



# STATEMENT OF ENVIRONMENTAL EFFECTS

For a Proposed Multi Dwelling Development at 23 Second Avenue KINGSWOOD  
2747

Friday, October 9, 2020

Revision: B



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## Revision History

Version	Author	Reviewed	Date
First round for R	KR	PM / DC	7 October 2020
Lodgement	KR		9 October 2020

## Authorship

This statement is prepared by Kim Rothe, Bachelor of Applied Science (Environmental Science) (Hons) of Matsuplan Planning Services. 23 Years of Experience in Assessment Planning both in a public and private capacity.

## 1. INTRODUCTION

This amended Statement of Environmental Effects is prepared for the consideration of Penrith Council in support of development for a townhouse development, at 23 Second Avenue, Kingswood. The purpose of this report is to describe the development and review the relevant planning requirements relating to the proposal. This report has had regard for the pre-lodgement advice received from Council dated 25 August 2020.

The proposal has been designed to relate to its site, surrounding uses, and minimise impacts to the surrounding residential or heritage affected premises. It also provides for an assessment of the proposal, having regard to relevant legislation and the Penrith Council Policies. The preparation of this Statement is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (As amended) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*.

In the preparation of this Statement of Environmental Effects for the site and proposal considers the following drawings and documents:

- Architectural Plan suite prepared by Morson Group PTY LTD
  - DA00 – Cover Sheet
  - DA05 – Site + Roof Plan and Demolition Plan
  - DA06 – Floor Plan - Ground
  - DA07 – Floor Plan – Level 1
  - DA08 – Floor Plan - Roof
  - DA10 – Overall Elevations – North and South
  - DA12 – Overall Elevations – East and West
  - DA13 – Overall Sections Sheet 1
  - DA14 – Solar Access Study
  - DA15 – Window Schedule and Adaptable Apartments
  - DA16 – 3D Views – Sheet 1
  - DA17 – Finishes

Other plan documentation included in the package includes:

- Survey Plan;
- BCA Assessment Report;
- Landscape Plan,
- Stormwater Drainage Layout Plans, WSUD– SGC Consulting Engineers
- BASIX Certificate; - Certificate Number 1138217M – Partners Energy Management
- Construction and Demolition Waste Management Plan;
- Traffic Report - Stanbury Traffic Planning

## 2. CAPITAL INVESTMENT VALUE

As detailed in the associated Development Cost Report submitted separately, the project has a development cost of \$1,200,000.00.

## 3. THE LOCALITY AND THE SITE

The site comprises two allotments which make up 23 Second Avenue and 26 Paskin Street, Kingswood.

The legal property descriptions of the sites are as follows:

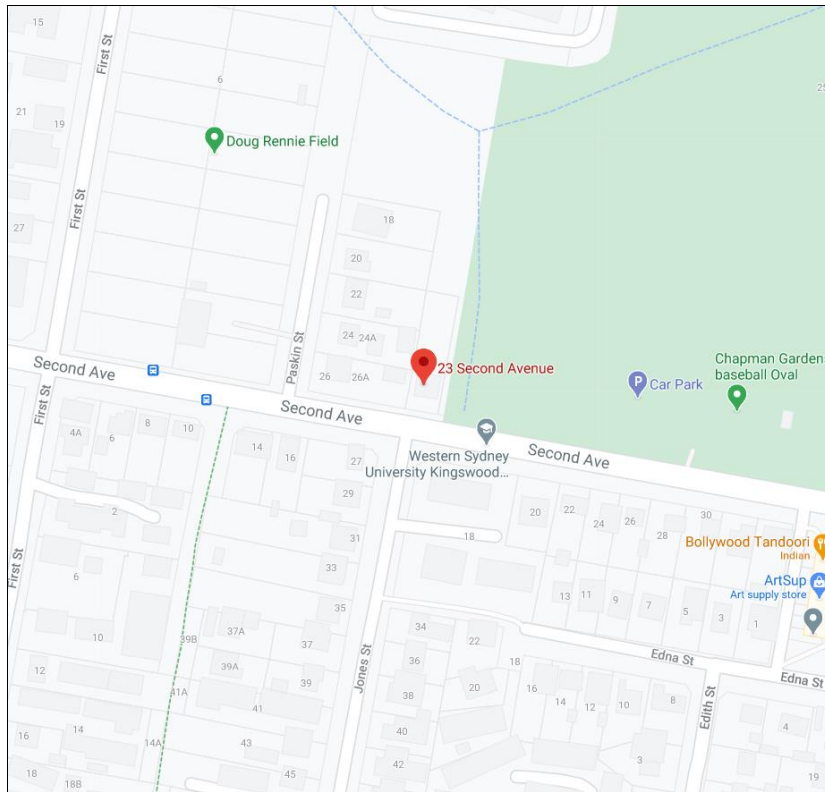
- Lot 1 DP 530541 or 23 Second Avenue, Kingswood
- Part of Lot 13 Sec 4 DP 975378 otherwise known as 26 Paskin Street, Kingswood.

The portion of the site contributed by Lot 13 Section 4 DP 975378 is currently the subject of an application to Council, DA20/0598 for demolition of the existing buildings on site and Torrens Tile Subdivision into four (4) lots. The subject site is proposed lot 4 within this application.

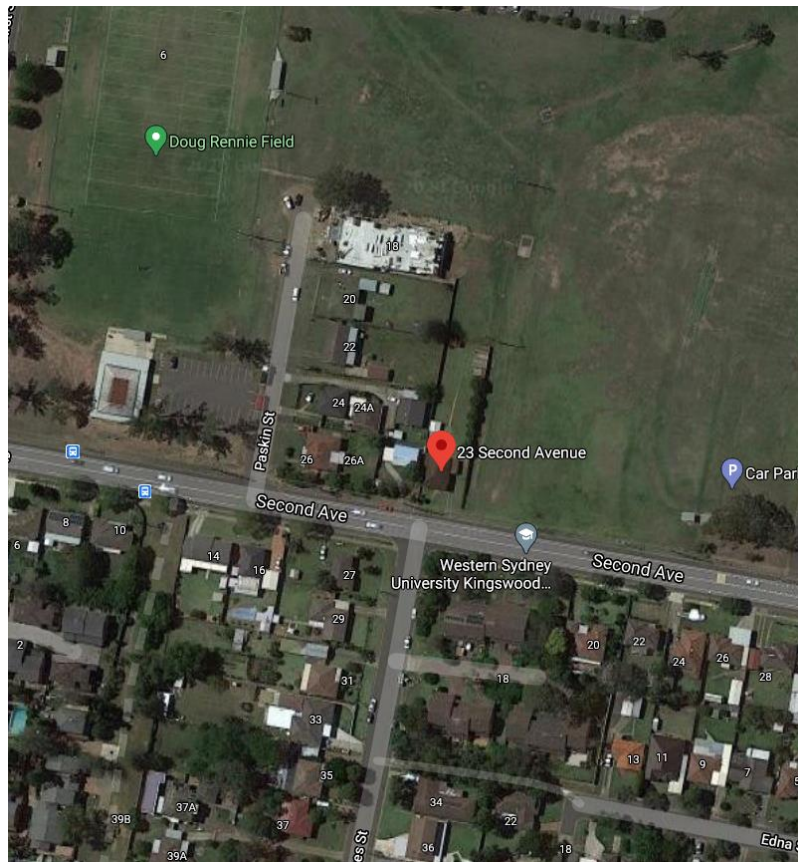
The overall cumulative subject site has frontage of 30 metres to Second Avenue, and a length of 60.35 m along the eastern boundary adjacent to the public reserve of Chapman Gardens and sports field.

To the west of the site is properties which orient to Paskin Street. A number of these sites are undergoing redevelopment or are currently the subject of development applications.

Adjoining development includes dwellings to the south and west generally comprise low to medium density residential development.



**Figure 1:** Location Plan of the site (Source Google.com)



**Figure 2:** Aerial of the site (Source Google.com)



**Figure 3:** Second Avenue looking east (Source Google.com)



**Figure 4:** Second Avenue looking west (Source Google.com)

## 4. BACKGROUND / RELEVANT HISTORY

### Relevant history

This application is preceded by a pre-lodgement application for Torrens title subdivision for four (4) lots and five town houses.

Written feedback was provided by Council on 25 August 2020 and included concerns relating to:

- Subdivision should Context and desired future character;
- Proposed lot 1-3 may not be of an appropriate size and scale for future development;
- Merit assessment will need to be applied to the rear portion of the subject allotment;
- External wall heights;
- Front setback to Townhouse 2;
- Provision of accurate landscaped area figures;
- Amenity matters;
- Provision of parking and study rooms;
- Owners consent require to feed into drainage lines which lead to Council owned land. Determination will be required by the Local Planning Panel as a result.
- two DAs currently under assessment along Paskin Street; DA20/0047 (22 Paskin Street) and DA20/0048 (20 Paskin Street);

This subject application has responded to the matters as raised in the pre-lodgement advice.

### Separate Subdivision Application

The subdivision to create the subject allotment of land and demolition of the structures on site and adjoining sites is the subject of a separate **Development Application DA20/0598** which has already been lodged to Council on 17 September 2020. At the time of lodging of this DA, the application remains undetermined.

## 5. DESCRIPTION OF PROPOSAL

The proposal involves the demolition of the three existing dwelling house, granny flat and outbuildings, the construction of five (5) two storey townhouses with attached garages and associated site facilities and landscaping

In detail the floors are described as follows:

### **Demolition**

All existing buildings and structures will be demolished as part of the proposed development. Please refer to the Demolition Plan prepared by Morson Group Architects. All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider *AS 2601 - 1991: The Demolition of Structures*.

## **Tree Removal**

The proposal includes the removal of one (1) significant tree and five (5) minor trees from the subject site. The trees are not home to any significant habitats of flora and fauna and are either not suitable to be considered for retention or require removal to facilitate the building envelope of the proposed development. No adverse impacts in relation to habitats or amenity is likely, as these trees will be replaced as part of the proposed landscape treatment.

## **Excavation**

Excavation is proposed for the subject site to provide footing for the proposed new dwellings. Generally, the proposed development will not have any detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

## **Ground Floor**

Construction of the ground level of five (5) x townhouses. One dwelling will be directly accessible via separate driveway to Second Avenue.

The other four (4) dwellings are proposed to be two separate buildings of two dwellings each accessed via a common driveway.

Ground layouts of each dwelling comprise kitchen, living, dining areas with toilet and laundry areas and stairs to second storey. Each dwelling has an attached enclosed garage. Private open space areas are provided to the rear setback.

Four dedicated outdoor car parking spaces are also provided. A communal bin store area and bulky waste area is also provided.

Development will be finished with general landscaping as per the landscaping scheme.

## **Second Storey**

Dwellings 1 and 2 will have four bedrooms in their upper levels and two bathroom / toilet facilities.

Dwelling 3 will have three bedrooms and two bathroom / toilet facilities.

Dwellings 4 and 5 will have two bedrooms, open study area and two bathroom / toilet facilities.

## **Roof Level**

Pitched Colourbond roof.

## **Materials and Finishes**

The materials and finishes include a combination of face brick, or sheet material walls. Windows and main doors to be aluminium framing. Roof to be Colourbond steel.



Anodised aluminium windows frames and external doors are proposed in a colour to complement the colours of the building.

Details of the materials and colours are shown on Drawing Elevations

### **Works on Council Property**

The proposal will require removal of the existing residential vehicular crossovers and construction of 2 x vehicular crossover. Details of the works will be provided to meet Council's minimum engineering standard.

### **Utilities**

The utility services available to the site including electricity, telecommunications, sewer and stormwater may require some augmentation. It is not anticipated that the proposal will have an adverse impact on the provision or availability of these services.

### **Waste**

A Waste Management Plan has been prepared for the demolition, construction and operational phases of the development and is included in this application. The building can comply with any appropriate condition of consent imposed in relation to waste management.

### **Stormwater**

A stormwater management system has been developed to accommodate the development works, as well as comply with Council's requirements. This includes provision for *Water Sensitive Urban Design (WSUD)*. A Stormwater Management Report and Plans have been prepared and included with the application.

## **6. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15**

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979 (As amended).

### **6.1 SECTION 4.15(1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS**

#### **6.2 Integrated Development**

The proposal does not constitute Integrated Development and does not require concurrent approval from any other State Government Bodies.

#### **6.3 Relevant State Instruments and Legislation**

##### **State Environmental Planning Policy No. 55 - Remediation of Land**

This SEPP provides a state-wide practice for the remediation of contaminated land. Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, requires the contamination and remediation of land to be considered in determining development applications.

The land has in the past been used exclusively for residential purposes. There is no property history to suggest that any specific contaminating uses occurred on the site. There is no excavation of significance. Demolition of the existing building can be done in accordance to relevant Australian Standards which deals with the removal of any potential asbestos or lead contaminated materials on the site during works.

Council can therefore be satisfied that the land is not contaminated, and remediation of the land is not required. The land is therefore suitable for its continued use for residential purposes. No further consideration is therefore required under clause 7 (1) (b) and (c) of SEPP 55.

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

BASIX, the Building Sustainability Index, ensures residential developments are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX assessment has been carried out and a BASIX certificate has been obtained confirming that the targets for thermal and energy efficiency and water conservation have been met.

The BASIX Certificate is submitted with the development application and the BASIX commitments and plans are endorsed with independent ABSA certification.

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

A suitable stormwater management plan accompanies the Development Application and as such, the proposal does not conflict with any of the relevant provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River and is therefore submitted to satisfy the provision of the deemed SEPP.

### **6.4 Penrith Local Environmental Plan 2010**

#### **Aims and objectives of zone**

The site is zoned “*R3 Medium Density Residential*” Zone under the provisions of the Penrith Local Environmental Plan 2010. The objectives and permissibility characteristics of the zone are:

##### **“1 Objectives of zone**

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

- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

Development permitted with consent in the zone includes “*Multi dwelling housing*” is permissible development with consent of Council.

The proposal will be consistent with the zone objectives because it provides for the housing needs of the community in this medium density residential area of Penrith. It will not compromise the amenity of the surrounding area and is of a height, scale and density that is envisaged by the planning controls. It will also achieve a high standard of design quality and amenity for residents.

The proposed development will not preclude the development of other appropriate land uses in the R3 zone

The proposed development is of a high-quality design which promotes the desired future residential character and amenity of the surrounding area.

Demolition is permissible pursuant to Clause 2.7 of the LEP 2010 and permission is also sought as part of this application.

### **Penrith Local Environmental Plan 2010 Controls**

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

The cumulative site exceeds the required minimum area for Multi Dwelling Housing in the R3 Zone (Minimum 800 square metres) in accordance with this clause.

#### **Clause 4.3 - Height of Buildings**

The maximum permitted building height for the subject site is 8.5 metres.

The development has been designed to be compliant with the building height limit set for the site with a maximum height of 8.3 metres. Generally, the majority of the development is significantly below this height limit.

#### **Clause 5.10 - Heritage Conservation**

The site is not identified as a heritage item or part of a heritage conservation area (HCA) nor is it located near an HCA. Given the absence of heritage items in vicinity of the site, there will be no impact to any items of heritage.

## Clause 7.1 - Earthworks

There will be limited earthworks / excavation for footings. The proposal will not be contrary to the objectives or heads of consideration for excavation.

## Clause 7.4 – Sustainable Development

The development will incorporate a site of sustainable features to minimise material wastage and resources consumption.

## Clause 7.7 Servicing

The site is currently serviced, and the proposed development is capable of being properly serviced with augmentation of services as required.

## 7.0 Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

There are no draft amendments noted to any statutory controls applicable to the proposal.

## 8.0 Section 4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

### 8.1 Penrith Development Control Plan 2014

Sections of the DCP not directly applicable to the development have been omitted from the table.

CL.	Standard/Control	Complies	Comment
<b>C1 Site Planning and Design Principles</b>			
1.1.1 Site Analysis	Yes		Site Analysis Plan provided in architectural suite and adheres to the requirements of the DCP. Adjoining sites identified and opportunities created for amenity and privacy through design. The opportunity for outlook amenity to the sports oval dictates the orientation of the mid site dwellings.
1.1.2. Key Areas with Scenic and Landscape Values	N/A		The site is not identified as a key site with landscape value.
1.2. Design Principles	Yes		The design has had regard for the general design principles and issues raised in the pre-lodgement.
1.2.2. Built Form - Energy Efficiency and Conservation	Yes		Energy efficiency is achieved principally via BASIX certification and incorporation of as many passive energy efficient features such as solar orientation, cross ventilation etc.

<b>1.2.3. Building Form - Height, Bulk and Scale</b>	Yes	The built form is considered to be of high quality, articulated and modulated. As detailed throughout this statement, we submit the proposal to be of appropriate high and general density for the future intentions of the site based on the zone and local conditions. The building is contextually appropriate given the future intention of the site, zoning and for a suburb in transitioning from low to medium density development.
<b>1.2.4. Responding to the Site's Topography and Landform</b>	Yes	The sites general topography is generally level and will not be significantly altered as a result of the works. Given the zoning of the site and surrounding land, if development on surrounding sites is fully achieved then the surrounding sites will also be of medium density thereby accordingly with the desired future character of the locality.
<b>1.2.5. Safety and Security (Principles of Crime Prevention through Environmental Design)</b>	Yes	The design of the buildings includes passive surveillance to the street and adjoining open space area.
<b>1.2.6 Maximising Access and Adaptability</b>	Yes	The development is accessible. Refer to attached BCA report.

## C2 Vegetation Management

<b>2.1. Preservation of Trees and Vegetation</b>	Yes	Development consent is sought for the removal of all existing vegetation. The site is not identified bushland area nor bushfire prone land.  Appropriate replacement landscaping is proposed which will positively contribute to the locality's landscape and scenic quality. Refer to the Landscape Plan submitted separately.
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## C3 Water Management

<b>3.6. Stormwater Management and Drainage</b>	Yes	The site is not in proximity to any natural watercourse or lakes or significantly flood prone areas. Stormwater Management plans are submitted to direct water to Second Avenue and Water Sensitive Urban Design (WSUD). There are no retaining walls required which would impede overland flows.
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## C4 Land Management

<b>4.1. Site Stability and Earthworks</b>	Yes	Excavation is only required for site preparatory works only and given the general level topography and lack of proximity to the side boundaries, no special structural support will be required.
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<b>4.2. Landfill</b>	Yes	There will be no material landfilling required.
<b>4.3. Erosion and Sedimentation</b>	Yes	Sedimentation and Erosion Control Plans are included in the Engineering plan suite.
<b>4.4. Contaminated Lands</b>	Yes	Site has an extended history of residential occupation. Please refer to SEPP 55 Heading of SEE.
<b>4.5. Salinity</b>	Yes	The site is not subject to agriculture or routine inundation and given the extended residential history of the site, is unlikely to be affected by Salinity issues.

### C5 Waste Management

<b>5.1. Waste Management Plans</b>	Yes	<p>A waste management plan is provided with the application and deals with the demolition, excavation, construction and ongoing waste management upon the site. Demolition materials to be sent to construction waste management and recycling facilities as appropriate.</p> <p>A dedicated bin enclosure is provided to service all dwellings on site. This is discussed in greater detail in the next assessment table.</p>
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### C6 Landscape Design

<b>6.1 Controls</b>	Yes	A detailed Landscaping Plan has been submitted with the application which addresses the requirements of this section of the DCP.
<b>6.1.2. Protection of the Environment</b>	Yes	An appropriate suite of low water use plantings has been selected or can be easily altered should Council deem any plantings inappropriate.
<b>6.1.4. Site Amenity</b>	Yes	<p>Landscape design has been utilised to enhance the general setting of the building and also the outdoor areas to each dwelling.</p> <p>Deep soil area is provided in accordance with the residential section of the DCP.</p>

### C7 Culture and Heritage

<b>7.1. European Heritage</b>	N/A	There are no heritage affectations for the site or adjacent sites.
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### C8 Public Domain

<b>8.1. Pedestrian Amenity</b>	Yes	Pedestrian and vehicular access to the site is separated. Entry points are easily identifiable from Second Avenue.
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**C10 Transport, Access and Parking**

<b>10.1. Transport and Land Use</b>	Yes	The building is in close proximity to the Kingswood town centre and Nepean Hospital with public transport links. the proposal can assist in reducing car usage.
<b>10.2. Traffic Management and Safety</b>	Yes	The proposal is not a traffic generating development as defined by SEPP Infrastructure. A traffic report accompanies the application which details the proposals acceptability from a parking, manoeuvring and access standpoint.
<b>10.3. Key Transport Corridor</b>	N/A	The proposal is not located adjacent to an identified key transport corridor.
<b>10.5. Parking, Access and Driveways</b>	Yes	A traffic report accompanies the application which details the proposals acceptability from a parking, manoeuvring and access standpoint. Parking and Manoeuvring area has been designed to AS2890 standard requirements.
<b>10.6. Pedestrian Connections</b>	Yes	The pedestrian entry is separate from the vehicular entry and easily identifiable from Evan Street.
<b>10.7 Bicycle Facilities</b>	Yes	Bicycle facilities are provided in the basement area.

**C11 Subdivision**

<b>11.1. General Subdivision Requirements</b>	Yes	Strata subdivision of the development will be sought post approval and consolidation of the development
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**C12 Noise and Vibration**

<b>12.1. – 12.3 Road Rail Traffic Aircraft Noise</b>	N/A	The site is not unreasonably affected by any external noise sources which require additional abatement for residential amenity.
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**C13 Infrastructure and Services**

<b>C13 Infrastructure and Services</b>	Yes	The site currently has access to all necessary infrastructure services such as roads, water and sewer and electricity. Where necessary, these can be augmented. Such matters are typically conditional matter of any approval.
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**PART D LAND USE CONTROLS****D2 RESIDENTIAL DEVELOPMENT**

The development is subject to the control as set out under this section of the DCP specifically, those of Section 2.4 Multi Dwelling Housing

## 2.4 Multi Dwelling Housing

<b>2.4.1 Residential Character</b>	Yes	The development will be in accordance with the zoning and the desired future character of the locality. The immediate area is in transition as per the zoning intention. The proposal exhibits bulk and scale appropriate to the development type and has good setbacks and separation.
<b>2.4.2 Preferred Configuration for New Dwellings</b>	Yes	The buildings utilise a layout similar to that shown in Figure D2.11. This set out also borrows amenity from the adjoining public recreation area of Chapman Gardens Oval. Landscaping completes the proposal with an attractive street layout of vegetation and canopy trees to the rear setback.
<b>2.4.3 Development Site</b>	Yes	<p>The cumulative site meets the zoning, minimum frontage and site area requirement.</p> <p>It is noted that whilst the frontage of the site meets the minimum required 22 metres, the rear portion of the site is 16.765 metres. Notwithstanding the reduced lot requirement towards the rear the development has met the requirements for setbacks, landscaped area and setting. Amenity is borrowed from the adjoining Chapman Gardens and will retain outlook and solar access to the proposal.</p> <p>The development will not result in any isolated sites.</p>
<b>2.4.4. Urban Form</b>	Merit	<p>The proposed building has the elements of traditional orientation but is articulated via modulated built form and materials.</p> <p>The ground floor footprint are smaller than the first floor footprint to minimise the issues associated with the 16.765 m block width of the site towards the rear of the site and provide for adequate setbacks, vehicular manoeuvring and landscaped area. The Pre-lodgement advice indicated this approach was acceptable in the circumstances.</p> <p>Individual dwelling entries are identifiable from Second Avenue and Chapman Gardens. Living areas and upper floor also provide outlook onto their adjoining public spaces.</p> <p>Principle private outdoor areas are located behind the dwellings and generally offset from their neighbouring dwelling space and outdoor areas on adjoining sites.</p> <p>The general setting is enhanced with the proposed landscaping.</p>



<b>2.4.5 Front and Rear Setbacks</b>	Merit	<p>The proposal has generally endeavoured to meet setback as required throughout the proposal however as the site is not a traditional rectangular site some merit consideration is required.</p> <p>The street setback has endeavoured to be consistent with the established character of the area.</p> <p>Garages have been sited to make them a more recessive feature and in the case of Second Avenue, set behind the primary façade line. When viewed from Chapman Gardens, garages are recessed via the provision of first floors projecting over the principle facade</p>
<b>2.4.6 Building Envelope and Side Setbacks</b>	Merit	<p>The proposed building will encroach into the building envelope projection lines at point for the rear positioned dwellings. Where practicable, these encroachments have been minimised to be principally roof elements and portions of the upper floor lesser used rooms such as bedrooms.</p> <p>Siting and layout is used to promote privacy to development to the west. Due to the benefit of Chapman Gardens to the east, outlook will be maintained in this direction.</p>
<b>2.4.7 Driveways and Parking Areas</b>	Yes	<p>Driveway and parking area in the principle front setback area has been minimised to be the more recessive feature of the site and promote the built form. Landscaping is used to further break up the visual impact. Only dwelling 1 garage is directly orientated to Second Avenue and all other dwellings face the east.</p>
<b>2.4.8 Landscaped Area</b>	Yes	<p>512.9 m<sup>2</sup> or 40% of the site will be dedicated deep soil is proposed (excluding portion of land less than 2 metres wide) Significant swathes of the setback areas are capable of supporting significant vegetation.</p>
<b>2.4.9 Solar Planning</b>	Yes	<p>Refer to submitted solar access diagram suite. Generally, the development will have its largest impact to neighbouring sites in the morning from between 8:00 am to 10:00 am but from then on will generally have no impact to any adjoining site. From 12:00 pm onwards, impact generally only occurs to the access driveway and a small portion of the Chapman Gardens.</p>
<b>2.4.10 Townscapes &amp; Landscapes</b>	Significant & Yes	<p>The building is a new and articulated design which does not replicate existing surrounding development or recent new multiple Dwelling developments.</p> <p>Sufficient space is provided around the building for landscaping and softening of the façade of the building.</p>

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		<p>The buildings have pitched rooves typical of lower density development. There are no featureless stretches of straight walls on the building. Garages have been positioned to not be orientated to the primary frontage. Dwelling entries are generally identifiable to Second Avenue or from the east.</p>
<b>2.4.11 Corner Sites and Park Frontages</b>	Merit	<p>Dwellings 2-5 have been designed to address the park and promote passive surveillance to this space. The site is also barrier free with no fencing proposed down the eastern elevation of the site.</p>
<b>2.4.12 Building Design</b>	Yes	<p>A high quality and articulated architecturally designed built form with appropriate landscaped gardens is proposed.</p> <p>The site is within an identified redevelopment precinct which is evolving from traditional low-density single dwellings to multi dwelling buildings.</p> <p>The proposal responds and contributes to its desired context by engaging and appropriate density with articulated high-quality design. The existing low-density forms of the surrounding will be evolved to a higher but not excessive density appropriate for the zone. The built form (including its height, bulk and scale) is compatible with the future intended multi dwelling building anticipated by the zoning and that which has been approved on adjacent properties.</p>
<b>2.4.13 Energy Efficiency</b>	Yes	<p>The design is supported by a valid BASIX certificate to accompany the development. The design has utilised as many passive features as possible such as dual orientation where available and shallow building depths.</p> <p>Shading devices are utilised as appropriate.</p>
<b>2.4.14 Design of Dwellings and Private Courtyards</b>	Yes	<p>The design of the building is such that privacy is promoted between dwellings whilst still providing for solar access.</p> <p>Each dwelling has private courtyards which exceed 25 m<sup>2</sup>.</p>
<b>2.4.15 Garages</b>	Yes	<p>The garages have been designed to be as recessive as reasonably possible.</p>
<b>2.4.16 Garden Design</b>	Yes	<p>The setback area provides a combination of private outdoor and landscaped areas.</p> <p>The proposed landscape design will positively contribute to the locality's landscape and scenic quality. Refer to the Landscape Plans submitted separately.</p>

<b>2.5.17 Paving Design</b>	Yes	Paving has generally been minimised in favour of providing sufficient landscaping. Private open space areas to each dwelling are generally comprised of landscaped elements and not paving.
<b>2.4.18 Fences and Retaining Walls</b>	Yes	<p>No retaining walls required in the development.</p> <p>No fencing proposed to Second Avenue or the Eastern Chapman Garden orientation. Fencing will generally only be used to define the individual private open spaces of each dwelling.</p> <p>Boundary or separating fences to be typical 1.8 metre high colourbond steel fence.</p>
<b>2.4.19 Visual Acoustic and Outlook</b>	Yes	<p>The proposal has been designed to promote privacy whilst still providing for passive outlook to public spaces. The small ground floor footprints assist in this regard.</p> <p>First floor layout to the rear wing of the site position utility areas on the western side of the building to minimise overlooking</p>
<b>2.4.20 Safety and Security</b>	Yes	<p>Entries to dwellings are defined and for dwellings 1 and 2, directly visible from the street.</p> <p>Dwellings are either orientated to the front or side (eastern) of the site with living rooms adjacent to outdoor area or orientated to public spaces for passive surveillance.</p>
<b>2.4.21 Accessibility and Adaptability</b>	Yes	Details of measures for Access for People is provided in the associated BCA report
<b>2.4.22 Storage and Services</b>	Yes	<p>Ample storage is provided throughout the dwelling, with walk in robes and separate space under stairs.</p> <p>A letter box area is provided to the street.</p>

## 9.0 Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS

Clause 92 of the EPA Regulation 2000 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this, by standard by condition of consent.

It is intended that any noise generated from the site will comply with the relevant provisions of *the Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. The proposal can meet applicable noise criteria to protect the amenity of the nearby industrial and residential premises.

**11.0 Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL**

The proposed development will result in additional housing stock being provided to the area in the form of multi dwelling housing. This will assist in achieving Council's housing targets and will improve the housing choice for residents wishing to reside in the local area.

There are no negative social or economic impacts as a result of the proposed development. The proposed development will not have any adverse impacts to the streetscape character of Second Avenue.

The proposed development will have a positive economic impact by providing a higher standard of architectural design than the existing low-density residential development. The development will also offer a positive contribution to Sydney's property market and the variety of housing choice throughout Sydney, by providing a diverse range of dwellings that are complemented by a high standard of design.

**11.0 Section 4.15(1)(c) THE SUITABILITY OF THE SITE**

The development proposed is such that it would not affect the suitability of the site to accommodate the development nor impact upon adjoining sites in the locality ability to support new development in accordance with the zoning and desired future character of the zone.

The ongoing use is considered to be within the public interest for the following reasons:

1. The site is appropriately zoned and the construction of multi dwelling housing is permissible with consent of Council in the zone.
2. The proposal can site comfortably within the locality without adverse impacts to any adjoining residential premises;
3. The use will support the local workers and residents.
4. The proposal will improve the usage and residential density on the site and assist in maintaining the vitality of the area;
5. There are no precipitate constraints posed by adjacent land uses, this includes the cemetery.

The application therefore satisfies this section of the Act.

## **12.0 Section 4.15(1)(e) THE PUBLIC INTEREST - CONCLUSION**

This DA seeks approval for the construction of multi dwelling housing at 23 Second Avenue, Kingswood.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional housing supply in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development will have an overall public benefit.

The SEE provides an assessment of the proposal against the relevant environmental planning framework. The framework in this case includes Penrith Local Environmental Plan 2010, as well as the Penrith Development Control Plan 2014.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal is consistent with the outcomes sought by the relevant planning controls and is appropriate given the unique physical characteristics of the site. In particular, the proposal would increase the diversity of housing available in the region, achieve compatibility with the future built form character anticipated by the planning controls, and improve the current built form.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form of high architectural standard and consistent with the desired future character of the site;
- Provide a high quality of amenity for residents by enhancing privacy and maximising solar access;
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The benefits provided by the proposed development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.