a single development application that complies with the requirements of the DCP.



## Setbacks

The DCP requires setbacks to be provided as follows:

### **2.2.5 Front and Rear Setbacks**

1) *Development must be within the development footprint which is determined by the maximum development footprint for your site by:*

a) *The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.*

b) *The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.*

c) *Adopting an average 6m rear setback on irregular shaped allotments; and d) Adopting a front setback that matches the neighbourhood character.*

2) *Within the rear boundary setback:*

a) *there shall be no building encroachments either above or below ground (eaves excepted);*

b) *maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;*

c) *where there are physical encumbrances such as open drains, increase the setback accordingly.*

3) *Determine an appropriate front setback:*

a) *either average the setbacks of*

b) *the immediate neighbours; or*

c) *adopt a 5.5m minimum whichever is the greater dimension;*

d) *and provide extensive landscaping within the front setback area.*

4) *Permissible encroachments within the front setback are:*

a) *verandahs and pergolas only;*

b) *with a maximum 1.5m encroachment*

5) *Garages and parking spaces are not permissible within the front setback, other than stacked parking or driveways leading to a garage.*

The development provides setbacks as follows:

Front: front setback that matches the neighbourhood character.

Rear:

Ground floor: Generally, 4m with the exception of a small portion of the Unit 2 as proposed in the approved DA17/1008. The encroachment does not reduce privacy as the rear neighbour is the rear of Corpus Christi primary School.

Upper floor: >6m

The rear setback allows for a sufficient area of landscaping.

The front setbacks have been amended from the submitted plans to include a front setback in excess of 5.5m or more as required.

### **2.2.6 Building Envelope and Side Setbacks**

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.*

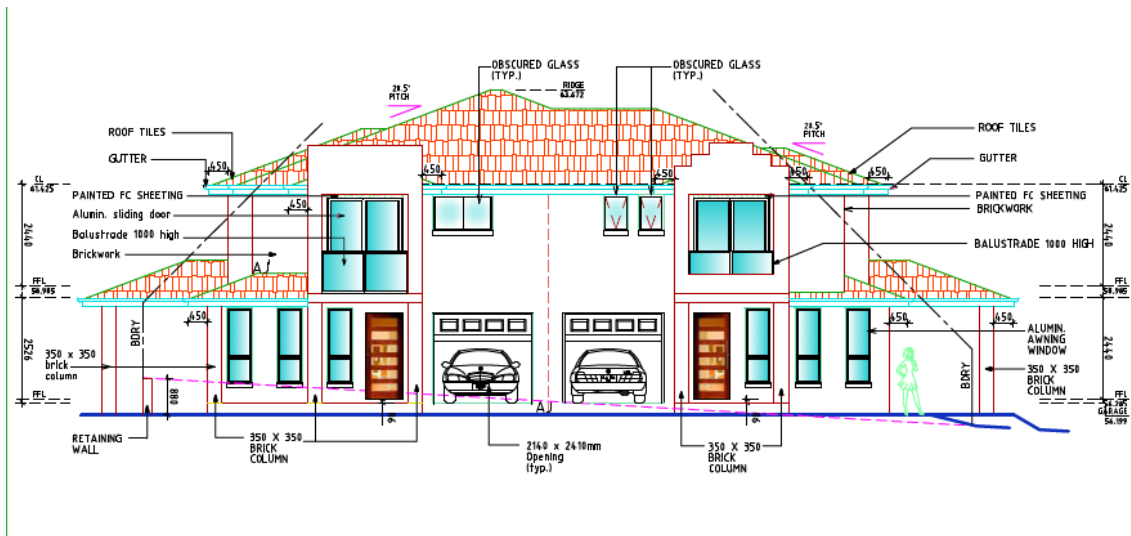


- 2) *The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:*
- a) side boundaries only; and*
  - b) existing ground level.*
- 3) *Only minor encroachments through the building envelope shall be permitted:*
- a) eaves to main roofs;*
  - b) chimneys and antennas;*
  - c) pergolas.*
- 4) *Cut and fill and ground floor heights are restricted by the following:*
- a) provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;*
  - b) restrict cut-and-fill to a maximum of 500mm;*
  - c) provide effective sub-soil drainage.*
- 5) *Pitches for main roofs are to be in accordance with the following:*
- a) for single-storey dwellings: not greater than 35 degrees, providing for attic rooms;*
  - b) for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings.*
- 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 backyards;*
  - 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.*
- 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.*
- 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*
  - c) provided that dormer windows do not face side boundaries.*

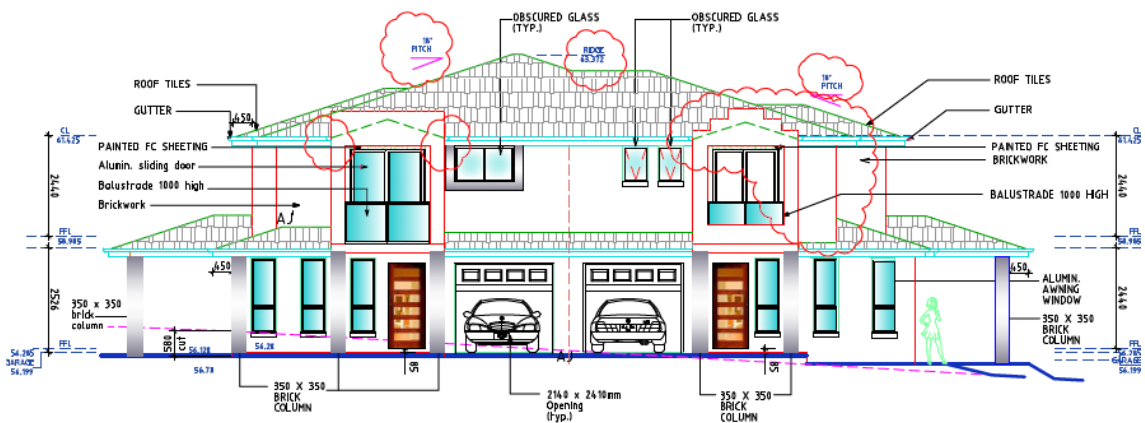
The building envelope has been amended in plan and form to comply with the building envelope requirements:

Submitted





Amended



## Potential visual privacy issues

The DCP requires visual and acoustic privacy as follows:

### 2.2.19 Visual and Acoustic Privacy and Outlook

1) Demonstrate a package of measures that achieves reasonable privacy:

- a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows;
- b) dormer windows generally to be oriented to face the street or the rear boundary;
- c) private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise;
- d) screening measures, including:
  - i) offsetting of windows; or
  - ii) oblique orientation for windows; or
  - iii) external screens to windows; or
  - iv) courtyard walls and pergolas;



- v) *note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;*
- e) *rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide;*
- f) *bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window;*
- g) *All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.*
- h) *for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:*
  - i) *are offset by a distance sufficient to limit views between windows;*
  - ii) *have sill heights of 1.7 m above floor level;* or
  - iii) *have fixed obscure glazing in any part of the window below 1.7 m.*

2) *Demonstrate measures that protect dwellings from external noise sources:*

- a) *windows to ground-level living rooms screened by landscaped verges at least 2m wide;*
- b) *within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms;*
- c) *sound resisting construction of separating walls, floors and windows, in accordance with BCA;*
- d) *zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones;*
- e) *plant and equipment should be effectively screened and located away from sleeping areas;*
- f) *along frontages to noisy arterial roads or the rail corridor:*
  - i) *locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices;*
  - ii) *comply with the requirements of relevant noise and vibration guidelines published by the NSW Government. The NSW Government sets standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. These standards apply in all cases.*
  - iii) *provide a detailed acoustic design report that demonstrates compliance with the above requirements;*
  - iv) *provide a certificate of compliance at completion of construction;*
  - v) *under extreme circumstances identified by Council, employ fixed glazing with air-conditioning for street-frontage bedrooms.*

The development includes appropriate visual and acoustic privacy measures such as:

- Separation between the proposed development and adjoining developments
- Windows to habitable rooms that have an FFL of 1.5m
- Are offset from the windows of the adjoining dwelling

*Given there are several matters raised by both Council and the community through submissions received, it is recommended that amended plans be provided that address the matters of non-compliance raised above, and also prepare a comprehensive and detailed Clause 4.6 Variation Request*





*that addresses both the changes made to have the development comply with Penrith DCP 2014, and also address the concerns raised by the community.*

**Response:** Please find attached amended plans that address the above requirements. The above has addressed the matters of non compliance, resubmission and community matters. Following is an updated Clause 4.6 Variation Request as required.

#### 4.6 Variation Request

The NSW planning system provides flexibility in planning controls by providing the ability for a council to vary development standards in certain circumstances. Development standards are a means to achieving an environmental planning objective and can be numerical or performance based. Some developments may achieve planning objectives despite not meeting the required development standards.

This letter supports a written request to vary the **Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings** development standard prescribed in the **Penrith Local Environmental Plan 2010** applying to the proposed **Construction of a Dual Occupancy and Strata Subdivision at 6 Assisi Close, Cranebrook**. This submission should be read in conjunction with the Statement of Environmental Effects, architectural plans prepared by AA Dream Homes and other consultant's reports.

This variation request has been prepared based on the requirements of the report "Varying development standards: A Guide August 2011" prepared by the NSW Department of Planning & Infrastructure, Appendix 3.



**1. What is the name of the environmental planning instrument that applies to the land?**

The name of the environmental planning instrument that applies to the land is Penrith Local Environmental Plan 2010

**2. What is the zoning of the land?**

The zoning of the land is R2 – Low Density Residential

**3. What are the objectives of the zone?**

The objectives of this zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

**4. What is the development standard being varied? e.g. FSR, height, lot size**

The development standard being varied is *4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings*

**5. Under what clause is the development standard listed in the environmental planning instrument?**

The numerical control listed in Penrith Local Environmental Plan 2010 is *4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings*.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.



Column 1	Column 2	Column 3
Dual (attached)	occupancy Zone R2 Residential	Low Density 650 square metres

**6. What are the objectives of the development standard?**

The objectives of the development standard are:

*The objective of this clause is to achieve planned residential density in certain zones.*

**7. What is the numeric value of the development standard in the environmental planning instrument?**

The numeric value of the development standard is:

Column 1	Column 2	Column 3
Dual (attached)	occupancy Zone R2 Residential	Low Density 650 square metres

**8. What is proposed numeric value of the development standard in your development application?**

The development is for a Dual occupancy (attached) in Zone R2 Low Density Residential and the lot has an area of 640.10sqm

**9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

The percentage variation (between the proposed development and the environmental planning instrument) is: 1.5% (9.9sqm)

**10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?**

Yes, compliance with the development standard is unreasonable in the circumstances.

In *Wehbe v Pittwater Council* [2007] NSWLEC827 (*Wehbe*), Preston CJ identified five (5) ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary. While *Wehbe* related to objections pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of



assistance to variations made under clause 4.6 because subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see Four2Five at [61] and [62]).

The five (5) ways outlined in Wehbe include:

1. The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)
2. The underlying objective of purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Way)
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Way)
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Way)
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Way).

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the underlying objective of purpose of the standard is not relevant to the development irrespective of the non-compliance with the height of buildings, and accordingly justifies the variation to the floor space ratio pursuant to the First way and Fourth way outlined in Wehbe, as follows.



That *The objectives of the standard are achieved notwithstanding noncompliance with the standard (First Way)*

The objectives of the control and responses relative to the development are:

*The objective of this clause is to achieve planned residential density in certain zones.*

**Response:** The development is for a dual occupancy, permitted in the R2 Low density residential zone.

The Penrith Local Environmental Plan 2010 (nor the Standard Instrument) provide a definition for “residential density”.

Law Insider provides a definition for “residential density” as **Residential density** means the number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

In this regard, the development provides for two dwelling units, being a dual occupancy, to a single allotment of land exclusive of streets, easements and open space.

In the practical sense, residential density can be applied in the controls provided by the Penrith Local Environmental Plan 2010 such as height (as no FSR is provided) and Penrith Development Control Plan 2014 such as Urban form, setbacks, building envelope and landscaped area. The submitted plans and subsequent amendments comply with these required built form controls.

The development therefore complies with the objective of achieving “planned residential density”.

In relation to the Forth Way, the development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable, it is noted that the development has previously been approved under DA17/1008 with the same variation. The Development Application proposed is identical to that approved in DA17/1008.

## **11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act (now Section 1.3)**

*The objects of this Act are as follows:*



- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The rationale is that development standards are not ends in themselves but means of achieving ends and the ends are environmental or planning objectives. The strict compliance with these controls do not hinder the attainment of the object specified in Section 5(a)(i) and (ii) of the Act. Strict compliance does not at all hinder the attainment of the objects specified in the Act.

**12. Is the development standard a performance based control? Give details.**

Yes. The development standards noted in these variations are essentially performance based controls. The objectives of the control have otherwise been met. Refer above for responses for details.

**13. Would strict compliance with the control, in your particular case, would be unreasonable or unnecessary? Why?**

As above noted within each of the variations.





**14. Are there sufficient environmental planning grounds to justify contravening the numerical control? Give details.**

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, Preston CJ provided in demonstrating that there are sufficient environmental planning grounds to justify contravening the development standard, the grounds must be “environmental planning grounds” by their nature, relating to the subject matter, scope and purpose of the EPA Act.

The objects of the EPA Act are:

*1.3 Objects of Act(cf previous s 5)*

*The objects of this Act are as follows—*

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposed contravention to the minimum lot size is justified in that it achieves the above Objectives, to promote the orderly and economic use and development of land and to promote good design and amenity of the built environment, by allowing the land to be developed in an orderly and economic way.



Given the above, it can be shown that the variation to the clause is warranted and supported by the objectives and other related controls.

We appreciate Councils open-minded approach to this matter and look forward to a favourable outcome.

Yours Faithfully,

Tania Hannaford (BURP, Dip.Proj.Management, Certificate IV NatHERS Assessment)  
**Plan for Tomorrow**

*Plan for Tomorrow has not undertaken a site visit for the purposes of this report. This report is provided exclusively for the purposes described in this report. No liability is extended for any other use or to any other party. The report is based on conditions prevailing at the time of the report and information provided by the client. The report is only for which the land to which the report relates and only for the day it is issued. This report should be read in conjunction with submitted documents and plans relevant to the Development Application.*

