

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**To accompany** Section 4.55(1A) Modification Application for Minor Modifications to Approved Alterations and Additions to Existing Residential Dwelling

**At** 2-10 The Appian Way, Mount Vernon NSW 2178  
Lot 119, DP 803478

**On** December 2021



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Mount Vernon NSW 2178 Lot 119 DP 803478



## **1.0 EXECUTIVE SUMMARY**

This Statement of Environmental Effects (SEE) report has been prepared by Dinastia Group to accompany a Section 4.55(1A) Modification Application submitted to the Penrith City Council on behalf of DGA Global Pty Ltd in accordance with Section 4.55(1A) of the Environmental Planning & Assessment Act (EP&A Act) 1979. The application proposes further changes to the approved alterations and additions to an existing residential dwelling at 2-10 The Appian Way, Mount Vernon NSW 2178.

The ground floor level will include an entry hall, garage, dog house, game room, office, cinema room, laundry, pantry, kitchen, dining area, formal lounge, two bathrooms, gym room and main bedroom with a walk in robe and ensuite. The floor will also include an alfresco dining/lounge area to the rear of the dwelling. The first floor level will comprise of three bedrooms which will all be fitted with a walk in robe and ensuite, as well as a lounge area beside the staircase. These alterations and additions have been approved in a previous development application (DA21/0460).

The Modification Application proposes the removal of *Window 31* & *Window 4*, amendment of *Window 8* and *Window 9* to be highlight windows and the removal of the proposed rear garden bed to retain the concrete in this area.

The proposal is permissible with development consent provided by Penrith City Council. The proposed development comprising of modifications to alterations and additions of a residential dwelling is compliant with the provisions and controls of relevant environmental planning instruments and development control plans.

## **2.0 INTRODUCTION**

The purpose of this document is to provide context of the subject site and its surrounding local environment, provide a detailed description of the proposed development, assess the compliance of the proposal in relation to the relevant planning policies and controls and examine the environmental, social and economic effects of the proposal against Section 4.15 Evaluation Criteria of the EP&A Act 1979.

The lot is legally defined as Lot 119 in DP 803478. Pursuant to the Penrith City Council, the subject site falls under planning controls established in the Penrith Local Environmental Plan

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(PLEP) 2010. Pursuant to the PLEP 2010, the subject site is currently zoned as E4 Environmental Living. The subject site has been identified to be within Flood Planning zone; however, the proposed internal and external alterations will not impact the 1% AEP flood event (for more details, please kindly refer to the Flood Compliance Certificate). Some sections of the subject site fall within a Buffer Bushfire Risk (RFS) zone. Hence required measures have been taken into consideration (refer to Bushfire Assessment Report). The site area has not been identified to be within Acid Sulphate zone. No structures on site are listed as a heritage item, nor is the site within a heritage conservation area. The subject site is considered to not be subject to any other major development constraint, risk, hazard or Council policy. The subject site is naturally sloped from the north-eastern boundary (69.25) towards The Appian Way (74.37).

It is considered that the proposed works seeking consent to the property are appropriate for the site's context and this SEE report has been prepared with respect to the existing and surrounding development and the desired future character of the area.

This SEE report has been prepared by Dinastia Group, the applicant for this DA. This report should be read in conjunction with the relevant accompanying architectural plans and associated reports prepared by Dinastia Group and other parties.

### **3.0 SITE AND CONTEXT**

#### **3.1 Site Description and Location**

The site of 2-10 The Appian Way is located within the suburb of Mount Vernon, identified in the Penrith Local Government Area (LGA).



Figure 3.1.1 LGA Context Map (Mecone Mosaic, 2021)

The site is known as Lot 119 in DP 803478, as well as by the address 2-10 The Appian Way, Mount Vernon NSW 2178. The site is irregular in shape and occupies a total site area of 1 hectare. The site is accessed through two driveways with an approximate width of 5.5 metres from The Appian Way.

The subject site is located to the south of the suburb of Mount Vernon. The subject site is a corner lot adjoining to Capitol Hill Drive and The Appian Way. The subject site is bordered by other rectangular shaped residential lots. The subject site is relatively level with a slight slope towards the north-eastern boundary towards The Appian Way.

The existing structures on the site include a two storey brick house with a tile roof, an awning, tile area, brick granny flat with a tile roof, concrete paths, brick storage building, inground pool, tennis court, septic tank, garden plot and several trees.

Pedestrian and vehicular access is provided via two access points from The Appian Way. Please refer to the survey plan by C&A Surveyors for more information of the existing structures.

Three car parking spaces will be provided through the proposed alterations and additions, as well as additional parking space on the driveway. An electric gate will also be provided for

efficient vehicular access into the property, Pedestrian access into the main entrance of the dwelling will also be provided via the driveway.

### 3.2 Surrounding Development

The subject site of 2-10 The Appian Way, Mount Vernon is located within a low-density residential area. The site and occupying building are not classified as heritage items, and the subject site is not located within a heritage conservation area. Additionally, there are no heritage items or conservation areas in the vicinity of the subject site that have the potential to be impacted by the proposed modifications to the previously approved alterations and additions.

The adjacent land zoning types to the E4 Environmental Living zone in which the subject site is located include WSEA Western Sydney Employment Area Zone and RU4 Primary Production Small Lots zones.

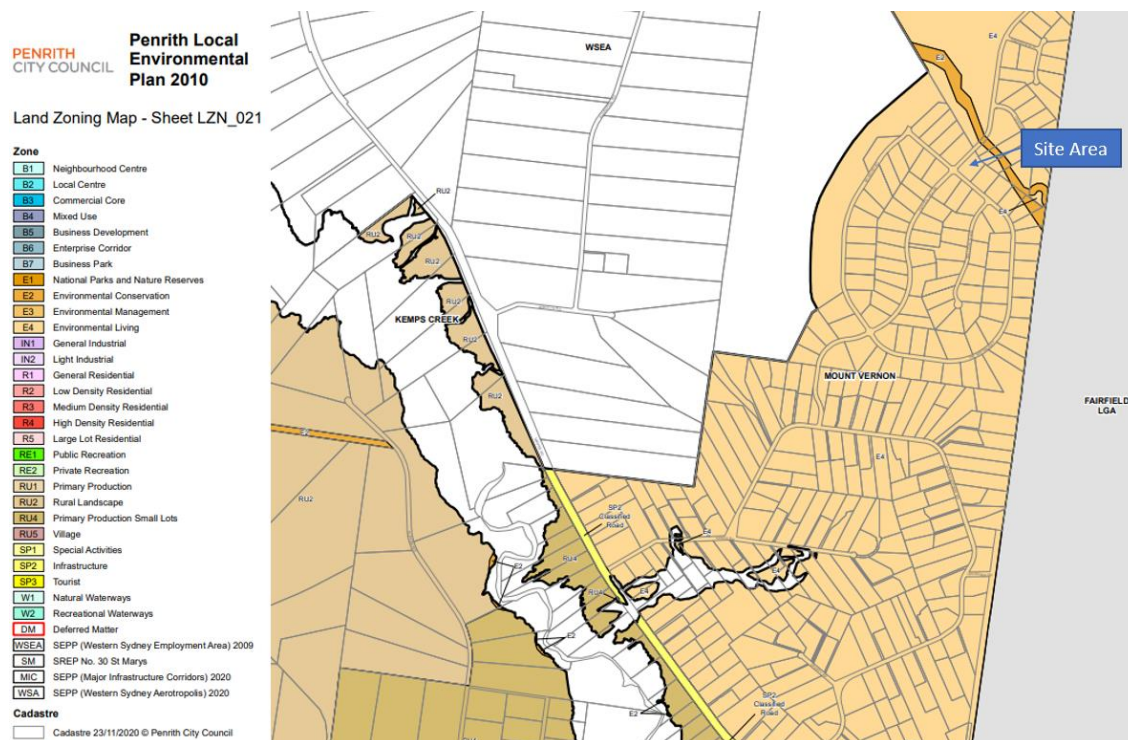


Figure 3.2.1 Land Zoning Map (PLEP, 2010)

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## **4.0 PROPOSED DEVELOPMENT**

### **4.1 Description of Approved Development in Previous DA (DA21/0460)**

This Section provides a detailed description of the proposed residential alterations and additions that were proposed and approved in the previous DA (DA21/0460).

The ground floor will be extended from 330 sqm to 546 sqm. The level will include a triple garage towards the west of the building, to be accessed externally by an extension of the existing driveway and internally through a walkway to the entry hall. The three garages are relocated from the front of the property to the west wards of the property. At the rear yard of the proposed triple garage, an 18 sqm storage room and 4 sqm doghouse are proposed. An office and a game space with a wall separating both the rooms are proposed in the place of the existing triple garage area. The existing roller doors at the south elevation of the triple garage is to be replaced with three glass windows. A rear alfresco area is to be created by extending the rear portion of the dwelling. A staircase to access the alfresco area and backyard is also proposed to the rear of the dwelling.

A new bar space located adjacent to the existing swimming pool is also proposed. The width of the staircase is also proposed to be slightly increased. The staircase is to be constructed with timber riser and tread along with handrail.

A main bedroom with an ensuite bathroom and walk in robe is proposed on the ground floor level. The existing granny flat is proposed to be replaced by the main bedroom and become connected with the rest of the building. Two windows facing The Appian Way are also proposed for the main bedroom.

The existing void space between the main dwelling and granny flat is to be replaced with a gym and gallery, as well as a wall separating these spaces. The entry to the hall is proposed to be reconfigured by moving it further southwest towards The Appian Way and the existing study room is replaced with the entry hall. The laundry room is proposed to replace the existing entry hall and internal plantation area. The exiting ground floor ensuite bathroom will be retained and refurbished. The existing living room is altered by incorporating a cinema room with carpet flooring and another bathroom. The existing lounge and bar rooms are replaced with a pantry and kitchen. Modifications are also proposed to the existing dining room by extending the dining towards the west and reconfiguring the dining room from an irregular shape to a



rectangular shaped room with a window (refer to architectural drawing of west elevation). The application also proposes a formal lounge room to replace the existing kitchen and meal room. The existing interior wall separating the existing meal room is proposed to be removed. In addition, a game room and office are also proposed on the ground floor level.

The first floor level will comprise of three bedrooms. All three bedrooms will include an ensuite bathroom and a walk in robe. The existing master bedroom is proposed to be replaced by Bedroom 1 and the walk in robe for Bedroom 2. The robe of an existing bedroom is proposed to be replaced with the proposed ensuite connected to the proposed Bedroom 2. Bedroom 3 will be placed to the southeast and the attached ensuite and robe will be placed to the southwest. The staircase from the ground floor level will lead to the proposed lounge on the first floor level. There will also be a void area on the west ward of the staircase.

On the building exterior, the existing external wall is proposed to be painted with the *Dulux* colour 'tranquil retreat' or similar. The proposed additional external walls will be painted with the *Cemintel Barestone* colour 'external ash' or similar. The external roof will be constructed with concrete and *Colorbond* roofing.

#### **4.2 Description of Proposed Modifications**

The modifications to the approved alterations and additions proposed in this application include:

- Removal of Window 31 (W31) in first floor bathroom, to be filled with brick
- Removal of Window 4 (W4) in ground floor game room, to be filled with brick and rendered
- Removal of Window 8 (W8) in ground floor main bedroom ensuite and Window 9 (W9) in ground floor main bedroom, both windows to be replaced with highlight windows and the bottom walls to be covered with brick
- Removal of section of proposed garden bed behind outdoor dining area, existing concrete to be retained



## 5.0 PLANNING CONTROLS AND ASSESSMENT

### 5.1 Environmental Planning Instruments

#### 5.1.1 State Environmental Planning Policies (SEPPs)

SEPP	Applicable		Comments
	Yes	N/A	
<b>SEPP – Building Sustainability Index: Basix 2004</b>	√		Proposed development will contribute to a residential dwelling and works will exceed \$50000. As such, a BASIX Certificate is necessary. Please refer to attached BASIX certificate and architectural plans with BASIX requirements, which has been amended in accordance with the proposed modifications.
<b>SEPP No. 33 – Hazardous and Offensive Development</b>		√	No proposed works match the definitions of “potentially hazardous industry” or “potentially offensive industry” in this SEPP. Further investigation is unnecessary for this application.
<b>SEPP No. 55 – Remediation of Land</b>	√		The site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.
<b>SEPP No. 71 – Coastal Protection</b>		√	The subject site is not within a coastal area.
<b>SEPP (Infrastructure) 2007</b>		√	The subject site is not in close proximity to a rail corridor, so there

			will be no adverse impacts of noise or vibration on the proposed development.
<b>SEPP</b>	√		

### 5.1.2 Sydney Regional Environmental Plans (SREPs)

SRPP	Applicable		Comments
	Yes	N/A	
<b>SREP No 20 – Hawkesbury Nepean River (No 2-1997) (1997 EPI 592)</b>	√		The proposed development will not cause any adverse impacts on the environment of the Hawkesbury-Nepean River system in a regional context at present, nor into the future. Therefore, further consideration of this SREP is unnecessary.

### 5.1.3 Penrith Local Environmental Plan (PLEP) 2010

The PLEP 2010 is the primary planning instrument applicable to the subject site.

PLEP 2010 Relevant Controls	Compliance	Comments
<b>E4 Environmental Living</b>  <i>Objectives</i> <ul style="list-style-type: none"> <li>To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.</li> <li>To ensure that residential development does not have an adverse effect on those values.</li> </ul>	Yes	The proposed works contribute to alterations and additions for residential purposes only. The proposed construction works are considered low impact, with no potential to cause adverse effects on the area and locality regarding any ecological, scientific or aesthetic considerations. It is considered that the height, scale and bulk of the proposed dwelling show adequate consideration of the values of

<ul style="list-style-type: none"> <li>• <i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i></li> <li>• <i>To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.</i></li> <li>• <i>To preserve and improve natural resources through appropriate land management practices.</i></li> </ul> <p><i>Permitted with Consent:</i></p> <ul style="list-style-type: none"> <li>• <i>Dwelling houses</i></li> </ul>		<p>the locality, and do not have the potential to threaten or adversely impact them.</p> <p>The proposed works will not cause conflict between land uses within the zone or with adjoining zones, as dwelling houses are permitted with consent within the E4 zone.</p> <p>It can be ensured that the land use of a residential dwelling is compatible with available infrastructure, services, facilities and environmental capabilities of the land. This can be verified by the aircraft noise assessment, bushfire assessment and flood certificate that have been prepared by qualified consultants who have verified compliance with various environmental standards of the site. For further details, please refer to the reports accompanying this DA.</p> <p>The site contains a large area of green space, which will be preserved and managed. The area also provides opportunity for extensive landscaping and planting works to improve natural resources into the future. There are also several mature trees, shrubs, and grass areas on the site, which are to be retained.</p>
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<b>4.3 Height of Building</b>  <i>(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</i>	Yes	The highest point of the building is proposed to be 6.8m, hence will not exceed the maximum height shown for the land on the Height of Buildings Map.
<b>4.4 Floor space ratio</b>  <i>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map</i>	Yes	The total site area is 1ha and the total proposed gross floor area is proposed to be 675m <sup>2</sup> with a FSR of 0.07:1. The proposed development therefore does not exceed the FSR shown for the land on the Floor Space Ratio map in the PLEP 2010.
<b>5.10 Heritage conservation</b>	N/A	The subject site is not a heritage item, none of the existing structures on site are classified as heritage items and the site is not within a heritage conservation area. Therefore, the heritage conservation clause 5.10 does not apply to the proposed development.

## 5.2 Penrith Development Control Plan (PDCP) 2014

The PDCP 2014 is used to provide comprehensive planning and design guidelines for development in the Council area. Relevant clauses for the proposal are outlined in the table below.

PDCP 2014 Relevant Controls	Compliance	Comments
<b>Part D2 Residential Development</b>		
<b>2.1.2 Setbacks and Building Envelope</b> <i>a) Front setback is the greater of either</i> <i>i) 5.5m, or</i> <i>ii) The average of the setbacks of the adjoining properties</i> <i>b) Front setbacks for corner sites are;</i> <i>ii) Secondary street frontage is 3m to external walls and 5.5m to garage entrances.</i> <i>d) Side setbacks to external walls should be a minimum of 900mm</i> <i>e) Rear setbacks</i> <i>i) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m</i> <i>ii) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m</i> <i>iv) Rear setback areas are to be used predominantly for the provision of a landscaped area</i>  <b>2. Building Envelope</b> <i>a) Development is to be contained within the building envelope for the site.</i>	Yes	<p>The front setback is 11.7m, which complies with this control within the PDCP 2014. All side setbacks to external walls are greater than 0.9m. The rear setbacks are also greater than the minimum requirements. Green space landscaping also exists within the rear setback area. The secondary street frontage setback requirements are also compliant.</p> <p>The development is also contained within the building envelope of the site.</p>

<p><b>2.1.3 Development on Sloping Land</b></p> <p><i>2. Floor levels/building platforms are to be stepped in response to the existing topography of the site.</i></p> <p><i>4. Ground floor levels are to be a maximum of 800mm above natural ground level.</i></p>	Yes	The ground floor level and building platforms of the alfresco area will be constructed to be compatible with the slight slope of land on the site.
<p><b>2.1.4 Landscaped Area</b></p> <p><i>3) Calculation of landscaped area may include up to 15m<sup>2</sup> of any verandah, deck or patio that is attached to a dwelling at ground floor level and is associated with a landscaped area that is designated open space for that dwelling</i></p> <p><i>4) A portion of the landscaped area should be connected to or directly adjacent to a living area of the dwelling</i></p>	Yes	<p>The landscaped area will be as existing and hence compliant with this control.</p> <p>There are large areas of landscaping located directly adjacent to the habitable main bedroom and dining room on the ground floor level.</p>
<p><b>2.1.5 Building Design/Site Works</b></p> <p><b>1) Articulation</b></p> <p><i>a) "Articulate" all building forms and facades:</i></p> <p><i>ii) every elevation should incorporate windows;</i></p> <p><i>iii) walls should be overhung by shady verandahs, awnings and carports.</i></p>	Yes	Every elevation of the proposed development incorporates windows. Also, there will be a shady awning over the alfresco area.
<p><b>3) Design</b></p> <p><i>a) Dwellings should front the street, and display a traditional configuration with:</i></p> <p><i>i) The front door and a window to a habitable room facing the street</i></p>	Yes	The dwelling will face the street of The Appian Way. The front door and two windows from the main bedroom also face the street. The garage structure will be integrated with the building

<p><i>ii) Garages integrated within the building façade</i></p> <p><i>iii) The size of driveways minimised, retaining sufficient area for landscaping of front gardens</i></p>		<p>façade. Design decisions have also been made to minimise the size of the driveway to ensure plausibility of front gardens.</p>
<p><b>4) Garages</b></p> <p><i>a) Must be setback at least 1m behind the building line of the dwelling</i></p> <p><i>b) The total width of all garage doors facing a primary or secondary road frontage must not exceed;</i></p> <p><i>ii) If the lot has a width of more than 15m measured at the building line – 6m.</i></p>	Yes	<p>The garage is set back more than 1m behind the building line of the dwelling. The width of the lot exceeds 15m when measured at the building line. The proposed garage doors are 5500mm in length and will not exceed a total of 6m.</p>
<p><b>6) Parking</b></p> <p><i>a) Parking is to be provided at the rate of:</i></p> <p><i>ii) Two spaces for each dwelling with two or more bedrooms, at least one of which is located behind the building alignment. Stacked parking is acceptable for additional spaces.</i></p>	Yes	<p>Three parking spaces are proposed behind the building alignment.</p>



<p><b>2.1.6 Solar Planning</b></p> <p><i>Demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access:</i></p> <p><i>a) Windows in exterior walls exposed to northern sun</i></p> <p><i>b) 3hrs sunlight between 9am and 3pm on 21 June to living areas of dwelling and adjoining properties</i></p> <p><i>c) 3hrs 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</i></p>	<p>Yes</p>	<p>There are eight exterior windows located at the northern elevation which will be exposed to northern sun.</p> <p>It is anticipated that the proposed works will meet the solar access requirements outlined in this section of the PDCP 2014.</p>
<p><b>2.1.7 Garden Design and Fences</b></p> <p><b>Fences:</b></p> <p><i>2) Fencing;</i></p> <p><i>b) Fences should be generally no taller than 1.8m or up to 2.4m on sloping sites</i></p> <p><i>e) Fences in any location that can be seen from the street or fronts a public park frontage should not be constructed of solid metal panels.</i></p>	<p>Yes</p>	<p>The proposed fencing reaches a height of 1.8m. The fencing will also be of a see-through steel palisade style.</p>
<p><b>2.1.7 Garden Design and Fences</b></p> <p><b>Garden Design:</b></p> <p><i>3) The rear boundary setback should provide:</i></p> <p><i>a) The principal area of private open space;</i></p>	<p>Yes</p>	<p>The rear boundary setback constitutes the principal area of private open space as well as a green backdrop which is visible from The Appian Way and Capitol Hill Drive. All existing vegetation, which includes a</p>

<p><i>b) a corridor of habitat, and a green backdrop that is visible from the street;</i>  <i>c) conservation for any existing corridor of mature trees; and/or</i>  <i>d) an interlocking canopy of low to medium-height trees and shrubs; predominantly species indigenous to the soils of Penrith City.</i></p> <p><i>4) Planting along side boundaries is to provide small-to medium height canopy trees for sun-shading and privacy separation between neighbouring dwellings and yards</i></p> <p><i>6) Street frontages are to;</i>  <i>a) be sympathetic to the natural setting and character in form materials and colour; and</i>  <i>b) incorporate mixed species of trees, shrubs, and accent plantings including flowers, ground covers and turf;</i></p>		<p>variety of low to medium-height trees and shrubs, will be preserved.</p> <p>Existing planting along side boundaries, consisting of small to medium-height trees and shrubs, will also be preserved. These plants are expected to provide adequate sun-shading and privacy separation.</p> <p>The street frontages will not hinder the streetscape setting and character. The frontages will also incorporate a mix of species and plantings within the ground cover and turf within setback areas.</p>
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## 6.0 MATTERS FOR CONSIDERATION

### 6.1 Environmental Planning and Assessment Act 1979 Section 4.15

Under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), in determining a development application, a consent authority is to take into

consideration such matters as are of relevance to the development subject of the development application.

<b>EP&amp;A Act 1979 – Section 4.15</b>	
<i>The provisions of</i>	<i>Response</i>
<b>(i)</b> Any environmental planning instrument, and	The key planning instruments relevant to the proposed modifications to the approved additions and alterations works are State Environmental Planning Policies (SEPPs), Sydney Regional Environmental Plans (SREPs) and the Penrith Local Environmental Plan (PLEP) 2010. The proposed modifications are compatible with all relevant provisions of relevant SEPPs, SREP and PLEP 2010 as outlined in Section 5.1 of this SEE.
<b>(ii)</b> Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and	There are no draft environmental planning instruments relevant to the development application.
<b>(iii)</b> Any development controls plan, and (a) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	The proposal has been assessed against the Penrith Development Control Plan 2014 and complies to all relevant controls.



<b>(iv)</b>	Any matters prescribed by the regulations that applies to the land to which the development related	There are no relevant matters prescribed by the regulations.
<b>(v)</b>	Any coastal zone management plan (with the meaning of the Coastal Protection Act 1979)	There are no coastal zone management plans relevant to the application.

## **7.0 CONCLUSION**

The purpose of this SEE is to seek consent for modifications to the approved alterations and additions to a residential dwelling, within the subject site of Lot 119 DP 803478 known as 2-10 The Appian Way, Mount Vernon NSW 2178, to the local consent authority of Penrith City Council.

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, Sydney Regional Environmental Plan, Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014. The proposed modifications are compliant with all applicable clauses and controls. Furthermore, the proposed works will have minimal to no adverse impact on the environmental context of the site and surrounding area.

This report details the proposed modifications to the approved alterations and additions, subject site and surroundings, as well as an assessment against Section 4.15 of the EP&A Act 1979.

There will be no measurable adverse environmental impact from the proposed modification, which complies with all the relevant development controls, requirements and underlying objectives of the relevant State and Local Environmental Planning Instruments. The proposal has been adequately assessed against Section 4.15 Evaluation – Matters for Consideration, of the EP&A Act 1979.