

“STATEMENT OF ENVIRONMENTAL EFFECTS”

PROPOSAL:

CONSTRUCT 2 x NEW DOUBLE STOREY ATTACHED DWELLINGS TO
CREATE DUAL OCCUPANCY INCLUDING STRATA SUB-DIVISION

6 ASSISI CLOSE

CRANEBROOK

(LOT 20 DP 1197799)

PENRITH CITY COUNCIL

Sept 2017

1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany a development application submitted to Penrith City Council on behalf of Eagle Homes. Approval is being sought to erect 2 x new double storey attached homes (Dual Occupancy) and *Strata Title Sub-Division*. The subject site is currently vacant.

This report will seek to address a number of issues relating to the proposal including a description of the subject site and surrounding existing development. The report also contains a detailed description of the proposal and the relevant planning controls and assessment of the proposal having regard to the relevant controls and policy, including

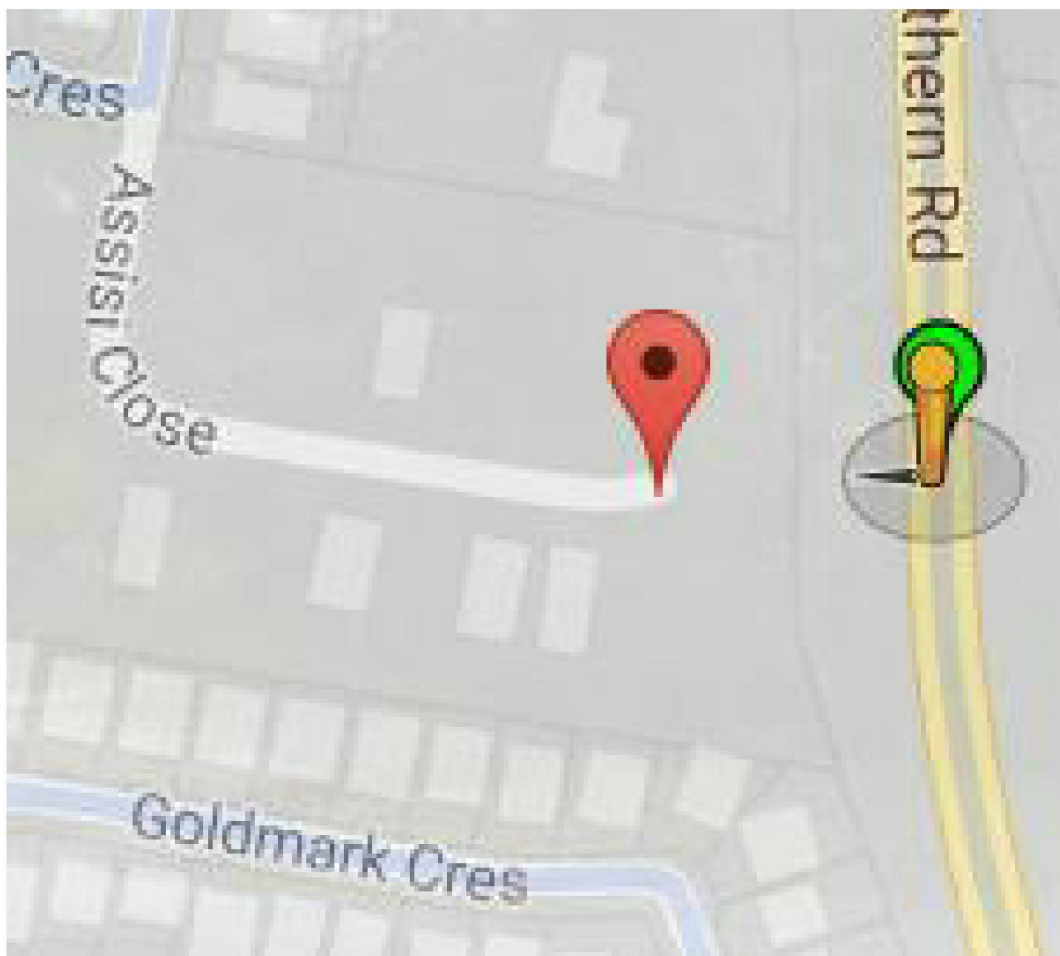
- **Penrith Local Environmental Plan 2010**
- **Penrith Developmental Control Plan 2014 – Dual Occupancy**

This report will also seek to make an assessment of the proposal having regard to the relevant heads of consideration pursuant to Section 79C(1) of the Environmental Planning & Assessment Act, 1979 and concludes that the proposal is an acceptable development of the site, is compatible with the zone objectives and relevant design guidelines and controls, has no adverse impact on adjoining properties or the streetscape, is consistent with the scale and form of existing dwelling house developments in the immediate locality, and is therefore worthy of approval.

2.0 SITE DESCRIPTION & SURROUNDS

2.1 LOCATION

The subject site, known as 6 Assisi Close, Cranebrook is located at the south/western end of Assisi Close with an East facing arced frontage.



Source: Google Maps

2.2 SITE DESCRIPTION

The subject site known as Lot 20 in DP 1197799 is a large irregular shaped cul-de-sac type allotment. Irregular in shape (ie; A15.145 to front (east) boundary, 29.995 to rear (west) boundary, 22.7 to right hand (north) boundary & 23.785/9.675 to left hand (south) boundary with a total site area of 640.1m². The site has even fall from front (east) to rear (west).

2.3 SURROUNDING DEVELOPMENT

The site is located in a newly developed residential pocket of land bound generally by The Northern Road & Goldmark Crescent and is within an established residential area containing predominately 1 and 2 storey detached & semi-detached dwellings. Immediately adjoining properties are of double storey modest type newly constructed homes of brick and tile.

3.0 THE PROPOSAL

Approval is being sought to erect 2 x new double storey attached dwellings to create dual occupancy with Strata Subdivision. Both homes have been individually designed to face the street frontage with more than adequate additional off-street parking space incorporated due to increased setbacks. Proposed Unit 1 will contain 4 bedrooms to 1st floor with direct access from Bed 1 to street facing Balcony & downstairs includes separated Living room (street facing), with single car garage with direct undercover internal access, Kitchen, Living/Dining leading directly to covered Alfresco which directly leads to sunlit Private Open Space. Unit 2 will contain same as Unit 1.

Unit 1:	
GFA	101.82

Unit 2:	
GFA	101.82

Total GFA (combined)	203.64
Floor Space Ratio (combined)	0.47:1 (46.9%)
Site Coverage (combined)	31.81%

4.0 PLANNING CONTROLS

4.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The subject land is Zone R2 Low Density Residential under the Penrith Local Environmental Plan 2010. **Dual Occupancy** is permissible in the zone subject to Council consent and compliance with the relevant zone objectives and any applicable standards.

The objectives for the R2 Low Density Residential zones as contained PLEP 2010 are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.
- To enhance the essential character and identity of established residential areas.
- To ensure a high level of residential amenity is achieved and maintained.

The proposal is consistent with the Objectives of the zone.

The subject site is not identified as a heritage item nor is it located in a heritage conservation area.

The subject site is not identified as a Bushfire Prone area.

Similar attached dual occupancy development exists in the same street.

SITE CONTROLS FOR DUAL OCCUPANCY (TABLE 2)

Clause 4.1 (A) of PLEP 2010 prescribes a minimum lot size of 650m² for attached dual occupancies in the R2 zone. With an area of 640.1m² (survey) the subject site does not comply to the minimum lot size necessary for attached dual occupancy and we therefore request an exception to this development standard & the exception is addressed separately on page 9 in accordance with 4.6 of the PLEP 2010 (exceptions to development standards).

**BUILDING ENVELOPES, HEIGHTS, LANDSCAPED AREAS AND REAR BOUNDARY
SETBACKS**
4.3 HEIGHTS OF BUILDINGS: PLEP 2010

(1) The objectives of this clause are as follows:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,
- (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,
- (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.

(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](#).

Maximum Height = 8.5metres

CONTROLS Site Requirements Dual Occ (D2.2)	REQUIRED Controls	PROPOSED	COMPLY
Residential Character (D2.2.1)	(D2.2.1)	2 x 2 storey attached dwellings	YES
Preferred Configuration (D2.2.2)	(D2.2.2(B)(2)a	2 x 2 storey attached dwellings	YES
Front & rear setback (D2.2.5)	5.5m front & rear @ 4.0m (Grnd) & 6.0m (1 st)	5.5m front & 6.355m Unit 1 rear (Grnd)/7.455m Unit 1 (1 st) & 3.295m Unit 2 (Grnd) & 4.395m Unit 2 (1 st)	NO-Refer justification on page 9-rear Unit 2 rear setbacks
Building envelope & side setbacks (D2.2.6)	Refer DCP D2.2.6 (0.9/1.2)	Refer attached plans	YES
Driveways & Parking areas (D2.2.7)	2 x spaces each Unit	2 x car spaces each Unit (1 x undercover to each Unit 1)	YES
Landscaped area (D2.2.8)	50% min. area of site	Refer detailed plans	YES
Solar Planning (D2.2.9)	B-1a-g	Refer shadow plans & Basix Certificate	YES
Corner sites (D2.2.11)	N/A	N/A	N/A
Building design (D2.2.12)	Objectives as described	Objectives met	
Energy efficiency (D2.2.13)	B-1-5	Refer Basix Certificate	YES
Design & Private Courtyards (D2.2.14)	Objectives as described	Refer detailed plans	YES
Garage design (D2.2.15)	B-1-3 & C-1	Refer detailed plans	YES
Visual & Acoustic privacy (D2.2.19)	B-1-2	Refer detailed plans	YES
Safety & Security (D2.2.20)	Objectives as described	Refer detailed plans	YES
Access & Adaptability (D2.2.21)	B-1-2	Refer detailed plans	YES
Storage & Services	Objectives as described	Client will ensure storage in the form of shed in yard & services readily available to site	YES

5.0 SECTION 79C CONSIDERATION

The following is a summary assessment of the proposed development against the heads of consideration Section 79C(1) of the Environmental Planning & Assessment Act 1979. It is presented in this form to assist Councils consideration of the proposal.

- 5.1 **(a) (i) – the provisions of any environmental planning instrument (EPI)** – The relevant EPI being Penrith Local Environmental Plan 2010 (Urban Land) have already been discussed in Section 4 of this Statement of Environmental Effects. The proposal is permissible in the zone subject to the consent of Council.
- 5.2 **(a)(ii) – the provisions of any draft environmental planning instrument** – There are no draft EPIs that affect the proposal
- 5.3 **(a) (iii) – any development control plan** – The relevant DCP provisions in the Penrith DCP relating to Dual Occupancy have been discussed.
- 5.4 **(a) (iiia) – any planning agreements or draft planning agreements** – Nil at this stage.
- 5.5 **(b) – the likely impacts of that development** – Given scale of the existing and proposed development and the residential character of the immediate locality, it is considered that the development is unlikely to have any significant or adverse impacts on any adjoining properties, the streetscape or the locality in general. It will not cause any adverse level of overshadowing or aural and visual privacy loss issues for neighbouring properties. In terms of vehicle movements, the proposal is unlikely to generate any level of traffic movements that would burden the existing and future street capacity.
- 5.6 **(c) – the suitability of the site for the development** – Given that the established locality already accommodates residential dwellings, there are no questions as to the sites suitability to accommodate the proposed dual occupancy in the form proposed. The subject site has access to all necessary services to cater for the development including electricity, sewerage, water and telephone. There is no evidence that the site is affected by any risk.
- 5.7 **(d) – any submissions made in accordance with this Act or the Regulations** – Nil at this stage.
- 5.8 **(e) – the public interest** – The proposal is in the public interest in that it provide new housing stock within the Metropolitan area through an integrated, well designed and sympathetic development.

6.0 JUSTIFICATION RE REAR SETBACK (Ground & 1st floor)

Objectives: *Setbacks are to reflect the character of established garden suburbs and provide for development of flora and fauna corridors*

The following is the designers reasoning behind why Council should accept the minor non-compliance at rear setback of Unit 2 only.

The restrictions due to the irregular shape of the land & the impost of Sydney Water's Sewer mains running parallel with the side (right hand) boundary have further lead to adjustments to plan at design stage and now as per attached as-submitted plans. The detailed landscape design shows planting corridors placed along the rear boundary of each Lot and ensures that existing trees on proposed Unit 2 rear yard are not affected by the design.

No loss of privacy is created by design as can be seen on as-submitted plans and the designers best efforts ensure all other mandatory controls are adhered.

Private Open Space has been located (Unit 2) facing a Northerly aspect and with the construction of the home on the Lot to the North ensures no privacy issue to this adjoining Lot.

The window locations (Unit 2) to Bed 3 & 4 are located approximately 5 & 7 metres respectively from the rear boundary and ensure no privacy concerns are created for either ours or the adjoining rear neighbor.

In summary, the design has been well placed on an odd shaped Lot, the design creates visual interest from all angles due to its varied roof lines, well articulated design & its location of Private Open spaces allowing each occupant their own sense of separation from the adjoining dwelling. The design will enhance the streetscape & as such we respectfully request Council's support for the as-submitted application.

7.0 EXCEPTIONS TO DEVELOPMENT STANDARDS (Clause 4.6 PLEP2010)

Due to non-compliance with minimum Lot size:-

4.1A PLEP2010-Minimum lot sizes for dual occupancies

(1) *The objective of this clause is to achieve planned residential density in certain zones.*

CLAUSE 4.6 Penrith Local Environmental Plan 2010

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note.

When this Plan was made it did not include Zone RU3 Forestry or Zone RU6 Transition.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.1, 6.2, 6.6, 6.7, 6.16, 7.7, 7.17, 7.21, 7.24 or Part 9.

REQUEST TO SEEK COUNCIL'S SUPPORT FOR NON-COMPLIANCE TO MINIMUM LOT SIZE AS REQUIRED BY PLEP 2010 AS REQUIRED & IN ACCORDANCE WITH APPLICABLE ITEMS AS DESCRIBED ABOVE FROM CLAUSE 4.6 PLEP 2010:

Cl 3(a) states:- *"that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case"* &

Cl 3(b) states:- *"that there are sufficient environmental planning grounds to justify contravening the development standard"*.

APPLICANT COMMENTS:

- The subject Lot is only 9.9m² (1.55%) less than the required Lot size for attached Dual occupancy in the R2 zone.
- The designer has taken into account the irregular shape of the Lot & Contour of the land at design stage with a sympathetic design that creates no loss of privacy, views or creates acoustic concerns for any surrounding property nor creates shading concerns for same.
- The design is well articulated to all facades.
- The design has created separated private open spaces for each proposed occupant.
- The design will not have a detrimental effect over the streetscape due to bulk & scale.
- The street contains existing attached dual occupancy development.
- The design has ensured sufficient off-street parking for residents & visitors without the added necessity of street parking.

8.0 CONCLUSION

In light of the above minor non-compliance & as per the requirement of Clause 4.6 of Penrith LEP 2010, we seek Council's support of the as-submitted plans.

The proposal is consistent with Council's aims, objectives and standards for dual occupancy development.

The proposal has no detrimental effect to the area.

This submission satisfies the provisions of 4.6(3)(a), 4.6(3)(b) & 4.6(4)(a)(i) & (ii) of the Penrith LEP 2010, as it has demonstrated that compliance with the Minimum Lot Size requirements of PLEP 2010 (4.1A) is unnecessary & unreasonable in the circumstances of this proposal & sufficient planning grounds exist to justify contravening the standard (*Min Lot size*).

When assessed under Section 79C(1) of the Environmental Planning & Assessment Act, 1979, the proposal is considered satisfactory, causing no adverse planning, environmental, social or economic consequences.

In light of the merits of the proposal and the absence of any adverse social or environmental impacts, the application is worthy of Council's approval.