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STATEMENT OF ENVIRONMENTAL EFFECTS

*CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY
AND STRATA SUBDIVISION*

LOT 30 IN DP 16478

4 INKERMANN ROAD EMU HEIGHTS

FOR

October 2021

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1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared on behalf of the owners to support a development application for the construction of a dual occupancy (attached) with subsequent strata title subdivision at **No. 4 Inkerman Road Emu Heights**.

This Statement accompanies architectural plans prepared by Rawson Homes, Job Number A009923, Issue C, dated 16 August 2021, and supporting documentation.

This report assesses the proposed development against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and includes the following planning controls:-

- *The Environmental Planning and Assessment Regulation 2000*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

As a result of the assessment it is concluded that the application addresses the controls satisfactorily and that the granting of consent to the application is justified.

2.0 PROPERTY DESCRIPTION

The subject allotment is known as **No. 4 Inkerman Road Emu Heights** and is legally described as Lot 30 in Deposited Plan 16478. Located within the Penrith City local government area, the site is zoned R2 – Low Density Residential under the Penrith Local Environmental Plan 2010.

The property is neither in a heritage conservation area or heritage listed nor is it located within close proximity to any such item. The site falls within a bushfire hazard zone, this application is accompanied by a Bushfire Risk Assessment Report prepared by The Local Group. The site is also identified as Scenic Protection Land under the Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River. No other statutory environmental constraints are identified as affecting the land within the Penrith Local Environmental Plan 2010.

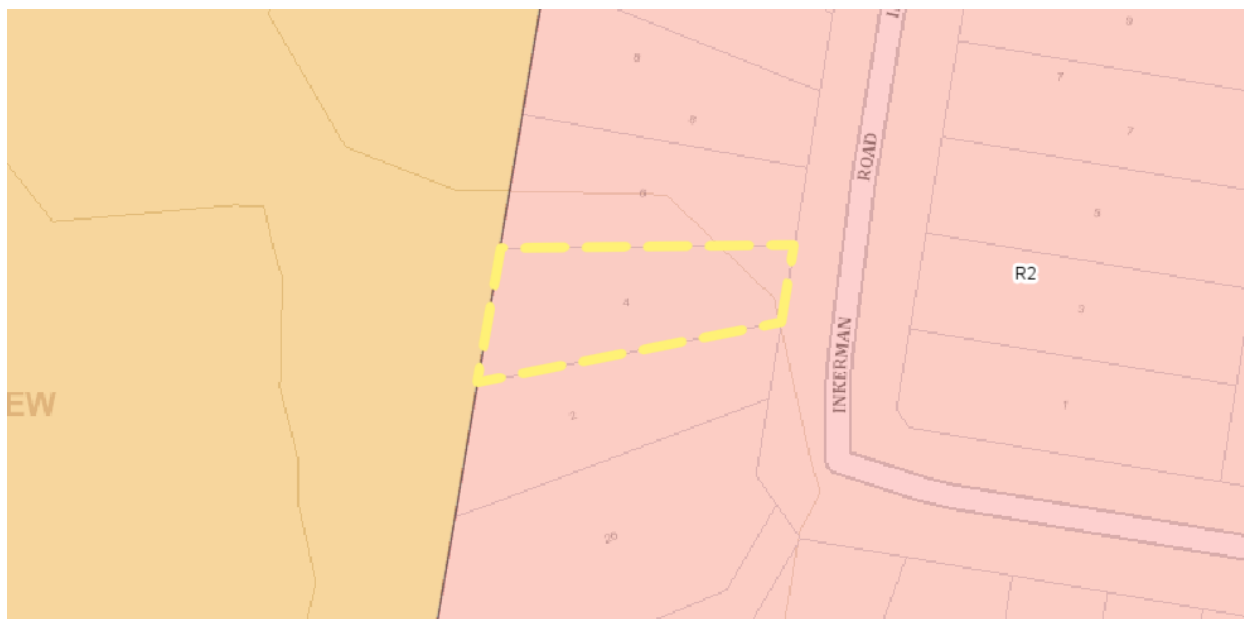


Figure 1: Extract from the PLEP 2010 zoning map noting the R2 zoning of the subject site (highlighted yellow).



Figure 2: Bushfire prone land map identifying the subject site as bushfire prone land with the subject site highlighted in yellow.

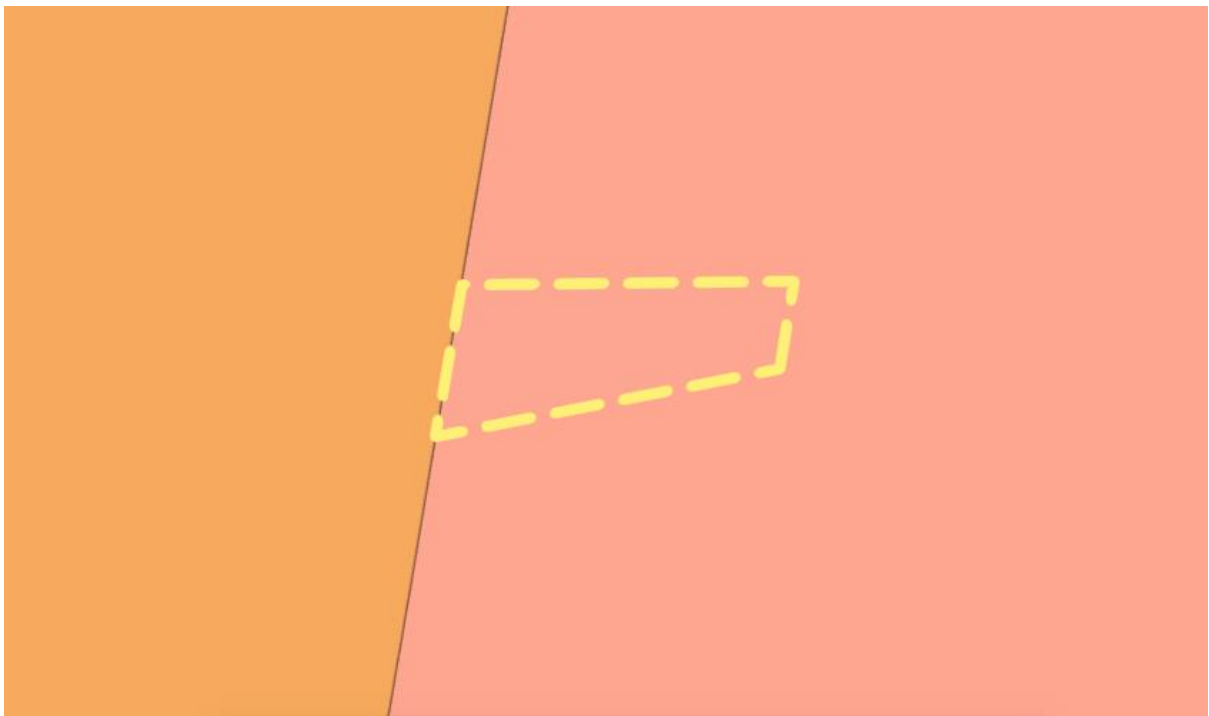


Figure 3: Scenic protection land map identifying the subject site as scenic protection land with the subject site highlighted in yellow.

3.0 SITE DESCRIPTION

The site is located on the western side of Inkerman Road, is of a trapezoidal shape, comprising a total area of 766.6m² (as per site survey) and experiences a fall of approximately 4.16m from the rear of the site to the front boundary.

The site is currently occupied by a single storey dwelling house of brick construct with a tiled roof. The existing dwelling falls over the subject site and the adjoining allotment to the North, being No. 6 Inkerman Road, refer to below Figure 4. At present the site functions with the use of both No. 4 and No. 6 Inkerman Road. Vehicular access to the site is currently achieved via a driveway on the adjoining allotment at No. 6 Inkerman Road.



Figure 4: Aerial view of the subject site, noting a portion of the existing dwelling falls over the adjoining allotment to the north, being No. 6 Inkerman Road.



Figure 5: The subject site, taken from Inkerman Road, looking west.



Figure 6: Rear elevation of the existing dwelling. Notably the northern section of the dwelling falls over No. 6 Inkerman Road.



Figure 7: The rear yard, viewed from the existing dwelling, looking west.

4.0 SURROUNDING ENVIRONMENT

The site is located within the suburb of Emu Heights, located 58 kilometres west of the Sydney CBD. Emu Heights is primarily a residential area. The suburb is in the local government area of the City of Penrith.

This part of Penrith was developed in the 1945 to 1960 period. The original housing stock is characterised predominantly by modest single dwellings of the Post War Austerity style of fibro and tile construction. The area is undergoing transformation with more modern styles introduced to the streetscape.

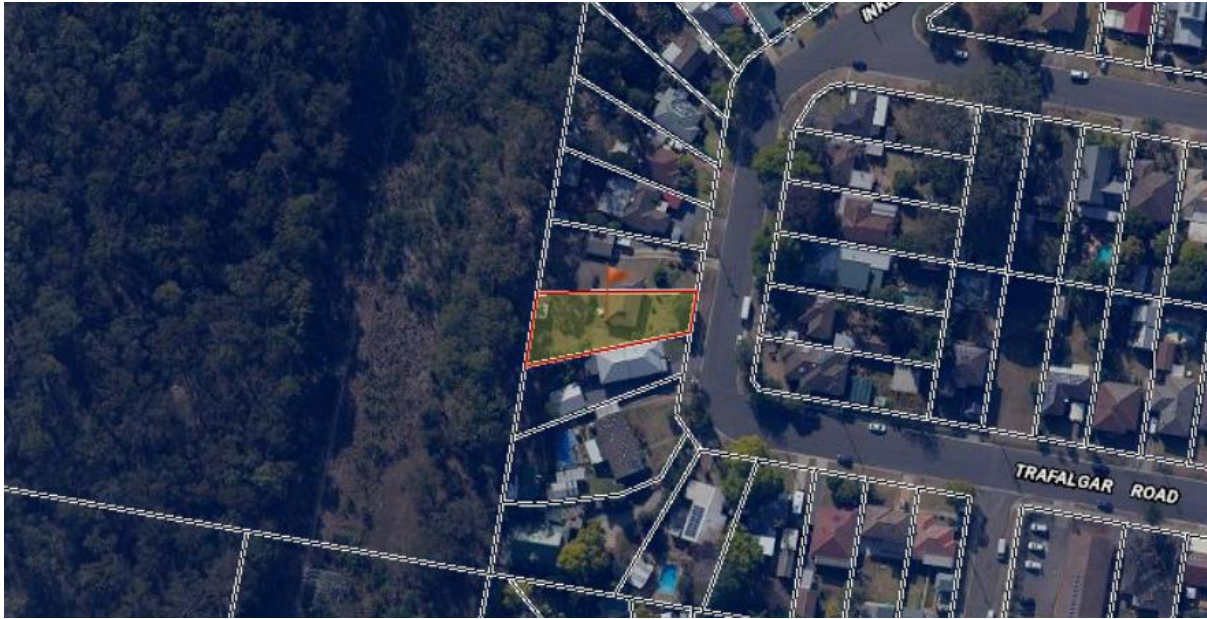


Figure 8: Aerial view of the subject site and surrounding environment.



Figure 9: The adjoining allotment to the north, being No. 6 Inkerman Road. Notably maintaining the driveway and garage servicing the existing dwelling at the subject site.



Figure 10: The adjoining dwelling to the south, at No. 2 Inkerman Road.

5.0 PROPOSED DEVELOPMENT

The proposed development involves the construction of an attached two storey dual occupancy with subsequent Strata subdivision. Please note that the application does not include demolition or tree removal which will be arranged separately by the owners in preparation for the development.

Specifically, the proposal seeks approval for the following works:-

Dwelling A and Dwelling B Ground Floor:

- Single garage (required storage is provided in the garages),
- Lounge,
- Powder room,
- Laundry,
- Open plan family room, dining room and kitchen with an adjoining pantry,
- Alfresco at the rear.

Dwelling A and Dwelling B First Floor:

- Master bedroom (bedroom 1) with an associated ensuite and walk in wardrobe,
- Front deck,
- Two bedrooms in dwelling A and three bedrooms in dwelling B,
- Bathroom,
- Watercloset,
- Study.

External

- New driveway and vehicle crossover,
- Landscaping in accordance with submitted landscape plan.

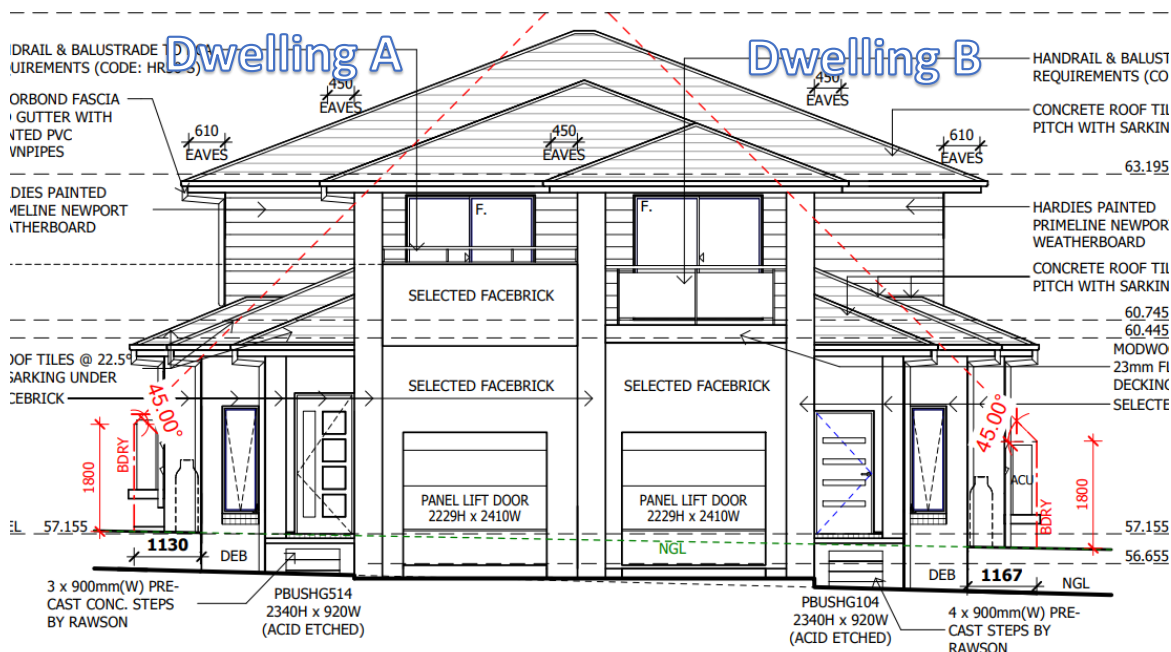


Figure 11: Front elevation of the proposed dual occupancy.

6.0 RELEVANT STATUTORY & LOCAL PLANNING CONTROLS

In accordance with the Environmental Planning and Assessment Act 1979, the following assessment considers the proposal against the relevant planning instruments.

6.1 State Environmental Planning Policy (Building Sustainability Index: BASIX)

The development is required to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX). All commitments listed on the BASIX certificate are to be marked on all relevant plans and specifications.

A BASIX certificate for the proposed works is provided with the application.

6.2 Penrith Local Environmental Plan 2010

The site is zoned R2 Low Density Residential under the provisions of the Penrith Local Environmental Plan 2010. Dual occupancies (attached) are permissible subject to the consent of the Council.

The following table summarises the relevant controls under the Penrith Local Environmental Plan 2010 (LEP2010).

6.2.1 Penrith Local Environmental Plan Compliance Table

PENRITH LOCAL ENVIRONMENTAL PLAN 2010 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
Clause 4.1A Minimum lot size for Dual Occupancies (2) Development consent may be granted for the development of an attached dual occupancy if the proposal is within the R2 Zone and if the lot is greater than or equal to 650m ² .	The subject site has an area of 766.6m ² .	Complies
Clause 4.3 Height of buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Specified maximum height: 8.5m	The proposed development has a maximum height of 7.9m.	Complies
Clause 4.4 Floor Space Ratio There is no specific FSR control within the relevant zoned area.	N/A	N/A

6.3 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (DCP2014) provides the relevant design guidelines for residential development within the Penrith City Local Government Area.

The following compliance table provides an assessment of the proposed development against the relevant development controls.

6.3.1 Penrith Development Control Plan Compliance Table

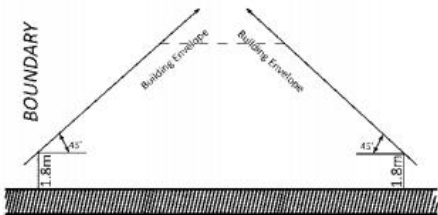
PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
PART D – RESIDENTIAL DEVELOPMENT		
2.2 – Dual Occupancies		
2.2.5 Preferred Configuration for Dual Occupancy Development 1) New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because: <ul style="list-style-type: none"> 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; b) Patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued in 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: <ul style="list-style-type: none"> 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 the another. 	<p>The dwelling is orientated towards Inkerman Road. Private open space is provided for within the rear yard to take advantage of the orientation of the site, and maintain privacy to the POS area.</p> <p>The existing dwelling falls over two lots. The proposed dual occupancy respects the existing lot boundaries and pattern of development. Further, soft landscaping is proposed at the front boundary, consistent with that of adjoining development.</p> <p>Architectural features in the form of the proposed front porches and roof pitch are characteristic of traditional development within the streetscape.</p> <p>An attached dual occupancy is proposed.</p>	<p>Substantially Compliant</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
<p>3) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves a “green corridor” of trees and shrubs along rear boundaries:</p> <ul style="list-style-type: none"> a) Conserving remnant vegetation; b) Providing new shelter and habitat; c) Contributing to streetscape; and d) Providing a green outlook for dwellings. 	<p>The proposed landscape arrangement provides for new soft landscaping within the rear yard. While not concentrated along the length of the rear boundary the arrangement is considered to be acceptable as the proposal provides a green outlook, with screen landscaping extending along the side boundaries. Notably, the rear boundary is not visible from the street and the area does not maintain any significant existing vegetation. Please refer to the accompanying landscape plan.</p>	<p>Considered to be acceptable on merit.</p>
<p>4) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves substantial back garden areas:</p> <ul style="list-style-type: none"> a) Adjoining neighbouring back yards; b) Surrounding by stepping building forms, predominantly of a single storey. 	<p>A substantial back garden area is provided to each dwelling.</p>	<p>Complies</p>
<p>5) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens:</p> <ul style="list-style-type: none"> a) Allowing living areas and entrances to remain visible from the street; b) Maximising the area available for front garden plantings. 	<p>The garages are integrated into the building and the entry and lounge is visible from the street. The front setback provides for soft landscaping.</p>	<p>Complies</p>
<p>2.2.5 Front and Rear Setbacks.</p> <p>1) Development must be within the development footprint which is determined by the maximum development footprint for your site by:</p> <ul style="list-style-type: none"> (a) The minimum rear setback for a single storey building (or a single storey component of a building) is 4m. (b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m. (c) Adopting an average 6m rear setback on irregular shaped allotments; and (d) Adopting a front setback that matches the neighbourhood character. 	<p><u>Rear Setbacks</u></p> <p>The proposed rear setback of dwelling A is 9.495m and dwelling B 7.857m. This is greater than the required 6m for a two storey component.</p>	<p>Complies</p>

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
<p>3) Determine an appropriate front setback:</p> <p>(a) Either average front setbacks of</p> <p>(b) The immediate neighbours; or</p> <p>(c) Adopt a 5.5m minimum whichever is the greater dimension.</p> <p>(d) And provide extensive landscaping within the front setback area.</p>	<p><u>Front Setback</u></p> <p>The average front setback of the immediate neighbours is 9.46m and the proposed dual occupancy has a front setback of 12.278m at the closest point.</p> <p>Soft landscaping is provided within the front setback.</p>	<p>Complies</p> <p>Complies</p>
<p>2.2.6 Building Envelope and Side Setbacks.</p> <p>1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site. As shown in the below figure.</p>  <p><u>Cut and Fill</u></p> <p>4) Cut and fill and ground floor heights are restricted by the following:</p> <p>(a) provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p> <p>(b) restrict cut-and-fill to a maximum of 500mm;</p> <p>(c) provide effective sub-soil drainage.</p> <p>5) Pitches for main roofs are to be in accordance with the following:</p>	<p>The dual occupancy is located largely within the building plane as illustrated on drawing No. 8 of the architectural. There is a minor eave encroachment at the rear along the northern and southern elevations. This is widely considered to be acceptable due to the minor nature of the associated impacts. Notably, the proposal achieves compliant solar access.</p> <p>The floor is stepped to accommodate the natural slope of the land.</p> <p>Cut and fill has been limited as much as reasonably possible whilst responding to the natural slope of the land. A small area in the south western corner exceeds 500mm in cut, with 640mm of cut proposed. While in excess of the prescribed maximum, this is considered to be acceptable as it allows for the floor slab to be closer to natural ground in the other sections of the building footprint.</p>	<p>Substantially compliant</p> <p>Complies</p> <p>Merit assessment; considered to be acceptable</p>

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
b) for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings.	The proposed roof has a pitch of 21 degrees.	Complies
<u>Side Setbacks</u> 6) Setbacks from side boundaries should be varied to articulate walls to side boundaries by the following:	Setbacks are appropriate to the site context. See below.	Complies
a) maximise setbacks (and landscaped area) beside neighbouring cottage back-yards;	The proposed development allows for side setbacks of 1.16m to the north and 1.054m to the south at the closest point.	Complies
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.	A greater setback is provided at the first floor level from the side elevations.	Complies
2.2.7 Driveway and Parking Areas. 1) Provide onsite parking in accordance with parking section of this DCP. 2 spaces per dwelling (2 or more bedrooms) – stack or tandem parking acceptable. 2) Garages for attached dwellings should: (a) occupy not more than 50% of any street frontage; (b) flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation. 3) For dwellings located one behind the other, driveways should: (a) be separated from dwellings by a landscaped verge at least 1m wide; (b) where possible, also separated from boundary fences by a landscaped verge; (c) prevent adverse long-term effect upon any vegetation that must be preserved; (d) provide for effective and healthy landscaping along all site boundaries;	Each garage provides for a single covered parking space. The driveway is an appropriate length and width to act as a second uncovered parking space. The garage occupies 39% of the street frontage. The lounge room is located at the front of the dwelling with two windows facing the street for light and ventilation. An attached dual occupancy is proposed. One is not located behind the other.	Complies Complies Complies N/A

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
(e) drain by gravity to Council's stormwater network.		
LANDSCAPED AREA		
2.2.8 Landscaped Area. 1) Minimum landscaped area should be 50% of the site in the R2 Low Density Residential zone.	The total landscaped area proposed is 52.9% (405.58m ²).	Complies
2) Landscaped areas should provide: <ul style="list-style-type: none"> (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 on-site and on neighbouring properties); and (d) private courtyards for all dwellings and a green outlook; and (e) civic gardens along street frontages. 	The landscaped area provides effective separation between the neighbouring dwellings and provides for new plantings. The proposal represents an improvement to the existing arrangement as the site maintains very limited existing vegetation. Please refer to the accompanying landscape plan for detail.	Complies Complies
3) Landscaped areas are required to: <ul style="list-style-type: none"> (a) have a minimum width of 2m and serve as functional spaces; 	Landscaped area has a minimum width of 2m.	Complies
<ul style="list-style-type: none"> (b) should include private courtyards measuring a minimum of 30m²; 	The proposal provides for private courtyards at the rear, meeting the minimum dimension.	Complies
<ul style="list-style-type: none"> (c) may include verandahs or patios that open directly to private courtyards; 	The rear alfresco opens directly to the rear yard.	Complies
<ul style="list-style-type: none"> (d) do not include substantially paved areas such as buildings, driveways and covered garages; 	The landscaped area does not include paved areas.	Complies
<ul style="list-style-type: none"> (e) that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation. 	N/A.	N/A
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: <ul style="list-style-type: none"> (a) providing shadow diagrams prepared by a qualified technician 	Shadow diagrams accompany this application and demonstrate shadow	Complies

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
for all two-storey buildings and additions;	that will be cast by the proposed development. Please refer to drawing No. D14 of the architectural plans.	
(b) illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;		
(c) demonstrating shadows cast by neighbouring buildings;	The adjoining allotment to the north supports a small garage and does not cast significant shadows to the subject site.	Complies
(d) maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;	Windows have been sited with consideration of solar access.	Complies
(e) ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones (i.e. areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;	Dwelling A will receive full solar access to living areas from 12pm to 3pm. Dwelling B will receive full solar access throughout the day.	Complies
(f) ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings; and	<p>Overshadowing is inevitable due to the unfavourable orientation of the allotment.</p> <p>The following overshadowing will occur to the adjoining property to the south. At 9am shadow is cast to a small section of the rear yard. At 12pm the northern section of the dwelling will be partially shaded and at 3pm shadow is concentrated at the dwelling and within the front setback.</p> <p>The allotment to the north will maintain full solar access.</p> <p>The submitted shadow diagram demonstrates that the subject site and adjoining properties will receive at least 3 hours of solar access. Given the unfavourable orientation of the site, the proposal is considered to result in acceptable overshadowing outcomes.</p>	Complies
(g) in situations where the existing overshadowing by buildings and fences reduces sunlight to less	N/A.	N/A

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE

CONTROL	PROPOSED	COMPLIANCE
than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.		
2.2.12 Building Design 1) Dormer windows apply traditional design practices. 2) Development should demonstrate a variety of architectural features: <ul style="list-style-type: none"> 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; 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. 	<p>No dormer windows are proposed.</p> <p>The proposed development maintains two distinct front porches which expresses that the development is a dual occupancy.</p> <p>Front balconies overhang the garage entries.</p> <p>The dual occupancy is well-articulated, walls are stepped and the facades are broken up by a variety of windows and doors.</p> <p>As discussed, a variety of windows and doors are integrated into the design. The form of the roof and building materials are varied. Please refer to the accompanying architectural plans and the schedule of external materials and finishes.</p>	<p>N/A</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
2.2.13 Energy Efficiency 1) All new dual occupancy development should employ construction techniques that provide appropriate thermal mass such as: <ul style="list-style-type: none"> 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:	<p>The development has been designed to promote appropriate thermal mass.</p> <p>The site has an undesirable orientation, with the rear orientated to west. The dual occupancy has been designed with</p>	<p>Complies</p> <p>Substantially compliant.</p>

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
<p>a) living areas – facing within 20 degrees of solar north is desirable;</p> <p>b) windows – at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable;</p> <p>3) All new dual occupancy development should provide effective shading from summer sun including:</p> <p>a) Overhanging eaves: at least 450mm wide;</p> <p>b) Adjustable exterior shading devices for windows and doors to habitable rooms; and to skylights;</p> <p>c) Pergolas over courtyards.</p> <p>4) All new dual occupancy development should employ effective glazing including:</p> <p>a) For any large south-facing window: high performance glass e.g. double glazing including:</p> <p>b) Windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames;</p> <p>c) All windows and external doors: weather-stripping should be used.</p> <p>5) All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation including:</p> <p>a) Living areas and bedrooms with two external walls for windows;</p> <p>b) Particularly important for attic rooms.</p>	<p>consideration of this, maximising the living areas solar access.</p> <p>The dual occupancy maintains overhanging eaves 450mm wide at the ground floor level and 610mm wide at the first floor level.</p> <p>This is not included within the design.</p> <p>There is a roof over the rear alfresco, providing shade.</p> <p>Windows and doors will be effectively glazed and weather appropriate materials will be used.</p> <p>The development has been designed to promote cross-ventilation. The lounge, open plan family room, dining room and kitchen and master bedroom all maintain two external walls with windows.</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>2.2.14 Design of Dwellings and Private Courtyards</p> <p>1) A reasonable area of private open space should be provided for each dwelling:</p> <p>a) A minimum of 30m²;</p> <p>b) Including one area measuring at least 6m by 4m, suitable for outdoor dining; and</p>	<p>An area of private open space meeting the minimum dimension requirement is provided at the rear. Please refer to the accompanying Landscape Plan.</p> <p>The private open space area includes the rear alfresco, which is suitable for outdoor dining.</p>	<p>Complies</p> <p>Complies</p>

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CONTROL	PROPOSED	COMPLIANCE
<p>c) Located immediately next to, and level with, living or dining rooms; and</p> <p>d) Also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and</p> <p>e) With access direct to the street or a common driveway through a courtyard at least 2m wide; or via a carport with an open design.</p> <p>2) Landscaped areas should maximise the area available for private courtyards and gardens:</p> <p>a) The front and rear boundary setbacks should be used for private residential gardens;</p> <p>b) Common open space should be restricted to the verges of any shared driveway.</p>	<p>The POS area is directly accessible from the open plan kitchen, family and dining room.</p> <p>A clothes drying area is provided within the rear yard of each dwelling as indicated on the Landscape Plan.</p> <p>The POS area is accessible from the street through the side pathway.</p> <p>The front and rear setbacks provide for soft landscaping.</p> <p>Common open space is restricted to the shared driveway.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p>1) Rooms within a dual occupancy development should have dimensions and an area that:</p> <p>a) Can accommodate the range of furniture typically associated with their function; and</p> <p>b) Recognise that furnishing options may be restricted by the location of windows and doors;</p> <p>c) Acknowledge that access and furnishing options may be restricted by raked attic ceilings;</p> <p>d) Provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.</p>	<p>All rooms are of a sufficient size to accommodate furniture associated with their function.</p> <p>Windows and doors have been sited with consideration to future furnishings.</p> <p>Raked attic ceilings are not proposed.</p> <p>The design provides flexibility to meet the needs of future occupants.</p>	<p>Complies</p> <p>Complies</p> <p>N/A</p> <p>Complies</p>
<p>2.2.15 Garage Design</p> <p>1) Garage and parking areas should be planned to:</p> <p>a) Minimise disruption to traditional or established streetscapes by concealing from the street;</p>	<p>The proposed garage is recessed behind the front building line so as to not dominate the front façade.</p>	<p>Complies</p>

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CONTROL	PROPOSED	COMPLIANCE
b) Provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation;	A single car parking space and storage area is provided in the garage.	Complies
c) Minimise transmission of noise to adjoining dwellings;	The internal nature of the garage will minimise noise transmission to adjoining dwellings.	Complies
d) Provide secure parking;	Secure parking is provided within the garage.	Complies
e) Allow for maintenance access to rear garden courtyards; and	Access to the rear yard will be available from the side setbacks.	Complies
f) Provide for effective and healthy landscaping along verges and boundaries.	New landscaping will be provided in accordance with the submitted landscape plan.	Complies
g) Permit all turning movements, full opening of vehicle doors.	The garage is of an adequate dimension to enable the full opening of vehicle doors and safe vehicle ingress and egress.	Complies
2) For dwellings that require two spaces: a) provide at least one covered space;	Each dwelling is provided with one covered parking space in the garage.	Complies
c) for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space.	A stacked arrangement is proposed, with one car parking space provided internally and one external on the driveway.	Complies
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.	The rear setback provides private garden courtyards and new landscaping to each dwelling. It is noted that there are no existing mature trees within the rear yard. Please refer to the accompanying landscape plan.	Complies
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;	The landscape plan provides for new tree plantings within the front yard. Plantings are not provided within the verge of the common driveway, however plantings are provided at the	Complies Merit assessment; considered to be

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
<p>front boundary, which is considered to meet the intent of this control.</p> <p>3) Alongside boundaries within private courtyards provide:</p> <ul style="list-style-type: none"> a) feature plantings of ground covers and shrubs growing to fence height at maturity; b) a level area of well-drained turf, or an alternative water-permeable material such as river pebbles. <p>4) Street frontage plantings should provide:</p> <ul style="list-style-type: none"> a) private gardens for street-front dwellings; b) a civic garden frontage appropriate to the established neighbourhood character; and c) mixed species of trees, shrubs, and accent plantings including flowers and ground covers; d) level areas of well-drained turf; and e) along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees underplanted with dense hedges. 	<p>Screen planting adjoins the side boundaries and the rear boundary supports lawn. Please refer to the accompanying landscape plan.</p> <p>The front setback provides for new plantings of a mixed species. Two new trees will be planted within the front setback and the front boundary will support new plantings. Hard surfaces have been reduced within the front boundary by providing a common driveway. The rest of the front setback supports lawn.</p>	<p>acceptable on merit.</p> <p>Complies</p> <p>Complies</p>
<p>2.2.17 Paving Design</p> <p>1) Hard paved surfaces should:</p> <ul style="list-style-type: none"> a) maximise the area available for landscaping and gardens; b) impose no adverse long term effect on any vegetation that Council requires preserved. <p>2) Driveways and associated parking courts should:</p> <ul style="list-style-type: none"> a) provide an attractive “address” for any dwellings without a direct frontage to the street; b) minimise the area and width of driveways along the street-frontage; c) be overlooked by continuously-occupied rooms such as kitchens and living rooms; 	<p>As discussed, a common driveway is provided to maximise the area available for soft landscaping within the front setback.</p> <p>The subject site maintains limited existing vegetation. No tree removal is proposed as part of this application.</p> <p>The subject site maintains a direct frontage to Inkerman Road.</p> <p>A common driveway is provided to minimize the area and width of the driveway.</p> <p>The driveway is overlooked by the lounges and master bedrooms.</p>	<p>Complies</p> <p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Complies</p>

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CONTROL	PROPOSED	COMPLIANCE
d) be divided into panels by bands of contrasting materials or pavers;	While this design option is not proposed, this is considered to be of detriment to the proposal.	N/A
e) provide barrier-free access continuous from the street to the entrance of each dwelling;	Barrier-free access is provided from Inkerman Road to the entrance of the dual occupancy.	Complies
f) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;	Plantings are provided at the front boundary. Additional plantings may be conditioned by Council should it be seen fit.	Merit assessment
g) incorporate materials and a profile that maximise the potential for direct infiltration of rainfall;	As discussed, BUA is minimised within the front setback, which will optimise infiltration.	Complies
h) collect and channel run off into grated sumps located strategically and integrated with the design of surface pavement.	The proposed stormwater arrangement provides for suitable drainage site. Please refer to the accompanying stormwater management plan prepared by ALW design dated 2 September 2021.	Complies
3) Courtyard paving should be provided:		
a) at the threshold to each doorway leading from a dwelling: at least 1m wide;	The threshold to the doorways of the dual occupancy is paved.	Complies
b) beneath clothes lines;	The area below the clothes line is not paved, however this is not considered to be of detriment to the proposal.	Merit assessment; considered to be acceptable.
c) where outdoor storage of garbage bins is proposed;	Garbage will be stored within the side setbacks, over the proposed pavers.	Complies
d) in the form of widely spaced pavers, or porous unit paving, maximising direct infiltration of rainfall.	Pavers are proposed within the side setbacks to maximise infiltration.	Complies
2.2.18 Fences and Retaining Walls		
4) Fences should be no taller than:		
(a) 1.8m generally; and	New fencing 1.8m in height is proposed to the rear boundary and will separate the rear yards of the dual occupancy. Please refer to the accompanying landscape plan.	Complies
(b) 2.4m on sloping sites, including the height of any retaining wall.		
5) Fences along boundaries forward of the front building alignment:	No fencing is proposed forward of the front building alignment.	N/A

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CONTROL	PROPOSED	COMPLIANCE
<p>(a) Should not be taller than 1.2m, or if taller, of see-through construction;</p> <p>(b) Should not be constructed of metal panels;</p> <p>(c) Walls of solid construction and taller than 1.2m (such as courtyard walls) should be set back at least 2m from the front boundary (to allow for landscaping) and should not occupy more than 50% of the allotment width.</p>		
<p>12) Retaining walls:</p> <p>(a) Generally should be no taller than 500mm;</p>	<p>The proposed retaining wall is 600mm at the highest point. Only a small section of the retaining wall extends beyond 500mm. Refer to the landscape plan.</p>	<p>Substantially compliant</p>
<p>(b) Should not cut through roots of any tree required by Council to be preserved;</p>	<p>The retaining wall will not encroach on the TPZ of any existing trees.</p>	<p>Complies</p>
<p>(c) Should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;</p>	<p>The retaining wall is separated from the boundary fence by plantings.</p>	<p>Complies</p>
<p>(d) Should provide drainage for any associated planter-bed;</p>	<p>The retaining wall will provide suitable drainage.</p>	<p>Complies</p>
<p>(e) Should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.</p>	<p>No retaining walls are proposed in proximity to the driveway.</p>	<p>N/A</p>
<p>2.2.19 Visual Privacy</p> <p>1) Demonstrate a package of measures that achieves reasonable privacy:</p> <p>a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows;</p>	<p>Screenplanting is proposed within the side setbacks to the rear. Notably, highlight windows are proposed at the first floor level along side elevations to prevent direct overlooking.</p>	<p>Complies</p>
<p>d) screening measures, including:</p> <p>(i) Offsetting of windows; or</p> <p>(ii) Oblique or</p> <p>(iii) orientation for windows; or</p> <p>(iv) External screens to windows; or</p> <p>(v) Courtyard walls and pergolas;</p>	<p>Refer above.</p>	<p>Complies</p>

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PENRITH DEVELOPMENT CONTROL PLAN 2014 – COMPLIANCE TABLE		
CONTROL	PROPOSED	COMPLIANCE
(vi) Note that landscaping 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; 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;	No bedrooms directly face a driveway. The master bedrooms maintain a balcony that separates the rooms from the driveway.	N/A
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;	Refer above.	N/A
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 1.7m above floor level; or (iii) Have fixed obscure glazing in any part of the window below 1.7m.	More passive rooms, being bedrooms and bathrooms have been located at the first floor windows to minimize potential privacy impacts. Further, highlight windows are proposed along the first floor side elevations to prevent direct overlooking.	Complies

7.0 SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

7.1 The provisions of any environmental planning instrument

The proposal is subject to the provisions of the Penrith Local Environmental Plan 2010, SEPP BASIX and the relevant supporting Council policies. It is considered that the provisions of these environmental planning instruments have been satisfactorily addressed within this report and that the proposal achieves compliance with their provisions. The subject property is zoned R2 Low Density Residential under the Penrith Local Environmental Plan 2010 and the proposed development is a permissible use within this zone. There are no other environmental planning instruments applying to the site.

7.2 Any draft environmental planning instrument

There are no draft environmental planning instruments applying to the subject land.

7.3 Any development control plan

The development has been designed to comply with the requirements of the following the Development Control Plan:-

- *Penrith Development Control Plan 2014 (DCP2015)*

The proposed development seeks approval for the construction of an attached two storey dual occupancy with Strata title subdivision. The proposal is highly compliant with the relevant provisions of the DCP2015. It is noted that section 4.15(3A) of the Environmental Planning and Assessment Act 1979 *requires the consent authority to be 'flexible' and allow 'reasonable alternative solutions' in applying DCP provisions with which a development application does not comply*.

Accordingly, we request that any minor variances that are identified be favourably determined, as adequate justification has been provided within this Statement.

7.4 Any planning agreement under Section 7.4

No matters of relevance are raised in regard to the proposed development.

7.5 Any matter prescribed by the regulations

No matters of relevance are raised in regard to the proposed development.

7.6 The likely impacts of that development

It is considered that the proposed development, as described previously, is reasonable and achieves the objectives of the relevant planning controls. It is considered that the resultant development is compatible with and will complement the established character of the area.

The development will be consistent with the objectives of the R2 zone under the prevailing LEP2010. The proposal will have an acceptable impact on the environment and the amenity currently enjoyed by the neighbouring properties and nearby residential development.

It is considered that the resultant development is compatible with and will complement the low density residential character of the area.

7.7 Suitability of the Site - Section 4.15 (1)(c)

It is considered the subject site is suitable as it is zoned appropriately and it is of a suitable size and shape to accommodate the proposed development.

The design responds to the allotment configuration and topography to produce an appropriate and acceptable planning outcome for the site.

7.8 Submissions made in accordance with this Act or the regulations

This is a matter for Council in the consideration of this proposal.

7.9 The Public Interest

The proposal will not adversely impact upon the environment, the character of the locality or upon the amenity of adjoining properties and is therefore considered not to be contrary to the public interest.

8.0 CONCLUSION

The proposed development, which seeks approval for the construction of a two storey attached dual occupancy and subsequent Strata title subdivision, at **No. 4 Inkerman Road Emu Heights**, has been assessed against the requirements of Section 4.15(1) of the Act, the Penrith Local Environmental Plan 2010 and the Development Control Plan 2015.

This Statement of Environmental Effects has demonstrated that the proposal will not unreasonably impact upon the natural or built environment or the amenity of surrounding properties and is highly compliant with the LEP2010 and the DCP2014. It is our opinion that this application, as described within this Statement is reasonable and supportable and should be approved by Council under delegated authority.

Katherine McIntosh
Urbanesque Planning Pty Ltd

Reviewed by:

Eugene Sarich
Urbanesque Planning Pty Ltd