

STATEMENT OF ENVIRONMENTAL EFFECTS

To Accompany Development Application

for

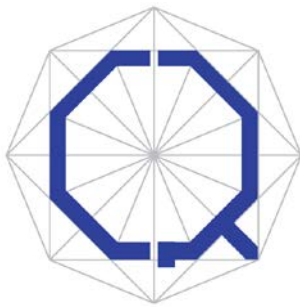
DUAL OCCUPANCY USE & STRATA SUBDIVISION

of EXISTING DWELLINGS at

**3 SHELLEY ROAD
WALLACIA NSW**

August 2021

Prepared by:



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1 INTRODUCTION:

1.1 GENERAL:

CDR Design Pty Ltd has been engaged by Mr Loui Semrani, the owner of the site located at 3 Shelley Road Wallacia NSW (the site), to prepare and submit a statement of environmental effects (SoEE) to accompany a development application for the use of an existing building as two separate dwellings as a dual occupancy use.

The owner has, several years ago, carried out the following works:

1. Closed up a doorway in a wall;
2. Converted the existing single garage to an entry and study;
3. Installed a kitchen and bathroom.

The two dwellings are currently occupied and used as separate residences for unrelated families. The newly created smaller dwelling is connected to all regular site and building services. The work and use was carried out without consent of Council. The applicant is seeking to regularise the development as a dual occupancy. The owner has also submitted an application for a building information certificate to run concurrently with the development application to address any building related matters concerning any building works for the dual occupancy use.

1.2 APPLICATION

The development application seeks development consent for the following activities:

1. Use of the existing dwellings as Dual Occupancy; &
2. Strata subdivision of the site into two strata lots.

1.3 PROPERTY DESCRIPTION:

Address	3 Shelley Road Wallacia NSW
Lot and Deposited Plan	Lot 20 in DP 248614
Local Government Authority	Penrith City Council
Current zoning	RU5 Village
Draft zoning	Nil
Site area	822m ² (approx)

Additional Development area	N/A
Existing land use	Residential – Dual Occupancy
Proposed development land use	Residential – Dual Occupancy – two dwellings on one lot of land and Strata Title subdivision into two strata lots

Figure 1: Property Table

1.4 SITE ANALYSIS

The site is located at 3 Shelley Road Wallacia NSW, at the end of a quiet cul-de-sac on Shelley Road fronting Fowler Reserve and the Nepean River, within the Penrith Local Government Area (LGA), approximately 50km to the west of the Sydney CBD. The site has an area of approximately 822m² and is legally described as Lot 20 in Deposited Plan (DP) 248614 (refer to Figure 1 below).



Figure 2: Site Location

The site is located in an established residential area approximately 4km from Mulgoa and 16klm Penrith City Centre.

Site is slightly rectangular in shape with approximate dimensions as follows:

- Northern side boundary – 46m
- Eastern rear boundary – 27m
- Southern side boundary – 41m
- Western street front boundary – 14m

The site supports a fall from the eastern most point to the western most point of approximately 5 metres.

The site is not identified in the Penrith LEP 2010 as being flood affected, however, a flood affectation is noted in the planning certificate for the site. The site is mapped as being in the Buffer Area for Bushfire Risk.

The site is on land zoned RU5 Village under Penrith LEP 2010.

1.5 SURROUNDING DEVELOPMENT

The surrounding area comprises mostly low density residential development north, south and east. To the west is Fowler Reserve which fronts the Nepean River.

The site is well located in terms of road transport as it is located only 280 metres walking distance to the bust stop served by the 795 public bus route to Penrith.

1.6 EXISTING DEVELOPMENT

The existing development on the site consists of two dwellings within one building, previously used and approved as a six bedroom single dwelling house with a single garage for parking of one car.

Both dwellings are connected to all services including water, sewer and electricity and have their own separate pedestrian and driveway access and parking. Refer to Figures 2 to 6 below.

The existing building is constructed of brick veneered timber framed construction with pitched roof with tile roofing.

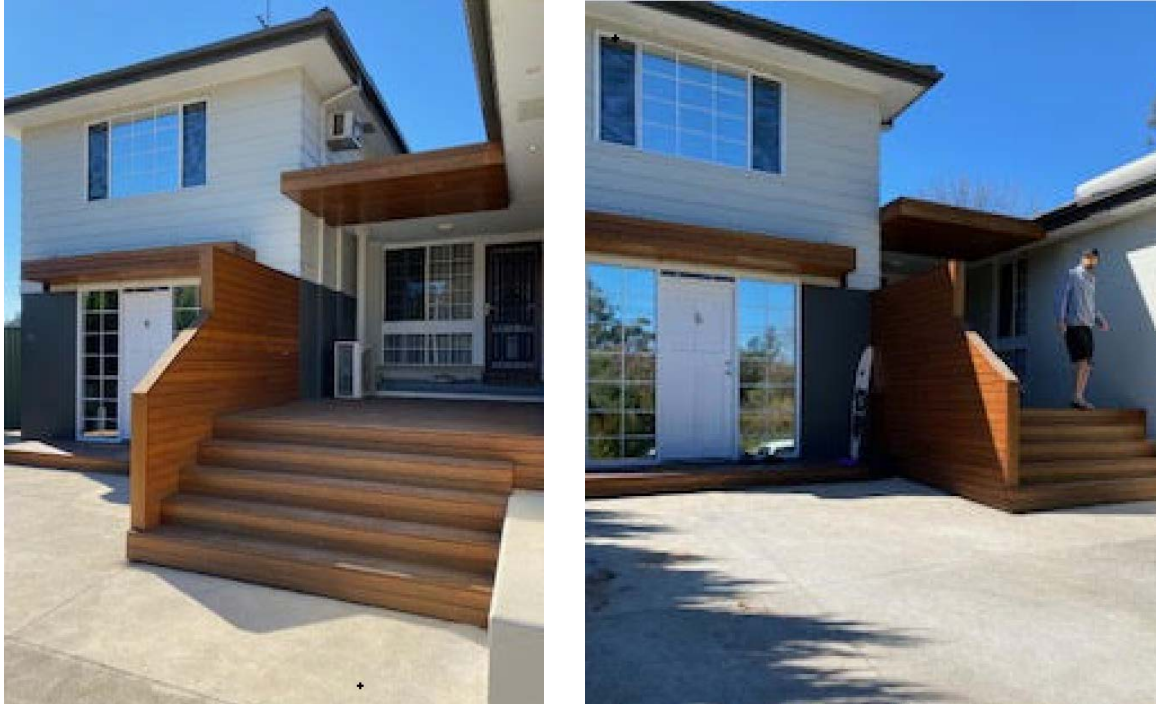


Figure 3: View of both dwellings' entries



Figure 4: View from street



Figure 5: View of double parking area

The two existing dwellings are currently separated by internal timber framed wall fire and sound proofed. The more newly created dwelling occupies the existing two storey part of the building to the north, and the remnant existing dwelling occupies a single storey part to the south. Both dwellings share vehicular access from a single layback fronting Shelley Road. Each dwelling is provided with a separate car parking spaces forward of the building but behind the building line. The newer created dwelling has a single car parking space and the remnant existing dwelling has two car parking spaces.

The minimum existing building's street front setback is estimated at least 15 metres from Shelley Road, and the part of the building used as the most recent new dwelling has a street front setback of approximately 18 metres from Shelley Road.

1.7 PROPOSED DEVELOPMENT

The proposed development is to formalise the use of the two existing dwellings as attached dual occupancy use development and to subdivide the building into two strata lots.

There is no building work associated with this development.

2 PLANNING CONTEXT

2.1 GENERAL

This Statement of Environmental Effects is prepared in support of the Development Application in accordance with the requirements of the Environmental Planning & Assessment Act 1979 (EP&A Act) to seek development consent from Council under the Section 4.2 'Development that needs consent.'

Section 4.15(1)(a) of the EP&A Act requires the following matters to be considered in a development application:

1. Any environmental planning instruments:
 - Penrith Local Environmental Plan 2010
 - Penrith Local Environmental Plan 1998 (Urban Land)
 - Penrith Local Environmental Plan No 258—Consent for Dwelling Houses and Other Development
2. Any publically exhibited draft environmental planning instruments:
 - Nil
3. Any development control plans:
 - Penrith Development Control Plan 2014
4. Any planning agreement:
 - Nil
5. Any regulations made under the Act.
 - Environmental Planning and Assessment Regulation 2000

Section 4.15 (1)(b) of the EP&A Act also requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality in a development application.

Section 4.15 (1)(c) of the EP&A Act also requires consideration of the suitability of the site for the development in a development application.

Section 4.15 (1)(d) of the EP&A Act also requires consideration of any submissions made in accordance with this Act or the regulations in a development application.

Section 4.15 (1)(e) of the EP&A Act also requires consideration of the development in the context of the public interest.

A detailed planning assessment against development standards and controls is provided below with additional detail provided in Part 3 of this report – ‘*The Proposal & Environmental Effects*’ of this document. This SEE addresses all of the above in the context of the application and does so to a sufficient extent to enable assessment of relevant issues as required by the Act.

2.2 PENRITH LEP 2010

In accordance with Penrith Local Environmental Plan (LEP) 2010, the site is zoned RU5 Village. Within the RU5 Village zone “*Dual Occupancies*” are permissible with development consent.

The objectives of the RU5 Village are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To provide limited housing development opportunities for existing and new residents, including an ageing population, where this is consistent with the other objectives of this zone.*
- *To ensure development is compatible with the role and character of the village, available infrastructure, services and facilities and with the environmental capabilities of the land.*

The key planning controls relevant to the proposed development are identified below:

Minimum Lot size	550 m ² (Special: Area 1)
Height	Not Mapped – There is no building work proposed.
Floor Space Ratio (FSR)	N/A – There is no additional FSR proposed.
Heritage	N/A. The site is not a heritage item and is not located in a heritage conservation area nor is it located in proximity to a heritage item or heritage conservation area.
Bush Fire	The site is mapped as being in a Bush Fire prone land being identified as “Buffer” zone.
Flooding	The site is not mapped by the PLEP as being flood affected. It is noted in the 10.7 Planning Certificate that the land is identified in PLEP’s clause 7.2 Flood Planning. However, Clause 7.2 has been repealed. The 10.7 Planning Certificate also identifies the land as being High Hazard on Low Flood Island being within a locality which becomes isolated in a flood event, under Council’s Penrith Development Control Plan 2014 Section C3.5 Flood Planning.

Figure 6: Key Planning Controls Table

The following provisions have been considered:

- **Clause 2.3, Zone RU5 Village: Use and Zoning** - The zoning under the LEP of the subject site is RU5 Village. The proposed use of dual occupancy under Penrith LEP 2010 is specified as development permissible with consent.
- **Clause 2.6(1) Subdivision—consent requirements** – Land to which Penrith LEP 2010 applies may be strata subdivided but only with development consent.
- **Clause 2.6(2) Subdivision of secondary dwelling** – The application does not seek subdivision of a secondary dwelling.
- **Clause 4.1(3) & (4) Minimum subdivision lot size** – Subclause (3) requires the size of any lot resulting from a subdivision of land to be not less than 550m². Subclause (4) clarifies that subclause (3) does not apply to strata subdivision.
- **Clause 4.1A Minimum lot sizes for dual occupancies** – This clause does not specify any minimum lot size for dual occupancy subdivision in land zoned RU5 Village.

- **Clause 4.1AB Minimum subdivision lot size for strata plan schemes in certain rural, residential and environment protection zones** – This clause specifies that the size of any lot resulting from a subdivision of land, for a strata plan scheme, is not to be less than 550m². The resultant lot size, subsequent to the proposed strata subdivision, is the same as existing. The resultant lot size will be 822m², and well exceeds. 550m².
- **Clause 4.3 Height of buildings** – The maximum height is not identified in the PLEP Maps. Regardless, the proposal does not involve any building work and seeks permissible uses of an existing building already approved by Council.
- **Clause 5.21 Flood Planning** – Development consent must not be granted to development on land the consent authority considers to be within the flood planning area. The land is not identified in the PLEP as being within a Flood Planning Area. See PLEP's Flood Planning Map below:

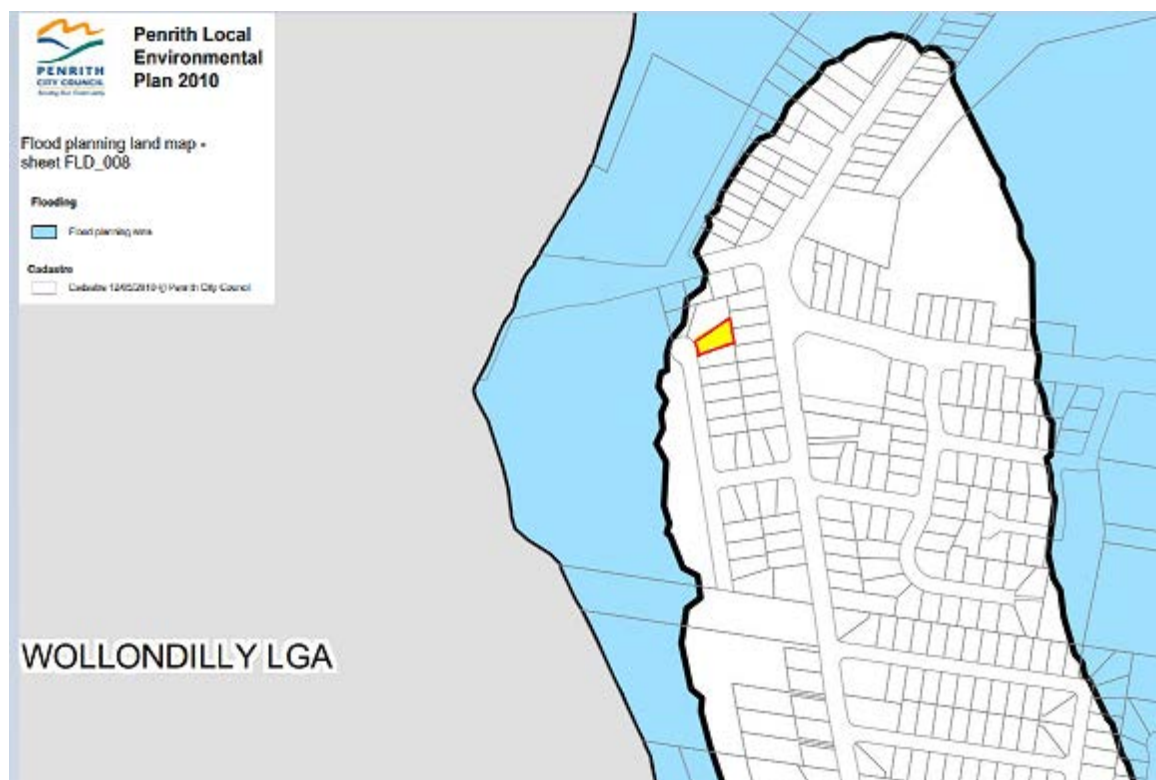


Figure 8: PLEP Flood Planning Map

2.3 PENRITH LOCAL ENVIRONMENTAL PLAN 1998 (URBAN LAND)

It should be noted that 'Penrith Local Environmental Plan 1998 (Urban Land)' (Penrith LEP Urban Land) has not been repealed and also includes site controls for dual occupancy development. However, the land zoning classifications included in this LEP are not aligned with current land uses, or the zonings included in the most recent LEP applicable to the site, being Penrith LEP 2010. Therefore it is considered that the provisions of Penrith LEP 2010 in regards to dual occupancy development, override the provisions of Penrith LEP Urban Land where there is any inconsistency. This is also true in terms of the controls stated for subdivision of land.

The zoning of the site, that is subject of this application, is not clear, however, it has been assumed that the equivalent land use zone for the land would be zone No.2(b) Residential (Low Density). Dual occupancies are permissible within the 2(b) zone with consent.

The objectives of the zone are as follows:

- *to reinforce the importance of natural landscape settings and areas with heritage conservation values, and*
- *to promote the established urban and landscape character of traditional residential subdivisions by limiting the range of permissible uses, and*
- *to allow a limited range of compatible non-residential uses.*
- **Clause 10 Subdivision controls generally** – the objective of this clause is to prescribe minimum lot areas and widths for land that will permit strata subdivision of dual occupancy development. Subdivision of land within zone 2(b) must have a minimum lot area of 550m² and a minimum width of 15m. The proposed subdivision complies with this requirement.
- **Clause 11 Site controls for dual occupancy and multi-unit housing development** – Under this control, Council is not able to grant consent for the purpose of a dual occupancy on lots with particular characteristics. A dual occupancy, if attached, may be approved by Council if the site has a minimum area of 650m² and is a standard lot. As access to each

dwelling is provided directly from a public road, the site is considered to be a standard lot and has an area of 822m² and complies with this so that Council may approve the development.

- **Clause 12 Building envelopes, heights, landscaped areas and rear boundary setbacks for development that requires consent** - Under this clause development consent should not be given to a development which is not wholly within the building envelope. That is, a 1.8m side boundary, a 6.5m maximum external wall height, a minimum landscaped area of 50% and a 4m setback from the rear boundary.

Although no physical works are proposed as part of the development, it should be noted that the existing dwellings' northern wall has two corners/points which are setback 950mm and 970mm respectively. However, the average setback along the northern boundary well exceeds 1.8m. The dwellings' southern wall is setback 1.92 metres from the southern boundary and is parallel to that boundary. On average, the existing building complies with this control. It should be noted that if there is any inconsistency between the provisions of Penrith LEP 2010 and Penrith LEP (Urban Land), the most recent LEP will apply, that is Penrith LEP 2010.

Notwithstanding, it is again reiterated that the provisions of Penrith LEP 2010 in regards to dual occupancy development, override the provisions of Penrith LEP (Urban Land).

2.4 PENRITH LOCAL ENVIRONMENTAL PLAN NO 258—CONSENT FOR DWELLING HOUSES AND OTHER DEVELOPMENT

The zoning of the site that is subject of this application is not clear, however, it has been assumed that the equivalent land use zone for the land would be zone No.2(b) Residential (Low Density). Dual occupancies are permissible within the 2(b) zone with consent.

The objectives of the plan are as follows:

- (a) require development consent for dwelling houses on residentially zoned land within the City of Penrith, and*
- (b) require development consent for dwelling houses on land within the Non-urban zone under the Penrith Planning Scheme Ordinance and on land within the Special Business zone under Penrith Local Environmental Plan 1997 (Penrith City Centre), and*

(c) require development consent for dwelling houses attached to and used in conjunction with shops on land within the Neighbourhood Business zone under the Penrith Planning Scheme Ordinance, and

(d) require development consent for the following:

(i) the erection of a building or structure ordinarily associated with a dwelling house,

(ii) a change of building use,

(iii) demolition of a building or structure,

(iv) carrying out structural alterations to a building, internal alterations to a building, or external building work in association with business premises, a bed and breakfast establishment, office premises, commercial premises or take away food shops,

(v) the subdivision of land, to the extent to which such development does not already require development consent because of another environmental planning instrument in order to be carried out.

- **Clause 7 Miscellaneous development that requires development consent –**

Subclause (1)(b) of this clause requires development consent for development that results in a change of building use. This is the subject of the development application.

2.5 PENRITH DEVELOPMENT CONTROL PLAN 2014

The proposed development and the existing dwellings have been assessed against the relevant provisions of Penrith Development Control Plan (PDGP) 2014 and is generally considered to be compliant. Areas of non-compliance are highlighted in green text for ease of reference as follows:

C 3.5 Flood Planning		
DCP Provision	Requirement	Comply
A. Background	The LEP contains provisions for development on land at or below the flood planning level, defined in the LEP as the level of a 1:100 Average Recurrence Interval (ARI) (1% AEP (100 year ARI)) flood event plus 0.5m freeboard.	The LEP does not identify the land at or below the flood planning level. Notwithstanding, the following matters are addressed.

8) Change of Use of Existing Buildings	a) Development consent for change of use of an existing building with floor levels below the 1% AEP (100 year ARI) flood will only be given where it can be demonstrated by the applicant that:	
a) i)	There is no foreseeable risk of pollution associated with the proposed use of the building in the event that the 1% AEP (100 year ARI) flood occurs	The change of use is a technical matter. The residential use has not changed, therefore there is no risk of increased pollution.
a) ii)	All practical measures shall be taken to minimise the risk of flood damage to the property within the building by the 1% AEP (100 year ARI) flood. These measures could include: • Flood proofing the building to the level of the 1% AEP (100 year ARI) flood by either construction of a wall or levee bank or some other means of preventing water entry • Raising the floor level of the building to the level of the 1% AEP (100 year ARI) flood; and/or • Storing all equipment, machinery and stock above the 1% AEP (100 year ARI) flood level.	There is no new building work proposed as the new uses fit within the existing approved building. As such there is no increased risk of flood damage
10) Subdivision	a) Generally, subdivision of land below the flood planning level will not be supported. Further provisions relating to the proposed subdivision of such land can be found in the Subdivision Section of this Plan.	Every application is to be considered on its merit despite this statement
13) Overland Flow Flooding	Council has undertaken a Penrith Overland Flow Flood 'Overview' Study. Consideration must be given to the impact on any overland flow path. Generally, Council will not support development obstructing overland flow paths.	There is no new building work proposed as the new uses fit within the existing approved building's footprint. As such there is impact on the existing overland flow path.
C 10 - Transport, Access and Parking		
DCP Provision	Requirement	Comply
10.5. Parking, Access and Driveways	1) Provision of Parking Spaces a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428. b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below. c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates.	Yes – Parking complies with AS 1428 Yes – two parking spaces are provided for the older dwelling. No – Only one parking space is provided for the

	If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.	newer dwelling. See Section 3.2 3.2 General Environmental Effects, of this report.
	d) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:	N/A
	i) Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.	N/A
	ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building.	N/A – There is no requirement for bicycle parking
	e) For existing developments, a new use must not commence or the floor area increased until the required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.	No – The use has started with adequate parking not in compliance with the DCP
	f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.	N/A
	g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.	N/A
	h) Stacked parking will not be permitted for visitor spaces for any development.	N/A
	i) Stacked parking in commercial or industrial development may be permitted for employee spaces only, provided the number of stacked spaces does not account for more than 10% of the total required parking spaces.	N/A
	j) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.	N/A
	k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.	N/A
	l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:	N/A
	i) integrated into the overall façade and landscape design of the development;	
	ii) located away from the primary street façade; and	
	iii) oriented away from windows of habitable rooms and private open space areas.	
	m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional	N/A

	and any other supporting information to the Development Application. n) For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.	No – Parking spaces are not covered
Table C10.2: Car Parking Rates		
Dual Occupancy	2 spaces per dwelling (2 or more bedrooms) – stack or tandem parking acceptable	No – Only one parking space for newer dwelling is provided (see above)
10.5.2. Access and Driveways	1) General Requirements a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings). b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively. c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network. d) Driveways should be: i) Provided from lanes and secondary streets rather than the primary street, wherever practical; ii) Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees; iii) Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and iv) Located to minimise noise and amenity impacts on adjacent residential development. e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively. f) Driveway widths must comply with the relevant Australian Standards. g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1). h) Access to basement parking shall have an entry threshold a minimum of 300mm above the top of the kerb. The threshold shall be increased within areas of flooding or local overland flows to a minimum of 300mm above the flood level. The design of the development shall ensure that floodwater cannot enter the car park in a 1% Annual Exceedance Probability (AEP) flood event. i) The required threshold should be set within the property to prevent cross fall greater than 4%	No – Vehicles enter the site in a forward direction and reverse into the street. The site is located at the end of a cul-de-sac, as such, there is minimal vehicular and pedestrian traffic so there are no conflicts or issues that arise from such. Yes – Existing driveway accesses a secondary street. N/A Yes Yes – Driveway complies with AS2890.1 Yes – Driveway width and grades comply with AS2890.1 N/A

	within the footway area. j) No direct access will be permitted to the M4 Western Motorway.	
C 11 - SUBDIVISION		
DCP Provision	Requirement	Comply
11.1 General subdivision Requirements	1) Engineering Works a) Where roads and other engineering works are required to support a proposed subdivision, details must be included in the development application. Applicants are advised to consult with Council's Development Services Unit in relation to any subdivision proposal. 2) Site planning a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Section C1 'Site Planning and Design Principles' of this DCP. This includes, but is not limited to: i) Site analysis and response to the site context; ii) Social impact of the proposed subdivision; iii) Economic assessment of the proposed subdivision; iv) Environmental assessment of the proposed subdivision; v) Urban design assessment of the proposed subdivision; vi) Compliance with the provisions of this DCP relating to specific land uses; vii) The allotment size, shape and orientation; viii) The alignment of roads with the natural topography; ix) Potential energy and water savings from subdivision design and allotment orientation; and x) The ability of proposed allotments to operate efficiently for the proposed use and potential future development. b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to: i) Slope and orientation of land; ii) Opportunities for solar and daylight access to dwellings (if applicable); iii) Design of roads and access ways (individual site access); iv) Retention of special qualities or features such as trees or views; v) Availability of utilities; vi) Provision of adequate site drainage; vii) Possible need to retain the existing subdivision character; viii) Heritage and archaeological conservation; ix) Adequacy of each allotment considering relevant development standards for the proposed future use of the land; x) Relationship to adjacent subdivision patterns;	N/A – Land, site and building retains existing form and no new works are proposed. N/A - This clause is more directed toward Torrens land subdivision proposals for regular land subdivision rather than strata subdivision of dual occupancy

	and xi) Potential land use conflicts with adjacent lands. c) Existing vegetation and natural drainage lines should be retained and enhanced, wherever possible. d) Existing dams should be retained, where possible. e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio. f) 'Battle-axe' allotments are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments. g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP). h) Applications should be accompanied by landscape plans indicating proposed landscaping (including streets and how they are positioned so as not to compromise the effectiveness of street lighting) and parking arrangements. i) New allotments should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used. 3) Subdivision of Natural Resources Sensitive Land a) Where applicable, applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed allotment(s) are within or adjacent to land shown on the Natural Resources Sensitivity Land Map of the LEP. b) Council will generally not support the subdivision of land within or adjacent to the land noted on the Natural Resources Sensitivity Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve. c) Council may require dedication of conservation easements, where necessary, over land adjacent to land shown on the Natural Resources Sensitivity Land Map to protect areas identified to be of significance.	
		N/A

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	8) Access and Transport a) Any subdivision proposal is required to address the objectives and controls set out in the Transport, Access and Parking section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration: i) The appropriate location of land uses to minimise transport requirements; ii) Likely traffic generation; iii) Safe access and egress to the site; and iv) Appropriate lot sizes to provide facilities for cars, pedestrians and bicycles. b) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road. c) Council may not approve subdivision of allotments where access is to a Crown Road only. d) Site frontage must be sufficient to permit vehicular and pedestrian access to the site. e) A minimum allotment frontage of 25m must be provided when the allotment has a vehicle access point to a collector or major road. f) Council and the Roads and Maritime Services (RMS) require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks. g) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and public transport. h) Any proposed road system must provide acceptable levels of access, safety and convenience for all road users, while ensuring acceptable levels of amenity and protection from the impact of traffic. i) Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated. 9) Noise and Vibration a) Any subdivision proposal is required to address the objectives and controls set out in the Noise and Vibration section with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts. 10) Infrastructure and Services a) Council will not approve of any subdivision of new lots where requirements for effluent/waste water disposal cannot be adequately met on each individual lot.	Yes - There is suitable access and transport links to be able to support the proposed subdivision. Yes – Access is available N/A Yes N/A N/A N/A N/A N/A N/A N/A N/A Yes - Both dwellings are connected to all infrastructure and service
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	b) Council will not approve of any subdivision of new lots where the provision of services, such as electricity, telephone and other centralised services, would result in additional costs not paid for by the applicant. c) Satisfactory arrangements will be required to be made with Sydney Water in conjunction with the submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken. C. Lifting the Bar The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this Plan. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary. 1) Consolidation of allotments: Where an applicant is proposing substantial works that require a development application on rural or industrial properties across a number of allotments with a single use, an applicant should review the potential to consolidate those allotments as part of the development application. 2) Natural Resources Sensitive Land: Where a proposed subdivision is either within or immediately adjacent to land on the Natural Resources Sensitivity Land Map in the LEP an applicant should discuss with Council the potential to dedicate part of the subdivision as a buffer to that sensitive land. 3) Water Sensitive Urban Design: Where a subdivision involves more than 10 allotments or an area greater than 5 hectares, the applicant should demonstrate to Council how the proposed subdivision layout will incorporate water sensitive urban design mechanisms both at the entire subdivision level and for each site.	facilities. N/A N/A N/A N/A N/A
11.3 Residential Subdivision	1) General Requirements a) Where development applications for subdivision meet the minimum lot size requirement, a development application may be made for subdivision alone. b) In the R1 General Residential zone, where subdivision into allotments of area less than 400m² is permitted (subject to the requirements of the LEP), a development application must be made for both subdivision and the development (e.g. detached dwelling) proposed.	N/A N/A N/A – Land is zoned RU5 Village

	2) Design Principles	Yes – Refer to Section 3 of this report
11.3.1 Allotment Orientation	1) Staggering of allotments and extensive use of landscaping are encouraged to reduce adverse wind impacts and achieve maximum exposure to cooling breezes in summer, and create streetscape variety and interest. 2) The allotment orientation shall take into account: a) The various types of dwellings which may be constructed on them. In this regard, potential living and private open space areas of any dwelling can be oriented to the north. b) The possible overshadowing impact on existing and/or future adjoining buildings. c) Road orientation, which is an important factor in influencing allotment orientation to achieve energy efficient subdivision. i) Roads running close to east-west provide for good orientation of allotments for solar access to dwellings and private open space, while maintaining a narrow allotment frontage. This will contribute to minimising the street length and reduce lengths of utility and service related infrastructure. ii) On roads running north-south, allotments may need to be widened to provide solar access and prevent overshadowing of dwellings and private open space. 3) Where land slopes are generally greater than 5%, road and allotment design should provide for dwellings to be generally parallel with the contours to minimise earthworks. Special care should also be taken in the configuration of roads and allotments to: a) Minimise boundary retaining walls, particularly associated with building to boundary; b) Minimise potential overlooking; and c) Maintain solar access, where slopes face south. A greater distance between dwellings will generally be required to achieve the same solar access as on level sites or north facing slopes	N/A Yes Yes - East/north east Yes There are no changes to building form N/A N/A
11.3.2 Site Frontage	1) Site frontage shall be sufficient to permit vehicular and pedestrian access to the site. 2) Access to major roads may be restricted and can potentially affect the proposed subdivision layout. 3) Along collector and major roads, it is desirable to reduce the number of vehicle access points. In such situations, a minimum allotment frontage of 25m is preferred. 4) Alternatively, a service road running parallel to the main road may be required. (See Section 11.3.5 Road Design and Construction.)	Yes N/A N/A N/A

	5) While minimum frontage requirements are not specified in this section, each new lot created shall have satisfactory depth-to-frontage ratio and long narrow lots will be discouraged. 6) Allotments with double road frontage (i.e. front and rear) are discouraged.	Yes N/A
11.3.3 Allotment Dimensions	Allotment Size Residential lots greater than 400m² 1) Allotment dimensions shall be capable of containing a rectangle suitable for building purposes measuring 10m x 12m or 8m x 15m behind the building line. Residential lots less than 400m² 2) In determining the suitability of any subdivision application for small lots (i.e. less than 400m²), special consideration of the following matters will also be taken: a) Cost of providing services and the capacity of existing services; b) The advantages of building to a boundary and using attached and semi-detached forms of housing; c) That adequate privacy can be assured for each proposed dwelling; and d) That adequate provision is made for access to natural light for each proposed dwelling. Battle-Axe Lots 1) Battle-axe lots must be greater than 400m². 2) Battle-axe allotments are generally discouraged. Where battle-axe allotments are proposed the access corridor will not be included in the site area calculation for battle-axe allotments. 3) Requirements for access corridors are: a) Minimum width of 4m; b) Minimum width for shared corridor of 5m; c) Maximum length of 60m. 4) No more than 2 allotments shall be served by a shared corridor. 5) Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted for the benefit of both allotments. 6) Council will not be responsible for the maintenance of access corridors.	N/A – This clause applies to regular Torrens type subdivision rather than strata N/A N/A N/A N/A N/A N/A N/A N/A N/A
11.3.4 Road network	1) The road network shall conform to a strategic plan for the area showing an existing and proposed major road network above the level of	N/A

	collector which satisfies projected district and regional travel. 2) The road network shall provide for access to bus routes within acceptable walking distance from all dwellings. Unless prescribed otherwise, no more than 10% of allotments shall be more than 250m straight line or 400m walking distance from a proposed bus route.	N/A
11.3.5 Road Design and Construction	1) Connections between roads a) The minimum distance from an access place or road to a collector road shall be 60m if the junction is on the same side of the road or 40m if the junction is staggered on opposite sides of the road. b) Intersections shall be either T junctions or roundabouts. 2) Controls – road capacity a) A share-way shall serve a maximum of 8 single dwelling allotments, or 6 single dwelling allotments if it is a cul-de-sac. b) An access place serving allotments greater than 400m² shall serve a maximum of 24 single dwelling allotments. c) An access place serving allotments less than 400m² shall serve a maximum number of 30 allotments. d) An access street shall serve a maximum of 200 single dwelling allotments or generate no more than 1,500 vehicle movements per day based on an average of 7 vehicle movements per dwelling unless a lower rate can be demonstrated. Lower rates may be applied to multi dwelling housing. Controls – design speeds 1) Design speeds shall be a maximum of: a) 15km per hour – share-way, access place. b) 40km per hour – access street. c) A combination of measures may be required to limit design speeds by: i) limiting street length Penrith Development Control Plan 2014 C11 Subdivision C11-17 ii) introducing bends iii) introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations. 2) Design shall conform to Council's guidelines. Speed profiles are required for each road. Control - road reserves 1) Where a subdivision adjoins a collector road of a standard less than Council's current standard, adequate half-width road pavement construction, kerbing and footpath along the full length of the frontage shall be provided to approved standards. 2) Rear fences of a subdivision fronting collector	N/A N/A N/A N/A

	roads are discouraged. Where there is no alternative greater verge widths may be required to provide for landscaping against fences taking into account intersection sight distance requirements.	
11.3.6 Landscaping and Site Design	1) Landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or water courses shall, where possible, be preserved. 2) In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin landscaped areas of adjoining allotments. 3) Rear fences fronting public roads are discouraged. Where they are unavoidable, the following may be required: a) Greater setbacks for landscaping against fences, consistent with acoustic and road design standards. b) Building frontages to face road by provision of parallel access road separated by acoustic and landscaped buffer. c) Landscaped berms and other planting, particularly where a minimal amount of rear fencing is provided such as with cul-de-sac heads abutting the major road boundary. 4) For all subdivisions, street tree planting or a contribution for street tree planting at the following rate shall be provided: a) For allotments greater than 400m², a contribution for one (1) super advanced tree per 10m road frontage. b) For allotments less than 400m², to be in accordance with an approved landscape plan for the entire development. 5) Subdivision design shall maintain existing mature trees where possible. Council has in force a Tree Preservation Order which requires Council's consent to the removal or topping of any tree. 6) The slope from any proposed dwelling to a street shall be such as to allow recreational use and the provision of a footpath where required.	Yes Yes Yes – This section is more directed to Torrens subdivision rather than strata N/A Yes – No trees are proposed to be removed N/A
11.3.7 Services	1) The design and construction of utility services shall conform to the specific standards of the relevant servicing authority. 2) Where possible, compatible public utility services shall be coordinated in common trenching to maximise cost-effectiveness. 3) In access places and streets, the design of street lighting as part of a thematic streetscape is	Yes Yes N/A

	encouraged.	
11.3.8 Drainage	1) The piped drainage system shall be designed to control minor stormwater flows under normal operating conditions for an Average Recurrence Interval (ARI) of five (5) years. 2) The drainage system shall be designed to control major stormwater flows under normal operating conditions for an ARI of 100 years. 3) The design of the drainage system shall comply with the NSW Environment Protection Authority standards for urban run-off. 4) Allotment drainage shall discharge to the roadway gutter wherever possible. 5) Where easements are required over downstream property, Council requires the submission of the adjoining owner's consent with the development application.	Yes – There are no changes to building form or roof drainage proposed. N/A N/A Yes as per existing approval N/A
11.3.10 Environmental Site Management	1) Development shall comply with the provisions of the Vegetation Management Section Management of this Plan and current soil erosion, sediment and water quality control requirements. 2) A detailed site plan shall be prepared by a suitably qualified consultant, identifying significant trees and vegetation and other physical constraints, such as watercourses. 3) A site management plan shall be prepared and submitted with the development application showing arrangements for the control of stormwater runoff and erosion control, during and after completion of the development, site restoration and other mitigation measures required prior to the development being undertaken, stockpile position, and all vegetation/trees to be removed and/or retained. 4) Council may require a performance bond or bank guarantee to be submitted to secure performance of works in accordance with an approved site management plan.	N/A – There is no physical work proposed as part of the application N/A – no changes to the site proposed N/A – No works to the site proposed N/A
D2 – Residential Development – 2.2 Dual Occupancies		
DCP Provision	Requirement	Comply
2.2.2 Preferred Configuration for Dual Occupancy Development	1) New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because: 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;	Yes – There is no change to the existing build form proposed. Residential quality and amenity afforded to residents and neighbours of

	b) patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community; c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City. 2) There are several possible types of dual occupancy development: a) attached: as semi-detached pairs fronting the street, or one dwelling set behind another; b) detached: either two dwellings fronting the street, or one dwelling set behind another. 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: a) conserving remnant vegetation; b) providing new shelter and habitat; c) contributing to streetscape; and d) providing a green outlook for dwellings. 4) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves Substantial back garden areas: a) adjoining neighbouring back yards; b) surrounded by stepping building forms, predominantly of a single storey. 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: a) allowing living areas and entrances to remain visible from the street; b) maximising the area available for front garden plantings.	existing houses is appropriate in their current context. Yes – dwellings are attached – both facing the street Yes – Existing building's allows deep soil planting for front and rear Yes – Existing unchanged building covers and occupies approx. 28% of the site area allowing substantial garden areas No – Garage is deleted, however building is well setback to allow concealed uncovered parking at front
2.2.3 Alternative Configuration for Dual Occupancy Development	1) Where dual occupancy development involves two dwellings placed one behind the other a "green corridor" of trees and shrubs along rear boundaries (as shown in figure D2.3): a) conserving remnant vegetation; b) providing new shelter and habitat; c) contributing to streetscape; and	N/A

	d) providing a green outlook for dwellings. 2) Where dual occupancy development involves two dwellings placed one behind the other buildings should be separated by a corridor of open space to: a) lined with shady trees; b) as garden courtyards; or c) open car-parking courts. 3) Where dual occupancy development involves two dwellings placed one behind the other parking areas are to be concealed from the street to avoid the appearance of "garage architecture". 4) Where dual occupancy development involves two dwellings placed one behind the other verandahs and private garden courts are required to fill the front garden to: a) encourages active use by residents; b) provides for attractive street-frontages.	N/A N/A N/A
2.2.4 Urban Form	1) Both dwellings should front the street, and display a traditional orientation with: a) a semi-detached configuration, and an individual architectural appearance for each dwelling (that is, non-symmetrical); and b) living rooms and entrances facing the street rather than neighbouring properties; and c) extensive private gardens to the rear adjacent to neighbouring yards; and d) garages integrated within the building façade, ensuring that at least one principal living room and the entry to each dwelling are visible from the street; and e) the size of driveways minimised, retaining sufficient area for attractive front gardens. 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	Yes – Both dwellings front the street and the building is unchanged from its single dwelling house appearance Yes- Front entries and living rooms face the street Yes - Main living areas face the rear N/A Yes – Sufficient garden areas are provided N/A

	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; 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.	N/A Building retains existing built form N/A Building retains existing built form
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	Yes - Building retains existing approved built form N/A N/A N/A N/A Yes - Building retains existing approved built form N/A N/A Yes - Building retains existing approved built

	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.	form Nil Encroachments No – Parking is forward of the building line, however, due to existing building having excessive front setbacks, the parking is behind the building line. Impact is less than stacked parking as stacked parking is forward of the building line.
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	Yes - Building retains existing approved built form N/A – This clause applies to land in R3 Medium Density Residential, whereas this site is zoned RU5 Village N/A N/A

	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 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. 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.	Yes - Building retains existing approved built form N/A N/A N/A
2.2.7 Driveways and Parking Areas	1) Provide onsite parking in accordance with parking section of this DCP. 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	No – Only one parking space is provided for each dwelling. See Section 3.2 General Environmental Effects, of this report. N/A – Garages are not proposed

	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.	N/A										
2.2.8 Landscaped Area	1) Landscaped areas should be: <table><tr><th>Zone</th><th>Minimum landscaped area % of the site</th></tr><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></table> 2) Landscaped areas should provide: a) effective separation between neighbouring dwellings; and b) healthy growth of new trees and shrubs; and c) long-term survival of existing vegetation required by Council to be preserved (both onsite and on neighbouring properties); and d) private courtyards for all dwellings and a green outlook; and e) civic gardens along street frontages. 3) Landscaped areas are required to: a) have a minimum width of 2m and serve as functional spaces; b) should include private courtyards measuring a minimum of 30m²; c) may include verandahs or patios that open directly to private courtyards; d) do not include substantially-paved areas such as buildings, driveways and covered garages;	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	N/A - Land is zoned RU5 Village
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											

	e) that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.	
2.2.9 Solar Planning	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: a. Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions; b. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas; c. Demonstrating shadows cast by neighbouring buildings; d. Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun; 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; 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 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%.	Yes – Building retains existing approved built form. Hence no change to shadows cast by existing building. Living areas of both dwellings face east – north east and receive minimum 3 hours of sunlight mid-winter to internal living areas and over 4 hours to main private open spaces.
2.2.10 Significant Landscapes and Townscapes	1) Development of sites located in areas of landscape significance are to: a) maintain natural topography and features such as rock outcrops; b) preserve established trees, preferably as blocks or corridors of several trees; c) ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works; d) incorporate new plantings that reinforce the visual and habitat values; e) use split-level building designs that step up hillside sites: and	N/A - PLEP identifies the site as falling within Land with Scenic and Landscape Values. Notwithstanding, there is no change proposed to the existing built form and the site retains its existing landscape quality

	f) ensure that the lowest floor level is not higher than 1m above natural ground; g) on sloping sites, garages and parking areas may be located at street-level within the front setback, subject to an "open" design similar to a screened carport; h) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values 2) In neighbourhoods with townscape significance, new development should: a) conserve vegetation that has visual or historical significance; b) adopt the predominant width, height, scale and stepping of floor plans demonstrated by existing buildings; c) adopt roof pitches and forms that match neighbouring buildings; d) minimise the width and area of driveways visible from public frontages, and conceal garages from public frontages (corner sites excepted); e) incorporate simple detailing of building forms and openings, rather than attaching "stuck-on" details to gable ends and verandahs. 3) Redevelopment of sites with an existing cottage within a significant landscape or townscape areas are to: a) maintain the existing dwelling wherever possible; and b) locate a new dwelling within the former backyard; c) emphasise the use of verandahs and awnings around all elevations to reduce the scale of long walls.	N/A - PLEP identifies the site as falling within Land with Scenic and Landscape Values. Notwithstanding, there is no change proposed to the existing built form and the site retains its existing building landscape quality N/A - PLEP identifies the site as falling within Land with Scenic and Landscape Values. Notwithstanding, there is no change proposed to the existing built form and the site retains its existing building and landscape quality
2.2.11 Corner sites and Park Frontages	1) measure the building envelope relative to the longest common residential boundary; and 2) the rear setback and the averaged front setback may be measured relative to the shortest residential boundary; 3) minimum setbacks from the secondary street frontage to external walls is to be no less than 3m 4) minimum setbacks from the secondary street	N/A

	frontage to garage entrances is to be 5.5m; 5) minimum setbacks from the secondary street frontage to verandahs is to be 3m; 6) living rooms, dwelling entrances and verandahs may face either street frontage; 7) garages should have an "open" design (similar to screened carports or verandahs), and should architecturally divide each development into two individual dwellings; 8) development should appear as two buildings, with facades to both buildings not longer than 20m facing either street (excluding attached garages of an "open" design); 9) dormer windows to attic rooms may face either street frontage, but should not overlook a side boundary, 10) the area of driveways visible from the street should be minimised, providing for maximum front garden areas; 11) garden areas facing the street should be landscaped as private courtyards attached to dwellings.	
2.2.12 Building Design	1) Dormer windows apply traditional design practices including: a) capped by hipped or gabled roofs, within the building envelope, and no taller than the ridgeline of the building's principal roof; b) appear predominantly glazed, or open and have a vertical proportion; c) occupy not more than 25% of any roof measured in elevation; d) meet guidelines for privacy and solar planning; and e) dormer face to sit above the roof plane, i.e. not to rise continuous from ground level. 2) Development should demonstrate a variety of architectural features: a) to express the street frontage as two individual dwellings: attached features such as balconies and verandahs; b) to down-play the appearance of garages awnings and balconies that overhang garage entries are to be used and the garage shutters used should incorporate windows, or semi-transparent screens of lattice, battens or similar materials;	N/A Building retains existing approved built form N/A Building retains existing approved built form

	c) to minimise scale and bulk the alignment of walls should be stepped and corners should be overhung by verandahs or awnings, or broken by windows and doors; 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.	
2.2.13 Energy Efficiency	1) All new dual occupancy development should employ construction techniques that provide appropriate thermal mass such as: a) ground floor: slab-on-ground; b) walls: masonry internal walls to ground floor are desirable. 2) All new dual occupancy development should adopt an appropriate orientation for rooms and windows including: a) living areas - facing within 30 degrees of solar north is desirable; 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; 3) All new dual occupancy development should provide effective shading from summer sun including: a) Overhanging eaves: at least 450mm wide; b) Adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights;	Yes & No - Building retains existing approved construction techniques. The original dwelling sits on raised timber framed floor and the newer dwelling sits on a concrete slab on ground. No – brick veneer with timber framed internal and external walls are used as traditionally found in the area. First floor is only timber framed. Yes - Both dwellings' primary living areas face east/north-east No – existing sub-division pattern encourages east/west oriented dwellings Both dwellings are provided with cross ventilation Yes, eaves are 600mm deep No – None provided

	c) Pergolas over courtyards. 4) All new dual occupancy development should employ effective glazing including: a) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames; b) windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames; c) all windows and external doors: weather-stripping should be used. 5) All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation including: a) living areas and bedrooms with two external walls for windows; b) particularly important for attic rooms.	Yes & No – Original dwelling has pergola, newer dwelling doesn't Yes – there are no large south facing windows No Yes – All doors and windows are weather sealed Yes – both dwellings are provided with cross ventilation
2.2.14 Design of Dwellings and Private Courtyards	B. Controls 1) A reasonable area of private open space should be provided for each dwelling: a) a minimum of 30m²; b) including one area measuring at least 6m by 4m, suitable for outdoor dining; and c) located immediately next to, and level with, living or dining rooms; and 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 e) with access direct to the street or a common driveway with access direct to the street or a common driveway through a courtyard at least 2m 2) Landscaped areas should maximise the area available for private courtyards and gardens: a) the front and rear boundary setbacks should be used for private residential gardens; b) common open space should be restricted to the verges of any shared driveway. C. Controls 1) Rooms within a dual occupancy development should have dimensions and an area that: b) can accommodate the range of furniture typically associated with their function; and	Yes – smallest private open space is more than 131m² Yes Yes Yes Yes – both dwellings have side access Yes Yes – Private back yards with common front Yes, Yes – Both dwellings are flexible in design to allow and accommodate

	c) recognise that furnishing options may be restricted by the location of windows and doors; d) acknowledge that access and furnishing options may be restricted by raked attic ceilings; e) provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.	alternative layouts and furnishing options for current and future users.
2.2.15 Garage Design	B. Controls 1) Garage and parking areas should be planned to: a) minimise disruption to traditional or established streetscapes by concealing from the street; b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation; c) minimise transmission of noise to adjoining dwellings; d) provide secure parking; e) allow for maintenance access to rear garden courtyards; and f) provide for effective and healthy landscaping along verges and boundaries. g) permit all turning movements, full opening of vehicle doors as defined by AS 2890.6-2009; 2) For dwellings that require two spaces: a) provide at least one covered space; b) for dwellings located one behind the other: the second space may be an open court facing the side driveway; or 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. 3) Garages and parking spaces are not permissible within the front setback C. Controls 1) Design of covered garages to consider the following: a) low, open appearance similar to a wide verandah; b) if exposed at the end of a building, enclosed by	Yes – Parking is setback behind the building line and one space is well concealed behind landscaping. Yes Yes Yes - secure off street parking is provided Yes – side access is available for each dwelling Yes Yes - Vehicles enter in forward direction and reverse into cul-de-sac. No N/A Yes – The resultant parking appears as a stacked parking space No - Parking is setback behind the building line concealed behind landscaping. N/A – no garages proposed

	semi-transparent screens that provide for natural ventilation and effective security (rather than surrounded by masonry walls); c) with shutters that have windows, or are semi-transparent screens providing natural ventilation and effective security.	
2.2.16 Garden Design	1) The rear boundary setback should provide: a) private garden courtyards; b) a corridor of habitat, and a green backdrop that is visible from the street; c) conservation for any existing corridor of mature trees; or d) an interlocking canopy of low to medium-height trees and shrubs; e) predominantly species indigenous to the soils of Penrith City. 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; 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. 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.	Yes Yes – Sufficient space is available Building retains existing approved built form Yes – Sufficient space is available Yes – Sufficient space is available
2.2.18 Fences and Retaining Walls	1) Be sympathetic to the natural setting and character in form, materials and colour. 2) Maximise natural surveillance from the street to the building and from the building to the street. 3) Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act. 4) Fences should be no taller than: a) 1.8m generally; and b) 2.4m on sloping sites, including the height of any retaining wall. 5) Fences along boundaries forward of the front building alignment: a) should not be taller than 1.2m, or if taller, of see-through construction;	Yes Yes Yes Yes - Fencing retains existing approved built form Yes

	b) should not be constructed of metal panels; 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. 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; 7) Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise; 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; 9) Fences along boundaries fronting noisy thoroughfares: a) solid masonry walls are acceptable to a maximum of 1.8m; and b) incorporating corners and planting beds every 5m; 10) Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority. 11) Fencing of a "see-through" construction includes: a) panels set into a timber frame or between brick piers; where b) any solid base is not taller than 1m; and c) panels are spaced pickets or palings, or lattice. 12) Retaining walls: a) generally should be no taller than 500mm; b) should not cut through roots of any tree required by Council to be preserved; c) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing; 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.	No – existing Colorbond steel fences are provided as are common in the area Yes N/A Yes – 1.8m high Yes N/A N/A N/A Yes – existing walls located on common boundary No – width varies between 300-500mm
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	Yes – N/A - Dwellings do not look into each 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;	N/A Yes - Courtyards are separated by fences Yes - Screening is provided by fences and landscape Living areas face the rear and not driveways No – Some bedrooms are located on the first floor and it is not possible to provide screens. Other bedrooms are existing and already approved facing the driveway. Yes - No decks more than 800mm above ground N/A - No bedrooms look directly into any private courtyards N/A - There are no particular external noise sources Yes - No Bedrooms adjoin other bedrooms Yes – Wall separating dwellings has fire grade plasterboard
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	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; under extreme circumstances identified by Council, employ fixed glazing with air-conditioning for street-frontage bedrooms.	with sound insulation N/A
2.2.20 Safety and Security	1) Encourage a sense of community: a) dwelling entrances, the window to at least one continuously-occupied room and private courtyards should face the street and/or a common driveway; b) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways. 2) Ensure that at least one continuously-occupied room in each dwelling (a kitchen or living room) overlooks: a) the front street; b) driveways and garage forecourts. 3) Prevent concealment of intruders by: a) uniform lighting levels across common areas such as driveways; b) planning which does not provide hidden recesses; c) planning common pathways: selection of appropriate plant species according to height and density	Yes Windows are provided from active and passive areas to overlook entrances Yes – There are no fences to obscure surveillance from dwellings of the street Yes – Study of newer dwelling and dining room of older dwelling front the street. Yes – lighting is uniform and planting without hidden recesses
2.2.21 Accessibility and Adaptability	1) Demonstrate that planning and design measures do not prevent access by people with disabilities: a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances; b) stair nosings should have a distinctive colour and texture;	Yes – clear access is provided Yes Yes - Internal stairs are a

	c) dwellings should have: i) dimensions consistent with AS 1428.1 Design for access and mobility. ii) hallways at least 1m wide. iii) circulation areas in bathrooms at least 1m wide. 2) Demonstrate that dwellings have been designed to meet the needs of an ageing population: a) incorporate design measures which are appropriate to people with disabilities; and b) employ lever-type door handles and traditional cruciform tap-handles; and c) provide for future low-cost modifications to bathrooms: i) future removal of hobs from shower recesses; ii) provision for future attachment of grab-rails to walls. d) provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers & attachment of grab-rails. e) provide appropriate levels and location of lighting.	distinctive colour and can have contrasting nosing strips applied Yes – Access is provided to main level of dwellings. Dwellings are adaptable – particularly as they are constructed of light weight timber frame allowing low cost of alterations to make them adaptable for use by people with a disability or the frail and aged.
2.2.22 Storage and Services	1) Provide storage for household items: a) at least 10m³ per dwelling; either b) as cupboard space within the dwelling in addition to wardrobes; or c) within a lockable garage, not encroaching upon the parking space; or d) in weather-proof lockers that are not visible from the street. 2) Letter boxes should be provided according to Australia Post specifications: a) adjacent to the front boundary; b) located conveniently for residents entering the site (by car or on foot); c) integrated with the design of landscaped areas, fences and buildings. 3) Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for: a) additional telephone lines and outlets; b) additional electrical outlets; c) satellite or cable-based reception.	Yes – both dwellings support 10m³ storage. There is ample space on site for additional storage to be provided if needed Yes – Two letter boxes are provided Yes – Existing dwellings are connected to or have access to all home based technologies including Broadband internet.

Figure 8: PDCP Compliance Table

3 THE PROPOSAL & ENVIRONMENTAL EFFECTS

3.1 ENVIRONMENTAL MATTERS:

The site is located within a well-established low density village residential area. This DA relates solely to the use of the site as a dual occupancy development and the strata subdivision of the site. No physical works are proposed. The site has supported two dwellings for several years without incident or concern. A search of Council's records indicates there have been no complaints received by Council regarding the two dwellings either from any residents in the general area or any neighbouring residents.

The environmental impacts of the development have been identified and analysed by conducting a thorough review of the development as existing and as proposed, as presented in the documentation submitted in support of the application, as well as analysis of the site and environs. The impacts have been identified and documented within this statement of environmental effects.

3.2 GENERAL ENVIRONMENTAL EFFECTS

3.2.1 *Streetscape:*

The proposed use of the dual occupancy development does not impact the streetscape as the building form already exists and no additional physical works are proposed. Similarly, the proposed subdivision would have no impact on the existing streetscape and the site is already treated as two separate occupancies. The existing building is well setback from the street at the end of a cul-de-sac making it barely visible from the street which has low pedestrian passing traffic.

3.2.2 *Public Safety & Amenity:*

No part of the proposal will impinge on any part of the public domain so as to interfere with the public's use of Council's side walk in any way. No physical works are proposed on the site.

3.2.3 *Heritage*

The property is not identified as being of local or State heritage significance. It is not located in the vicinity of State heritage listed properties or local heritage items.

3.2.4 Roads

No physical works are proposed, therefore there would be no impact on the surrounding road network or traffic flows.

Both dwellings are provided with common vehicular access. The proposed development would see one additional car being formally parked on site. The single dwelling house was approved as 6 bedroom house with only one garage space and one additional open space forward of the garage. The 6 bedroom nature of the previously existing house facilitates additional parking as families grow and children own additional cars. Such additional cars would have needed to park on-street. The proposal takes one of these additional cars and brings it off-street. The proposal sees no change in traffic generation as the previously approved 6 bedroom home would generate the same, if not more, car parking than the proposed two by two bedroom dual occupancy development. The low intensity of vehicular use results in the single layback being suitable for the dual access use with no impact on the local road network.

3.2.5 Parking

Council's DCP requires two parking spaces per dual occupancy dwelling, if the dwelling contains two or more bedrooms. There is no parking required if the dwellings contain less than two bedrooms. This is a particularly onerous requirement. The provisions of Council's DCP for dual occupancies do not consider the different car parking generation of different dwelling types.

The previously existing six bedroom house was approved with only one garaged car parking space with an additional open parking space forward of the garage. The original dwelling now only contains 2 bedrooms and is still provided with two parking spaces. The more recent created smaller dwelling, also has two bedrooms and is provided with one parking space. This is consistent with and exceeds State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 which requires one parking spaces per dual occupancy dwelling. It is also consistent with and exceeds Council's parking table in its requirement for 2 bedroom dwellings used as residential flat buildings requiring only one parking space per dwelling. The expected car usage associated with smaller dwellings is well addressed in Council's DCP for residential flat buildings, but is in conflict with smaller dwellings when used as dual occupancy. This shows inconsistency in application of policy and defiance of the Objectives of the DCP. Clause 10.5.1 B.a)'s objective which states the following:

“To ensure the provision of an appropriate number of vehicular spaces having regard to the activities present and proposed on the land, the nature of the locality and the intensity of the use”

Clearly, the completely inflexible two car parking space requirement for each dual occupancy dwelling with more than one bedroom does not provide an appropriate number of vehicular spaces having regard to the activities present and proposed on the land, the nature of the locality and the intensity of the use.

Another objective listed in the DCP Clause 10.5.1 B. is objective d), states:

“To facilitate an appropriate level of on-site parking provision to cater for a mix of development types”

The dual two bedroom dual occupancies proposed, present a different development type to modern three and four bedroom dual occupancy developments. The strict requirement of two spaces regardless of how large or how many bedrooms are proposed, above one bedroom, shows a lack fine grain in parking requirements for smaller dual occupancy development types.

The one car parking space for the newer smaller dwelling and two spaces for the older dwelling, as proposed, meets the DCP clause’s objectives in that it provides an appropriate number in an adequate manner having regard to activities, nature and scale of the development proposed.

3.2.6 Drainage and Stormwater Management

The site is currently connected to and supports Sydney Water sewerage service line across the site. No additional roof area is proposed and as such, no net increase in the volume of storm water is proposed.

3.2.7 Tree preservation

There are no trees located on site that are proposed to be impacted or removed as part of this application.

3.2.8 Visual Assessment

The existing building presents an excellent low scale residential contextual fit within the existing streetscape. Use of traditional materials of brick veneer and painted lightweight cladding to timber framed building elements aids in blending the massing of the two dwellings into the appearance of one large single dwelling.

As no physical works are proposed, the development will not change the visual environment on the site as existing and will not impact the surrounding area in terms of visual amenity.

3.2.9 Privacy, Views and Overshadowing

The proposed development relates solely to the use of the site as a dual occupancy development and the associated subdivision of the site. Previously existing rear decks has been split into two decks without increasing its size. Therefore, as no physical works are proposed, there would be no alteration on any impact to privacy, views and overshadowing.

3.2.10 Noise

The proposed development does not propose any physical works. Accordingly there will be no impact in terms of noise. Any noise associated with the use of the proposed two 2 bedroom dwellings is similar to the noise that would ordinarily be expected from the occupation and use of a large six bedroom home as was previously the situation.

3.2.11 Energy Efficiency

Both existing dwellings are understood to be provided with some form of thermal insulation of walls and ceilings. The thermal performance of the dwelling in the context of BASIX is not able to be determined due to existing physical restrictions for inspection. BASIX is not able to be applied retrospectively to existing dwellings.

3.2.12 Pollution

No construction works are proposed, therefore no pollution impacts would occur.

3.3 UTILITY AND SERVICES

The site is currently connected to all infrastructure utility services such as sewer, water, gas, electricity and telecommunications. Residents of the development currently enjoy access to such services. The proposed development does not propose any change in this regard.

3.4 SOCIAL IMPACTS

There is a substantial shortfall of housing in Sydney and the Penrith area which is affordable. The provision of separate lots in strata title subdivision will assist in the provision of affordable low cost residential housing stock will provide social benefit that will match the expected residential growth demand in the area.

The smaller nature of the more recent dwelling and its strata subdivision, provides a unique opportunity for wider housing choice, not only having a smaller more affordable dwelling for rental, but one available for home ownership.

3.5 ECONOMIC IMPACTS

Overall the proposal produces a positive economic impact by employing professional consultants to finalise strata subdivision.

Availability of more affordable homes allows more disposable incomes for residents to facilitate spending in other areas. This has a direct benefit to local business and other service providers.

4 CONCLUSION

This Statement of Environmental Effects discusses the environmental impacts and merits of the proposal. The proposal for dual occupancy use of existing dwellings and subdivision complies with the objectives of relevant environmental planning instruments and development control plans. The environmental effects of the proposed development are minimal, acceptable and appropriate having regard to the nature and scale of the development proposed and the location and environment within which it is proposed.

Departures of the existing two dwelling development from development requirements are identified within this statement and are notably minimal, considered appropriate and justified having regard to their minimal relevance and environmental impact. The environmental impacts of the overall development are considered suitable and appropriate.

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning & Assessment Act 1979 and meets the objects of the Act. As approval is sought only for the use of the existing dual occupancy development and the associated subdivision of the site, with no physical works proposed, there would be no change to the sites' existing physical land use.

The proposed development will have acceptable environmental effects on both the natural and built environments, and provides positive social and economic impacts. The site is suitable for and well able to support the proposed development. The proposed development will have minimal adverse environmental effects and is in the public interest and is therefore worthy of approval.

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