



# STATEMENT OF ENVIRONMENTAL EFFECTS

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DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION  
OF NEW TWO STOREY DWELLING HOUSE

17 PENSHURST ROAD  
ROSELANDS NSW 2196  
LOT 432 DP 839687

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# 1 INTRODUCTION

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This Statement of Environmental Effects (SEE) has been prepared to support a Development Application for the demolition of existing structures and construction of a new two storey dwelling house on the site at 17 Penshurst Road, Roselands. This SEE evaluates the proposed development for its compliance with the statutory controls embodied in various statutory planning instruments and demonstrates that the development is consistent with the aims and objectives of these instruments. In preparation of this document, consideration has been given to the following:

- The Environmental Planning and Assessment Act (1979) as amended.
- The Environmental Planning and Assessment Regulation.
- Canterbury Local Environmental Plan 2012 (CLEP 2012).
- Canterbury Development Control Plan 2012 (CDCP 2012).
- Canterbury Bankstown Draft Housing Strategy.
- Various State Environmental Planning Policies.

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complementary and compatible with the area. This SEE provides a description of the subject site and surrounds, an identification of the development proposed by this application and an assessment of the perceived impacts of this proposal for the matters contained within Section 4.15 of the Environmental Planning & Assessment Act, 1979 (EP&A Act), as amended. Specifically, this SEE provides the following information:

- **SECTION 2** provides a description of the subject site and surrounding locality.
- **SECTION 3** provides a detailed description of the proposed development.
- **SECTION 4** provides an assessment of the proposed development against the relevant planning objectives and controls in accordance with Section 4.15(1) of the EP&A Act.
- **SECTION 5** provides a summary and conclusion.

## 2 SITE ANALYSIS

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### 2.1 CONTEXT ANALYSIS

The subject site at 17 Penshurst Road, Roselands is located within the Canterbury-Bankstown Council Local Government Area (LGA). Residential development within Earlwood is not defined by a single architectural style, but instead ranges from original dwellings to more contemporary dwellings. The past few years have seen many new homes being constructed in Earlwood and older dwellings undergoing extensive renovations. Future residential development in the locality is to preserve and enhance the landscape setting of the area and achieve compatibility with the established low-density characteristic.

While the immediate area is characterised predominately by low density residential development in the form of detached dwelling houses, the site is within close proximity to infrastructure such as schools, shops, transport and recreational facilities. As a result, the site is considered to be in an ideal location that enjoys ease of access to a variety of services that promote social and economic activity within Roselands.

### 2.2 SITE ANALYSIS

The subject site is located on the corner of Penshurst Road and Georges Crescent and is legally defined as Lot 432 DP 839687. The site is arranged on a north-south tangent and is orientated to address the primary street frontage of Penshurst Road to the south. The site slopes gently downwards from the front boundary to the rear and from west to east. The aerial image below shows the orientation of the subject site and its location relative to surrounding properties.

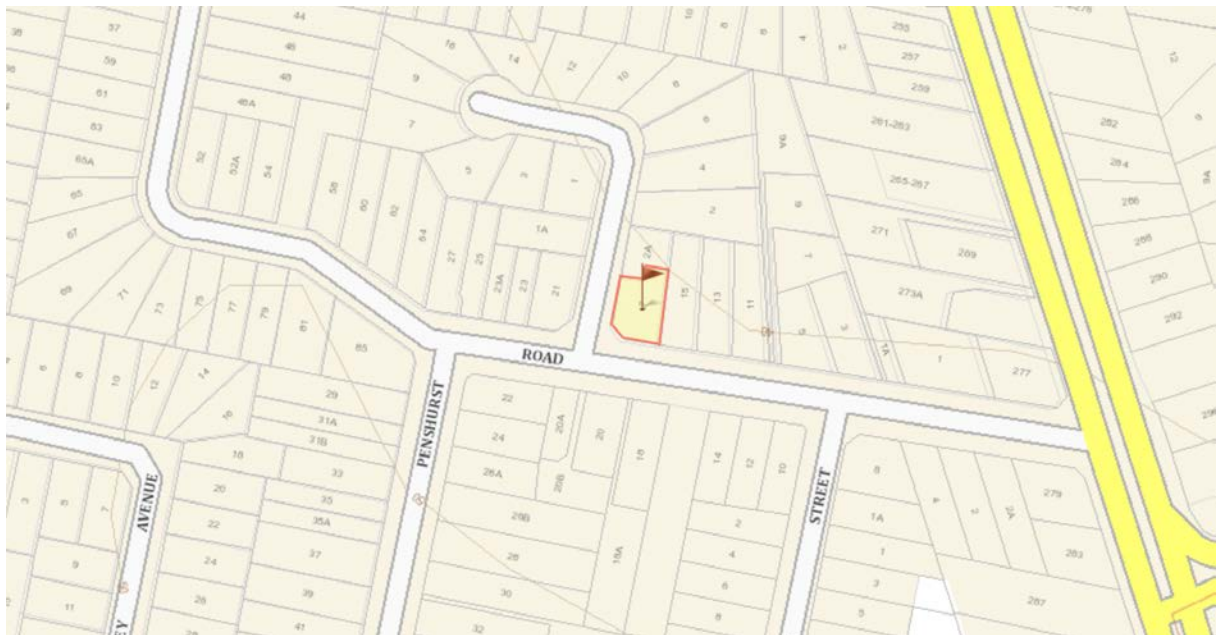


Figure 1: Aerial View of Subject Site and Surrounding Properties

The site is generally rectangular in shape with a 13.715m frontage to Penshurst Road, an 18.51m frontage to Georges Crescent, a 28.245m side boundary and a 9.145m + 7.605m stepped in rear boundary. The total site area is 433.6m<sup>2</sup>. The site presently contains a single storey detached dwelling house with a carport at the rear and driveway access from Penshurst Road. All existing structures on the site are to be demolished under this application. Images of the subject site are shown in **Section 2.3** below.



## 2.3 SITE IMAGES



**Figure 2:** View of Subject Site from Penshurst Road



**Figure 3:** View of Subject Site from Georges Crescent



**Figure 4:** Aerial View of Subject Site



## 2.4 STREETScape ANALYSIS

The surrounding streetscapes are defined predominately by single and two storey detached dwelling houses of varying architectural styles. A review of more recent developments in the vicinity of the site has identified that the predominant built form characteristics include two storey developments in a combination of architectural render and face brickwork construction with flat or pitched roof forms and multi car garages. Examples of similar dwellings to that proposed under this application in the immediate vicinity of the site are shown below, demonstrating that the proposed development is in keeping with the characteristics of the area and will set a desirable precedence for future development in Roselands.



Figure 5: 58 Bonds Road, Roselands



Figure 6: 87 Stoddard Street, Roselands



Figure 7: 57 Remly Street, Roselands

### 3 PROPOSED DEVELOPMENT

This Development Application is made for the demolition of existing structures and the construction of a new two storey dwelling house on the site at 17 Penshurst Road, Roselands. The proposed works are to be undertaken in accordance with the Architectural Plans submitted with this application. Specifically, the proposed development comprises the following:

- Demolition of existing dwelling house and driveway access.
- Construction of new two storey dwelling house and driveway access from Booyong Street.
- Comprehensive site landscaping in accordance with the provisions of the WDCP 2009.

The intention of the proposed development is to achieve the development potential of the site and satisfy the housing and amenity needs of the residents. The proposed development will not adversely affect the adjoining land or open spaces in terms of overshadowing, views, privacy or visual intrusion. The final design of the development will provide a positive contribution to the streetscape as a result of sympathetic architecture combined with appropriate landscaping works to ensure the development is consistent with the existing and desired future characteristics of Penshurst Road, Georges Crescent and the wider Roselands locality.

#### 3.1 DEMOLITION

To facilitate the proposed development, the existing dwelling house and ancillary structures on the site are to be demolished in accordance with the Architectural Plans submitted with this application. Consideration will be given to the re-use of materials at construction stage.

#### 3.2 PROPOSED LAND USE AND BUILT FORM

The proposal seeks development consent from Council for the construction of a new two dwelling house on the site at 17 Penshurst Road, Roselands. Specifically, the following elements are proposed:

| GROUND FLOOR LEVEL   |
|--|
| <ul style="list-style-type: none"><li>• New driveway from Penshurst Road</li><li>• Double car garage</li><li>• Porch entry feature</li><li>• Study</li><li>• Powder room</li><li>• Laundry</li><li>• Open plan kitchen, living and dining area</li><li>• Landscaping</li></ul> |
| FIRST FLOOR LEVEL  |
| <ul style="list-style-type: none"><li>• Front balcony</li><li>• Master bedroom with ensuite and walk-in-wardrobe</li><li>• Two bedrooms</li><li>• Bathroom</li><li>• Study</li><li>• Gallery</li></ul>   |

The final development has the following site dimensions:

| AREA                      | CALCULATION          |
|---------------------------|----------------------|
| Site Area                 | 433.6m <sup>2</sup>  |
| Proposed Gross Floor Area | 212.55m <sup>2</sup> |
| Landscaping               | 146.72m <sup>2</sup> |
| Private Open Space        | 24m <sup>2</sup>     |

### 3.3 LANDSCAPING WORKS

As detailed on the Architectural Plans submitted with this application, the proposed development involves deep soil landscaping and vegetation within the front setbacks to Penshurst Road and Georges Crescent, as well as the provision of landscaping along the side and rear boundaries of the site. A total of 146.72m<sup>2</sup> (33.84%) of landscaped area is proposed on the site. Landscape treatment is commensurate with the proposed works and will help to soften the appearance of the built form and hardstand areas, whilst contributing to the well-maintained landscape characteristic of the locality.

### 3.4 SITE ACCESS AND CAR PARKING

The proposed dwelling house contains a double car garage that is recessed behind the front building line and integrated with the building design. A new driveway is to be constructed to provide access to the double car garage from Penshurst Road. The creation of the proposed new driveway necessitates approval under the Roads Act 1993. Section 138(1) of the Roads Act 1993 requires consent to:

- a) *erect a structure or carry out a work in, on or over a public road, or*
- b) *dig up or disturb the surface of a public road, or*
- c) *remove or interfere with a structure, work or tree on a public road, or*
- d) *pump water into a public road from any land adjoining the road, or*
- e) *connect a road (whether public or private) to a classified road.*

Consent is therefore sought for the construction of the new driveway crossing to service the proposed development.

### 3.5 PRIVATE OPEN SPACE

The proposed development has been designed to achieve numerical compliance with the CDCP 2012 requirements for private open space. Private open space is provided at the rear of the dwelling house in the form of landscaped open space beyond. The proposed private open space area is accessed directly from the internal living area on the ground floor level, ensuring that the space acts as an extension of the open plan kitchen, living and dining area. The proposed location and configuration of private open space on the site will provide a high level of amenity for future occupants whilst retaining the privacy and solar access of neighbouring properties. Fencing and landscape elements within the side and rear setbacks of the site will provide a visual and acoustic buffer to nearby buildings.

### 3.6 EXTERNAL APPEARANCE AND DESIGN

The proposed development incorporates a projecting porch entry feature and first floor balcony, a recessed double car garage, variations in the pitched roof profile and multiple windows on the building elevations to provide visual interest and articulation when viewed from the public domain. A range of materials are proposed including face brickwork, cladding, glass balustrades and Colorbond metal sheet roofing to provide further modulation and break up the visual bulk of the development. The proposed colour scheme assists in breaking up the visual bulk of the development and will ensure compatibility with the surrounding built and natural environment.

The proposed development has been sensitively designed to reflect the built form characteristics of the surrounding streetscape. As demonstrated in **Section 2.4** above, the predominant built form characteristics for new dwelling house developments in the vicinity of the site is two storey built forms in a combination of architectural render and face brickwork construction, with flat or pitched roof forms and multi car garages. This is entirely consistent with the architectural styling of the proposed development and as such, the development is considered to achieve the desired existing and future character of the area and will not set an undesirable precedence for future development.



## 4 PLANNING ASSESSMENT

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### 4.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

The new State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) consolidates three SEPPs and is effectively a house keeping measure and does not introduce any substantive changes to the legal provisions. Chapter 4 of the Resilience and Hazards SEPP introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected. A review of historical aerial images has revealed that the site has historically been used for residential purposes. No evidence of fill, mines, sheep dips, mixing sheds or contaminating industrial activities are known to have been located on the site from the review of site history. As such, the site is considered highly unlikely to be contaminated and is suitable for the proposed development in accordance with the provisions of Chapter 4.

### 4.2 STATE ENVIRONMENTAL PLANNING POLICY – BUILDING SUSTAINABILITY INDEX: BASIX 2004

State Environmental Planning Policy – Building Sustainability Index: BASIX 2004 (BASIX SEPP) requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the BASIX SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

### 4.3 CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012

The Canterbury Local Environmental Plan 2012 (CLEP 2012) is the principal planning instrument that governs all development within the Canterbury Bankstown Council LGA. The objectives and provisions of the plan that relate to the proposed development are discussed below.

#### 4.3.1 LAND USE ZONING

The subject site is zoned R3 – Medium Density Residential under the CLEP 2012. The objectives of the R3 zone are as follows:

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

The proposed development achieves the objectives of the R3 zone by providing a form of low impact residential development to meet the housing demand of the locality. The proposed development does not require the removal of significant vegetation from the site and has been sensitively designed to respond to the natural topography of the land to minimise excavation around the property boundaries as far as practicable. The design of the development is in keeping with the residential characteristics of the locality and will significantly improve the sites presentation as a result of modern architecture combined with appropriate landscaping works. The final development will set a desirable precedence for future development in Roselands.

Developments permitted with and without consent and prohibited developments within the R3 zone are detailed in the table below. Dwelling house developments are permitted within the R3 zone with development consent from Council.

|                                  |   |
|----------------------------------|---|
| <b>Permitted without Consent</b> | Home occupations  |
| <b>Permitted with Consent</b>    | Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Business premises; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; <b>Dwelling houses</b> ; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Office |

|                               |  |
|-------------------------------|--|
|                               | premises; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Restaurants or cafes; Roads; Semi-detached dwellings; Seniors housing; Shops; Tank-based aquaculture |
| <b>Prohibited Development</b> | Any development not specified in item 2 or 3   |

#### 4.3.2 DEMOLITION

Clause 2.7 of the CLEP 2012 requires that the demolition of a building or work may be carried out only with development consent. This document forms the written application for the demolition of the existing single storey dwelling house and ancillary structures in accordance with the Architectural Plans submitted with this application.

#### 4.3.3 HEIGHT OF BUILDINGS

Clause 4.3 of the CLEP 2012 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The maximum building height for the subject site is 8.5m. The proposed development has a maximum building height of 7.6m above existing ground floor level and therefore complies with Clause 4.3.

#### 4.3.4 FLOOR SPACE RATIO

Clause 4.4 of the CLEP 2012 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for the site is 0.5:1. The final development has a gross floor area of 212.55m<sup>2</sup> which equates to a compliant floor space ratio of 0.49:1.

#### 4.3.4 HERITAGE CONSERVATION

Clause 5.10 of the CLEP 2012 states that development consent is required for any works impacting on a Heritage Item, Aboriginal object or Heritage Conservation Area identified on the Heritage Map. The subject site does not contain a Heritage Item or Aboriginal object and is not located within a Heritage Conservation Area.

#### 4.4.5 BUSHFIRE HAZARD REDUCTION

Clause 5.11 of the CLEP 2012 makes provision relating to the carrying out of development on bush fire prone land. The subject site is not located on bushfire prone land.

#### 4.3.7 FLOOD PLANNING

Clause 5.21 of the CLEP 2012 applies to development within the Flood Planning Area. The subject site is not identified as Flood Prone Land.

#### 4.3.8 EARTHWORKS

Clause 6.2 of the CLEP 2012 states that development consent is required for any earthworks on the site. The proposed development has been designed to follow the topography and natural features of the land. Excavation across the site is contained wholly within the proposed building envelope and the ground floor level predominately follows the natural ground level of the land which ultimately minimises the overall bulk and massing of the building when viewed from the streetscape and adjoining properties. The objectives of Clause 6.2 are successfully achieved in the design as follows:

- a) *Proposed excavation is contained wholly within the building envelope and will not have a detrimental impact on environmental functions and processes, neighbouring land uses, cultural or heritage items or features of the surrounding land. The development has been sensitively designed to respond to the natural landform and avoid significant impacts to mature trees and vegetation on the site and surrounds that contribute to the scenic quality of the locality. The subject site does not contain any heritage items and is not located within an area of historical significance. The overall development will set a desirable precedence for future works in the area.*

- b) *The proposed earthworks are minor in nature and are considered to be suitable and necessary in providing a functional and liveable floor plan without compromising the quality of the natural environment or the privacy and amenity of adjoining properties.*

The form and massing of the development, including height and overall bulk and scale, is considered to achieve unity and a seamless integration with the characteristics of the streetscape. The proposed development scheme is highly compatible with, and sympathetic to, the site conditions and will positively contribute to the visual quality of the streetscape.

#### **4.4 CANTERBURY DEVELOPMENT CONTROL PLAN 2012**

The Canterbury Development Control Plan 2012 (CDCP 2012) provides more detailed objectives and controls to guide the form of development across the former Canterbury LGA. Chapter C1 of the CDCP 2012 applies to development for the purpose of dwelling houses and outbuildings and comprises objectives and controls for new development, alterations and additions to existing development or ancillary facilities relating to those uses. The general objectives of Chapter C1 are as follows:

- 1) *To ensure all neighbourhoods are safe and comfortable.*
- 2) *To ensure a diversity of well-designed dwellings that are sympathetic to the density and function of each neighbourhood.*
- 3) *To ensure residential streets and yards are green and leafy, with substantial tree canopy.*
- 4) *To ensure buildings are adequately setback from existing structures to facilitate household activities and landscaping.*
- 5) *To ensure that development provides good amenity, solar access and privacy for occupiers of new and existing buildings.*
- 6) *To ensure that development is of a high quality design, appearance and performance.*

The table below provides a compliance assessment of the proposed development against the relevant controls of the CDCP 2012.

## CANTERBURY DEVELOPMENT CONTROL PLAN 2012

| C1 – DWELLING HOUSES AND OUTBUILDINGS  |   |            |
|--|---|------------|
| DCP CONTROL  | ASSESSMENT  | COMPLIANCE |
| <b>MINIMUM LOT SIZE AND FRONTAGE</b>   |   |            |
| The minimum primary street frontage width for dwelling houses is 15m.  | The subject site has a frontage of 13.715m to the primary street frontage of Penshurst Road however this is the result of the subdivision pattern of the locality which predates this legislation. The subject site has historically contained a dwelling house and the proposed new development has been sensitively designed to achieve an appropriate balance between the built form, landscaped areas and private open space despite the reduced site frontage. | N/A        |
| Lots must be generally rectangular.  | The subject site is rectangular in shape.   | Yes        |
| Internal and battle-axe blocks and lots with irregular dimensions or shallow depths must satisfy the objectives of the DCP.  | The subject site is not an internal or battle-axe block.  | N/A        |
| The minimum width of access corridors serving internal or battle-axe lots is:<br>a) 3m when serving single lot;<br>b) 4m when serving two lots; and<br>c) 5m when serving more than two lots.  | The subject site is not an internal or battle-axe block.  | N/A        |
| A right-of-carriageway is only permitted over an access corridor to an internal or battle-axe lot.   | The subject site is not an internal or battle-axe block.  | N/A        |
| The access corridor must be constructed in concrete, be unobtrusive in colour and be designed to enable vehicles to enter and leave the site in a forward direction:<br>a) Where the access corridor serves only one lot, two concrete strips within the access corridor are permitted, each to be 1m wide and spaced 0.75m apart.<br>b) Where the access corridor is to serve two or more lots, it must be constructed with kerb and gutter on at least one side, with sealed pavement and drainage discharged. | The subject site is not an internal or battle-axe block.  | N/A        |
| Nothing in this section prevents Council giving consideration to the erection of a dwelling house on an allotment of land which existed as of 1/1/2013.  | The subdivision of the subject site predates this legislation and as such the proposed development is considered to be suitable for the site and should be assessed on merit.   | Yes        |
| <b>SITE COVERAGE</b>   |   |            |
| All development must comply with the numerical requirements contained in the table below:  | The proposed development has a site coverage of 157.98m <sup>2</sup> or 36.43%.   | Yes        |



|  |  |     |
|--|--|-----|
| <ul style="list-style-type: none"> <li>Maximum area of building footprint – 380m<sup>2</sup></li> <li>Maximum area of outbuildings – 60m<sup>2</sup></li> <li>Maximum site coverage – 40%</li> </ul> |  |     |
| <b>LANDSCAPING</b>   |  |     |
| <p>Deep soil permeable areas must be provided in accordance with the table below:</p> <ul style="list-style-type: none"> <li>25%</li> </ul>  | The proposed development provides 146.72m <sup>2</sup> (33.84%) of deep soil permeable landscaped area across the site. Landscaping as proposed on site will be sufficient to provide for residential amenity of both on site residents and those of neighbouring developments, retaining suitable landscape screening and privacy to and from the site, provide for suitably landscaped and functional private open space areas and ensure a high level of visual amenity and to break up the built form in a manner compatible with the locality, when the development is viewed from the public domain. The proposed development retains significant areas of deep soil landscaping within the front, side and rear setbacks of the site thereby providing permeable surfaces in the vicinity of the development. These permeable surfaces will maximise infiltration with the result of minimising runoff. | Yes |
| Deep soil areas must have a minimum dimension of 2.5m.   | Deep soil areas on the site achieve the minimum dimension requirements.  | Yes |
| <b>LAYOUT AND ORIENTATION</b>  |  |     |
| Orientate development to maximise solar access and natural lighting, without unduly increasing the building's heat load.   | The proposed development is orientated to address the primary street frontage of Penshurst Road to the south, with living and private open space areas orientated to the north to maximise solar access and natural light penetration to these areas.  | Yes |
| Site the development to avoid casting shadows onto a neighbouring dwelling's primary living area, private open space and solar cells.  | The proposed development is located predominately within the established building envelope on the site and achieves a compliant building height. A pitched roof form is proposed that is set well below the maximum height limit to minimise the bulk and subsequent overshadowing of the development on adjoining properties. The overall development design is in keeping with the built form characteristics of the locality and is not likely to result in adverse overshadowing impacts beyond what is currently experienced or deemed acceptable along the streetscape.  | Yes |
| Coordinate design for natural ventilation with passive solar design techniques.  | The proposed development features an open ground floor layout and multiple windows and openings to each building elevation to maximise natural ventilation and solar access throughout the building.   | Yes |
| Site new development and private open space to avoid existing shadows cast from nearby buildings.  | The proposed development is located predominately within the established building envelope on the site and has situated living and private open space areas to the north to maximise natural light penetration.  | Yes |

|   |  |     |
|---|--|-----|
| Site a building to take maximum benefit from cross-breezes and prevailing winds.  | The proposed development has been designed to maximise cross-breezes throughout the building by employing an open plan layout and multiple windows and openings on each elevation.   | Yes |
| Do not compromise the creation of casual surveillance of the street, communal space and parking areas, through the required orientation.  | A projecting front balcony is proposed to maximise overlooking and casual surveillance of the streetscape.   | Yes |
| <b>FLOOR SPACE RATIO</b>  |  |     |
| The maximum permissible FSR for any development is prescribed in the LEP.   | The final development has a gross floor area of 212.55m <sup>2</sup> which equates to a compliant floor space ratio of 0.49:1.   | Yes |
| <b>HEIGHT</b>   |  |     |
| Development for the purposes of dwelling houses must not exceed the following numerical requirements:<br>a) A maximum two storey built form.<br>b) A maximum external wall height of 7m where the maximum height of buildings standard under the LEP is 8.5m.<br>c) A maximum external wall height of 8m where the maximum height of building standard under the LEP is 9.5m.<br>d) Finished ground floor level is not to exceed 1m above the natural ground level. | The proposed development is two storeys in height, with a maximum building height of 7.6m and a maximum external wall height of less than 7m. The finished ground level of the development does not exceed 1m above natural ground level at any point. | Yes |
| Any part of a basement or sub-floor area that projects greater than 1m above ground level comprises a storey.   | A basement level is not proposed.  | N/A |
| Attics and mezzanine floors do not comprise a storey.   | Attics and mezzanine floors are not proposed.  | N/A |
| Roof top terraces are not acceptable on any building or outbuilding in any residential zone.  | Roof top terraces are not proposed.  | N/A |
| Dwelling houses may provide basement or subfloor parking where site constraints warrant and it can be demonstrated that there will be no adverse impacts on amenity, streetscape or public domain.  | A basement level is not proposed.  | N/A |
| Basement and sub-floor parking is only suitable where compliance with Chapter B1 Transport and Parking of this DCP can be demonstrated.   | A basement level is not proposed.  | N/A |
| Walls that would enclose a sub-floor area:<br>a) Maximum 2m for steeply sloping land; and<br>b) Maximum 1m for all other land.  | A basement level is not proposed.  | N/A |
| Retaining walls that would be located along, or immediately adjacent to, any boundary:<br>a) Maximum 3m for steeply sloping land, but only to accommodate a garage that would be located at street level; and<br>b) Maximum 1m for all other land.  | A retaining wall is proposed to the site frontage that does not exceed 1m in height and is to be designed by a suitably qualified engineer.  | Yes |
| Maximum 1m cut below ground level where it will extend beyond an exterior wall of the building.   | Excavation across the site does not exceed 1m at any point.  | Yes |

|   |  |                     |
|---|--|---------------------|
| No limit to cut below ground level where it will be contained entirely within the exterior walls of a building, however, excavated area is not to accommodate any habitable room that would be located substantially below ground level.  | Excavation is contained wholly within the proposed building envelope and does not exceed 1m at any point.  | Yes                 |
| Maximum 600mm fill above ground level where it would extend beyond an exterior wall of a building.  | Fill above ground level is not proposed to exceed 600mm.   | Yes                 |
| If proposed cut and fill, or a retaining wall, would be deeper or higher than 1m, structural viability must be confirmed by suitably qualified engineers' reports.  | Noted.   | Yes                 |
| <b>SETBACKS</b>   |  |                     |
| <p>Development must comply with the minimum front, side and rear setbacks as detailed in the following tables:</p> <ul style="list-style-type: none"> <li>• Minimum setback of 6m or the average of the existing setback of the nearest dwelling house to either side of the site.</li> <li>• Maximum 2m recess for the main entrance from the front building line.</li> <li>• Minimum setback of minimum setback of 1m from side boundaries.</li> <li>• Minimum setback of 6m from the rear boundary.</li> </ul> | <p>The proposed development has the following site setbacks:</p> <ul style="list-style-type: none"> <li>• Primary frontage – 7.768m</li> <li>• Garage – 9.14m</li> <li>• Secondary frontage – 2.04m</li> <li>• Side – 1.205m</li> <li>• Rear – 3.027m</li> </ul> <p>Due to the stepped in formation of the allotment at the rear, the western portion of the building encroaches into the prescribed rear setback distances and so a variation is proposed on the grounds that this element of the building is single storey in form and does not contain any windows that will provide for direct view into the adjoining building or private opens pace area of the property to the north. Further, fencing and landscaping within the side and rear site setbacks will completely screen this portion of the building from adjoining properties and the public domain. The final development achieves complete compliance across all other provisions of the CLEP 2012 and the CDCP 2012.</p> | Variation Requested |
| External walls that enclose rooms, storage areas and/or garages are not to encroach beyond the specified setbacks.  | External walls are not proposed to encroach beyond the prescribed setback distances besides the western portion of the building discussed above.   | Yes                 |
| For first floor additions, front and side setbacks may match the ground floor wall alignment of the existing dwelling for a depth of 10m or 50% of the length of the façade, whichever is the greater.  | The proposed development is a new dwelling house.  | N/A                 |
| Minimum setback of 1m from any side or rear boundary for swimming pools and associated terraces. Landscaping shall be provided in the setback area to screen the pool from neighbours.  | A swimming pool is not proposed.   | N/A                 |
| Swimming pools must not be located within any front setback.  | A swimming pool is not proposed.   | N/A                 |
| One garage or carport may be constructed with a nil rear setback for sites that adjoin a rear laneway. The garage or carport must not comprise more than 50% of the rear boundary frontage to a lane and not be wider than 6m.  | A double car garage is proposed that achieves compliant front and side setback distances. The proposed garage door has a width of 4.81m or 35% of the building frontage.   | Yes                 |
| For a residential building that does not have basement parking lightweight carports may extend beyond the required side boundary setback.   | Not proposed.  | N/A                 |

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| Car parking structures must satisfy BCA requirements.   | The proposed car parking configuration has been designed in accordance with the relevant Australian Standards and BCA requirements.   | Yes |
| For existing dwellings one single space carport may encroach beyond the minimum front setback, where it can be demonstrated that vehicular access cannot be provided behind the building line given that side driveway access is less than 2.7m. Carports must not be wider than 3m.  | The proposed development is a new dwelling house.   | N/A |
| On land identified as having a height of 9.5m on the Map, the following parking structures may encroach beyond the minimum front or side setback:<br>a) One carport that is not wider than 6m.<br>b) On sites that rise from the street frontage, one garage that is not wider than 6m and no higher than 3m above street level.  | The site is subject to a maximum building height of 8.5m.   | N/A |
| The following minor building elements may project up to 1m into the minimum side setback area:<br>a) Roof eaves, awnings, pergolas and patios;<br>b) Stair or ramp access to the ground floor;<br>c) Rainwater tanks; and<br>d) Terraces above basement parking that are no higher than 1m above ground level (except dwelling houses, semi-detached dwellings and dual occupancy). | Roof overhangs maintain a minimum setback distance of 505mm to the side boundaries.   | Yes |
| Elements that articulate a front elevation of a dwelling house, such as awnings, balconies, patios, pergolas, porches, porticoes and verandas, may project up to 1.5m into the required front setback articulation zone.  | The proposed development complies with the prescribed front setback distance.   | Yes |
| On steeply sloping land basements and basement parking are acceptable only if they:<br>a) Do not extend beyond the exterior walls or ground floor patios of the dwelling.<br>b) Accommodate only entrance lobby, stairway, car parking or storage, but do not accommodate any habitable room.<br>c) Are not capable of future alteration to accommodate any habitable room.         | A basement level is not proposed.   | N/A |
| <b>BUILDING DESIGN</b>  |   |     |
| Contemporary architectural designs may be acceptable if:<br>a) A heritage listing does not apply to the existing dwelling or to its immediate neighbours.<br>b) The proposed addition is not visually prominent from the street or from a public space.<br>c) Extensive remodelling of existing facades is proposed in accordance with controls of this DCP.                        | The proposed development incorporates a projecting porch entry feature and first floor balcony, a recessed double car garage, variations in the pitched roof profile and multiple windows on the building elevations to provide visual interest and articulation when viewed from the public domain. A range of materials are proposed including face brickwork, cladding, glass balustrades and Colorbond metal sheet roofing to provide further modulation and break up the visual bulk of the development. The proposed colour scheme assists in breaking up the | Yes |



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|  | <p>visual bulk of the development and will ensure compatibility with the surrounding built and natural environment.</p> <p>The proposed development has been sensitively designed to reflect the built form characteristics of the surrounding streetscape. As demonstrated in <b>Section 2.4</b> above, the predominant built form characteristics for new dwelling house developments in the vicinity of the site is two storey built forms in a combination of architectural render and face brickwork construction, with flat or pitched roof forms and multi car garages. This is entirely consistent with the architectural styling of the proposed development and as such, the development is considered to achieve the desired existing and future character of the area and will not set an undesirable precedence for future development.</p> |     |
| New building forms and design features shall not mimic traditional features, but should reflect these in a contemporary design.  | A contemporary design is proposed that will set a desirable precedence for future development.   | Yes |
| Access to upper storeys must not be via external stairs.   | Access to the upper storeys is via the internal stairs.  | Yes |
| All dwellings must contain one kitchen and laundry facility.   | The proposed development contains a kitchen and laundry on the ground floor level.   | Yes |
| Retain and extend prominent elements of the existing roof (such as gables, hips or longitudinal ridges that run parallel to a street boundary).  | The proposed development is a new dwelling house.  | N/A |
| Contemporary roof forms may be acceptable on additions at ground floor level if concealed substantially behind the existing dwelling, and not visible from the street or other public space. | The proposed development is a new dwelling house.  | N/A |
| Entries to residential buildings must be clearly identifiable.   | A porch entry feature is proposed that is orientated to directly address the streetscape to ensure ease of access for residents, visitors and emergency services.  | Yes |
| The front door to a dwelling house may face a side boundary, or may be located beneath a carport, provided it is clearly identified by a porch or awning, and pathways.                      | The front door of the dwelling house faces the streetscape.  | N/A |
| A minimum of one habitable room must be oriented towards the street to promote positive social interaction and community safety.   | Multiple windows and the first floor balcony adjoin habitable rooms and provide for overlooking and casual surveillance of the streetscape.  | Yes |
| Sight lines to the street from habitable rooms or entrances must not be obscured by ancillary structures.  | Ancillary structure are not proposed within the site frontage that would preclude pedestrian or vehicle sightlines.  | Yes |
| Design interiors to be capable of accommodating the range of furniture that is typical for the purpose of each room.   | The proposed development features generous sized rooms that are capable of accommodating a range of furniture.   | Yes |
| The primary living area and principal bedroom must have a minimum dimension of 3.5m.   | The primary living area and all bedrooms achieve the minimum dimension requirements.   | Yes |
| Secondary bedrooms must have a minimum dimension of 3m   | All bedrooms achieve the minimum dimension requirements.   | Yes |
| Provide general storage in addition to bedroom wardrobes and kitchen cupboards.  | Sufficient storage space is provided throughout the dwelling house.  | Yes |
| Use non-reflective materials, do not randomly mix light and dark coloured bricks, and treat publicly accessible wall surfaces with anti-graffiti coating.                                    | Non-reflective face brickwork as well as cladding are proposed.  | Yes |

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| Facade design should reflect the orientation of the site using elements such as sun shading devices, light shelves and bay windows.   | The proposed development features a range of architectural elements including a projecting porch entry feature and first floor balcony, recessed garage, roof overhangs and multiple windows on each building elevation to provide visual interest.  | Yes |
| Facades visible from the street should be designed as a series of articulating panels or elements.  | The proposed development is appropriately articulated through the use of a projecting porch entry feature and first floor balcony, recessed garage and variations in the roof profile.   | Yes |
| The width of articulating panels should be consistent with the scale and rhythm characteristic of bungalows.  | The proposed façade design is highly compatible with dwellings throughout the streetscape as demonstrated in <b>Section 2.4</b> above.   | Yes |
| Large windows should be located at the corners of a building and may be designed as projecting bay-windows.   | Large windows are generally limited to the front and rear elevation to maintain a high level of privacy.   | Yes |
| Large windows should be screened with blinds, louvres, awnings or pergolas and be draft insulated.  | Large windows are generally limited to the front and rear elevation to maintain a high level of privacy.   | Yes |
| Windows must be rectangular.  | Proposed windows on the building elevations are rectangular.   | Yes |
| Vertical proportioned window openings can include multi-panel windows or multi-panel doors.   | Achieved.  | Yes |
| Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.  | Windows have been carefully sited on each building elevation to provide maximum solar access without comprising the privacy of adjoining properties.   | Yes |
| Dormer windows on buildings in the residential zone do not appear as additional storey must comply with the following design requirements:<br>a) Individual dormers are no wider than 1.5m in width; Provide a minimum 2.5m separation between dormers; and<br>b) Dormers do not extend encroach above the ridgeline of the building. | Dormer windows are not proposed.   | N/A |
| Incorporate features to facilitate natural ventilation and convective currents - such as opening windows, high vents and grills, high level ventilation (ridge and roof vents) in conjunction with low-level air intake (windows or vents).   | Opening windows are proposed to maximise natural ventilation throughout the dwelling.  | Yes |
| Where natural ventilation is not possible, energy efficient ventilation devices such as ceiling fans should be considered as an alternative to air conditioning. Explore innovative technologies to naturally ventilate internal building areas or rooms.   | Natural ventilation is achieved.   | N/A |
| <b>ROOF DESIGN AND FEATURES</b>   |  |     |
| Use a simple pitched roof that accentuates the shape of exterior walls, and minimises bulk and scale.   | A pitched roof form is proposed in keeping with the built form characteristics of similar dwellings throughout the streetscape, as demonstrated in <b>Section 2.4</b> above. The overall height of the roof form reduces the bulk and massing of the development when viewed from the public domain. | Yes |
| Avoid complex roof forms such as multiple gables, hips and valleys, or turrets.   | Complex roof forms are not proposed.   | N/A |
| Roof pitches are to be compatible and sympathetic to nearby buildings.  | A pitched roof form is proposed in keeping with the built form characteristics of similar dwellings throughout the streetscape.  | Yes |
| Parapet roofs that increase the height of exterior walls are to be minimised.   | Parapet roof forms are not proposed.   | N/A |

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| Use minor gables only to emphasise rooms or balconies that project from the body of a building.   | Gable roof forms are not proposed.  | N/A |
| Mansard roofs (or similar) are not permitted.   | Mansard roofs are not proposed.   | N/A |
| Pitched roofs should not exceed a pitch of 30 degrees.  | The proposed roof form has a pitch of 18 degrees.   | Yes |
| Relate roof design to the desired built form and context.   | The proposed roof form reflects the architectural styling of the dwelling house and is highly compatible with the characteristics of the streetscape.   | Yes |
| Roofs with greater pitches will only be considered on merit taking into account matters such as streetscape, heritage value and design integrity.   | The proposed roof pitch is in keeping with the characteristics of the locality.   | Yes |
| <b>SOLAR ACCESS AND OVERSHADOWING</b>   |   |     |
| Where site orientation permits at least primary living areas of dwellings must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June.   | The Shadow Diagrams submitted with this application clearly demonstrate that the proposed development achieves the required solar access to primary living areas. These areas have been orientated towards the north to maximise natural light penetration. | Yes |
| Principle areas of private open space must receive a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June to at least 50% of the open space surface area.  | The proposed private open space area is sufficient in size and is orientated towards the north to achieve the required solar access.  | Yes |
| Dwellings must comply with the following:<br>a) At least one living room window and at least 50% or 35m <sup>2</sup> with minimum dimension of 2.5m (whichever is the lesser), of ground level private open space.<br>b) Receive a minimum of 3 hours sunlight between 8:00 am and 4:00 pm on 21 June.<br>c) Where existing overshadowing by buildings and fences is already greater than this control, sunlight is not to be reduced by more than 20%. | The Shadow Diagrams submitted with this application demonstrate that the proposed development achieves the minimum solar access requirements.   | Yes |
| Proposed development must retain a minimum of 3 hours of sunlight between 8.00am and 4.00pm on 21 June for existing primary living areas and to 50% of the principal private open space.  | The Shadow Diagrams submitted with this application demonstrate that the proposed development achieves the minimum solar access requirements.   | Yes |
| If a neighbouring dwelling currently receives less than 3 hours of sunlight, then the proposed development must not reduce the existing level of solar access to that property  | The Shadow Diagrams submitted with this application demonstrate that the proposed development achieves the minimum solar access requirements to neighbouring properties.  | Yes |
| Sunlight to solar hot water or photovoltaic systems on adjoining properties must comply with the following:<br>a) Systems must receive at least 3 hours of direct sunlight between 8.00am and 4.00pm on 21 June.<br>b) If a system currently receives less than 3 hours sunlight, then the proposed development must not reduce the existing level of sunlight.   | The proposed development will not impact on solar hot water or photovoltaic systems on adjoining properties.  | Yes |
| Clothes drying areas on adjoining residential properties must receive a minimum of 3 hours of sunlight on 21 June.  | The Shadow Diagrams submitted with this application demonstrate that the proposed development achieves the minimum solar access requirements to clothes drying areas of neighbouring properties.  | Yes |

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| Windows and openings shall be appropriately located and shaded to reduce summer heat load and maximise sunlight in winter.  | Multiple windows and openings are proposed to each building elevation to maximise solar access and reduce summer heat load.  | Yes |
| Use shading devices to allow direct sunlight to enter and heat a building in winter and prevent direct sunlight entering and heating the building in summer. Devices include eaves, awnings, shutters, louvres, pergolas, balconies, colonnades or external planting.   | Roof overhangs and the projecting front balcony are proposed as shading devices.   | Yes |
| Provide horizontal shading to north-facing windows and vertical shading to east or west windows.  | Achieved.  | Yes |
| Use moveable shading devices on large windows facing east and west, that are capable of covering 100% of glazed areas. Eaves shall be a minimum of 350mm wide and allow for an overhang of approximately 65 degrees above the horizontal.   | Moveable shading devices are to be provided to future detail.  | Yes |
| Avoid reducing internal natural daylight or interrupting views with shading devices.  | The proposed development achieves maximum natural light penetration.   | Yes |
| Use double-glazing, solar coated windows, curtains, or internal shutters to prevent heat loss and provide extra summer protection.  | Achieved.  | Yes |
| Use high performance glass with a reflectivity below 20%.   | Achieved.  | Yes |
| Minimise external glare by avoiding reflective films and use of tint glass.   | Reflective films and tinted glass are not proposed.  | N/A |
| Use of draft insulation around windows and doors.   | To be designed to future detail.   | Yes |
| <b>VISUAL PRIVACY</b>   |  |     |
| Locate and orient new development to maximise visual privacy between buildings, on and adjacent to the site.  | The proposed development incorporates suitable setback distances to the property boundaries. Windows on the first floor level have been appropriately sited, offset and feature increased sill heights where necessary to minimise direct view into adjoining buildings. | Yes |
| Minimise direct overlooking of rooms and private open space through the following:<br>a) Provide adequate building separation, and rear and side setbacks; and<br>b) Orient living room windows and private open space towards the street and/or rear of the lot to avoid direct overlooking between neighbouring residential properties. | The first floor level features a stepped in building envelope and sensitively designed and sited windows/openings to maximise visual and acoustic privacy with adjoining properties.   | Yes |
| If living room windows or private open spaces would directly overlook a neighbouring dwelling:<br>a) Provide effective screening with louvres, shutters, blinds or pergolas; and/or<br>b) Use windows that are less than 600mm wide or have a minimum sill height of at least 1.5m above the associated floor level.                      | Living and private open space areas are located at the rear of the site on the ground floor level and will be screened from adjoining properties by fencing and landscaping within the side and rear setbacks.   | Yes |
| Screening of bedroom windows is optional and dimensions are not restricted.   | Bedroom windows will not provide for direct view into adjoining buildings.   | N/A |
| <b>ACOUSTIC PRIVACY</b>   |  |     |



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| Protect sensitive rooms, such as bedrooms, from likely sources of noise such as major roads and neighbouring' living areas.   | The proposed development has been sensitively designed to minimise noise transmission by locating car parking, living and private open space areas on the ground floor level and bedrooms on the first floor level. | Yes |
| Bedroom windows in new dwellings that would be located at or close to ground level are to be raised above, or screened from, any shared pedestrian pathway.                                 | All bedrooms are located on the first floor level.  | Yes |
| Screen balconies or windows in living rooms or bedrooms that would face a driveway or basement ramp.  | The proposed balcony is suitably designed to minimise noise transmission to the adjoining bedroom.  | Yes |
| Address all requirements in 'Development Near Rail Corridors and Busy Roads - Interim Guideline (2008)' published by the NSW Department of Planning.  | The subject site is not located in the vicinity of a rail corridor or busy road.  | N/A |
| <b>FENCES AND ANCILLARY DEVELOPMENT</b>   |   |     |
| Provide boundary definition by construction of an open fence or hedge to the front street boundary.   | A retaining wall is proposed to the site frontage.  | Yes |
| Front fences within the front boundary setback are to be no higher than 1.2m.   | Fencing is to be designed to future detail.   | N/A |
| Side fences may be 1.8m high to the predominant building line. Forward of the building line, side fences must taper down to the height of the front fence at a height no greater than 1.2m. | Fencing is to be designed to future detail.   | N/A |
| On corner sites where the façade of a building presents to two street frontages, fences are to be no higher than 1.2m.  | Fencing is to be designed to future detail.   | N/A |
| Front fences shall not be taller than 1.2m.   | Noted.  | Yes |
| Screens with a minimum of 50% transparency may be up to 1.8m high along the front boundary.   | Noted.  | Yes |
| Landscaping should not include visually solid hedges that may conceal intruders.  | Low lying landscaping is proposed within the site frontage to soften the appearance of the built form without compromising vehicle and pedestrian sightlines.   | Yes |

## 5 CONCLUSION

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The proposed development at 17 Penshurst Road, Roselands involves the demolition of existing structures and the construction of a new two storey dwelling house. The intention of the proposed works is to achieve the development potential of the site and provide a dwelling house that is suited to modern family living. The impact of the proposed development has been assessed in accordance with the provisions of Section 4.15 of the EP&A Act and is found to be satisfactory. The proposal has also been assessed against the relevant provisions of the Canterbury Local Environmental Plan 2012 (CLEP 2012) the Canterbury Development Control Plan 2012 (CDCP 2012) and is considered to be appropriate for the subject site for the following reasons:

- The proposed development has been sensitively designed to reflect the built form characteristics of other new dwelling house developments in the vicinity of the site. The development is to be finished in face brickwork and cladding construction with glass balustrades and a Colorbond metal roof form.
- The proposed development provides a sufficient amount of landscaped open space and deep soil zoning across the site to reflect the well-maintained landscaped setting of the area and maintain a high level of amenity and visual privacy on the site and for adjoining properties.
- The proposed development generally complies with the relevant guiding objectives and provisions for dwelling house development under the CLEP 2012 including maximum building height, floor space ratio and earthworks.
- The proposed development generally complies with the guiding principles of the CDCP 2012 including building form, setback distances, solar access, landscaping, car parking and private open space.

The site is therefore considered to be suitable for the proposed development and will generally have acceptable environmental, social and economic impacts on the immediate area. The proposal is unlikely to result in adverse impacts on the amenity of the locality and accordingly, the proposal is considered to be in the public interest and worthy of Council's support.