

Statement of Environmental Effects

41 SUNBURST DRIVE,
CADDENS

3 DECEMBER 2021



CONTENTS

EXECUTIVE SUMMARY	5
SITE AND LOCALITY DESCRIPTION	7
SUBJECT SITE	7
ZONING CONTROL	9
LOCALITY ANALYSIS	10
HERITAGE	13
DESCRIPTION OF PROPOSAL	14
PLANNING CONTROLS	16
STATUTORY CONTROLS	16
POLICY CONTROLS	16
CONSIDERATION OF PLANNING CONTROLS	17
STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004	17
STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND	17
STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017	18
STATE REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 – HAWKESBURY NEPEAN RIVER	19
PENRITH DEVELOPMENT CONTROL PLAN 2014	24
CONCLUSION	37

TABLE OF FIGURES

Photograph 1: Shows the existing subject site, viewed from Sunburst Drive.....	7
Figure 1: Aerial Map Extract of Subject Site (Near Map).....	8
Figure 2: Zoning Map Extract (Source: ePlanning Spatial Viewer).	9
Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).	10
Photograph 2: Shows the vacant subject site and the streetscape to the north.....	11
Photograph 3: Shows the streetscape to the east of the subject site.....	11
Photograph 4: Shows the streetscape to the west of the site, separated by Midnight Avenue.	12
Photograph 5: Shows Hilltop Park, located on the opposite side of Sunburst Drive.	12
Figure 4: Heritage Map Extract (Source: ePlanning Spatial Viewer).....	13
Figure 5: Zoning Map Extract (Source: ePlanning Spatial Viewer).	19
Figure 6: Caddens Boundary Map Extract (Source: Penrith DCP).....	30
Figure 7: Caddens Structural Plan Map Extract (Source: Penrith DCP).	31

QUALITY ASSURANCE	
PROJECT:	Statement of Environmental Effects – ‘Dual Occupancy (attached)’ & Strata Subdivision
ADDRESS:	41 Sunburst Drive, Caddens
LOT/DP:	Lot 477 in DP1229232
COUNCIL:	Penrith City Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
Sean Riddell	Draft Issue	30 November 2021
<i>Reviewed by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
Jonathon Wood	DA Issue	3 Decemebr 2021

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the construction of a two storey 'Dual Occupancy (attached)', at 41 Sunburst Drive, Caddens.

The key aspects of the proposal are as follows:

Dual Occupancy

The development proposes the construction of a dual occupancy developments, comprising of;

- 1 x 3 bedroom unit; and
- 1 x 4 bedroom unit.

The dwellings are each provided with a single garage, with room for a stacked parking space each.

Strata Subdivision

Strata subdivision is proposed post construction of the dual occupancies.

The site is located a recently subdivided residential estate, on the eastern side of the intersection of Sunburst Drive and Midnight Avenue. The new residential estate is situated near the M4 motorway and bounded by established residential estates. The site is also within close proximity to Western Sydney University Kingswood Campus, TAFE NSW Kingswood, Nepean Hospital and is within a short driving distance of Kingswood and Penrith train stations and commercial centres. A bus stop with regular services to Penrith and Mt Druitt is within walking distance from the development site.

The development site is an irregular shaped corner allotment, with a frontage of 7.5m to Sunburst Drive, a splay frontage of 7.5m and a frontage of 25.9m to Midnight Avenue. The site has a total area of 451.6m². The site has a minor cross-fall across the site. The lot width also increases through the site noting a width of 12.5m at the building line and then 19.84m to the north-eastern boundary. These attributes are conducive to a dual occupancy form on a corner lot.

The development provides a development that is consistent with the low density-built form character within the subject area that will positively contributing towards increasing the housing stock of Caddens.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE AND LOCALITY DESCRIPTION

SUBJECT SITE

The site is located a recently subdivided residential estate, on the eastern side of the intersection of Sunburst Drive and Midnight Avenue.

The development site is an irregular shaped corner allotment, with a frontage of 7.5m to Sunburst Drive, a splay frontage of 7.5m and a frontage of 25.9m to Midnight Avenue. The site has a total area of 451.6m². The site has a minor cross-fall across the site.

The site is currently vacant, as demonstrated by photograph 1 below.

Photograph 1: Shows the existing subject site, viewed from Sunburst Drive.



Situated within a recently subdivided residential estate, the site is bounded by 1-2 storey contemporary dwellings to its northern and eastern boundaries, is separated by Midnight Avenue from new 2 storey dwellings to its western boundary and is separated by Sunburst Avenue from Hilltop Park to the south. This is illustrated by an aerial map below.

Figure 1: Aerial Map Extract of Subject Site (Near Map).



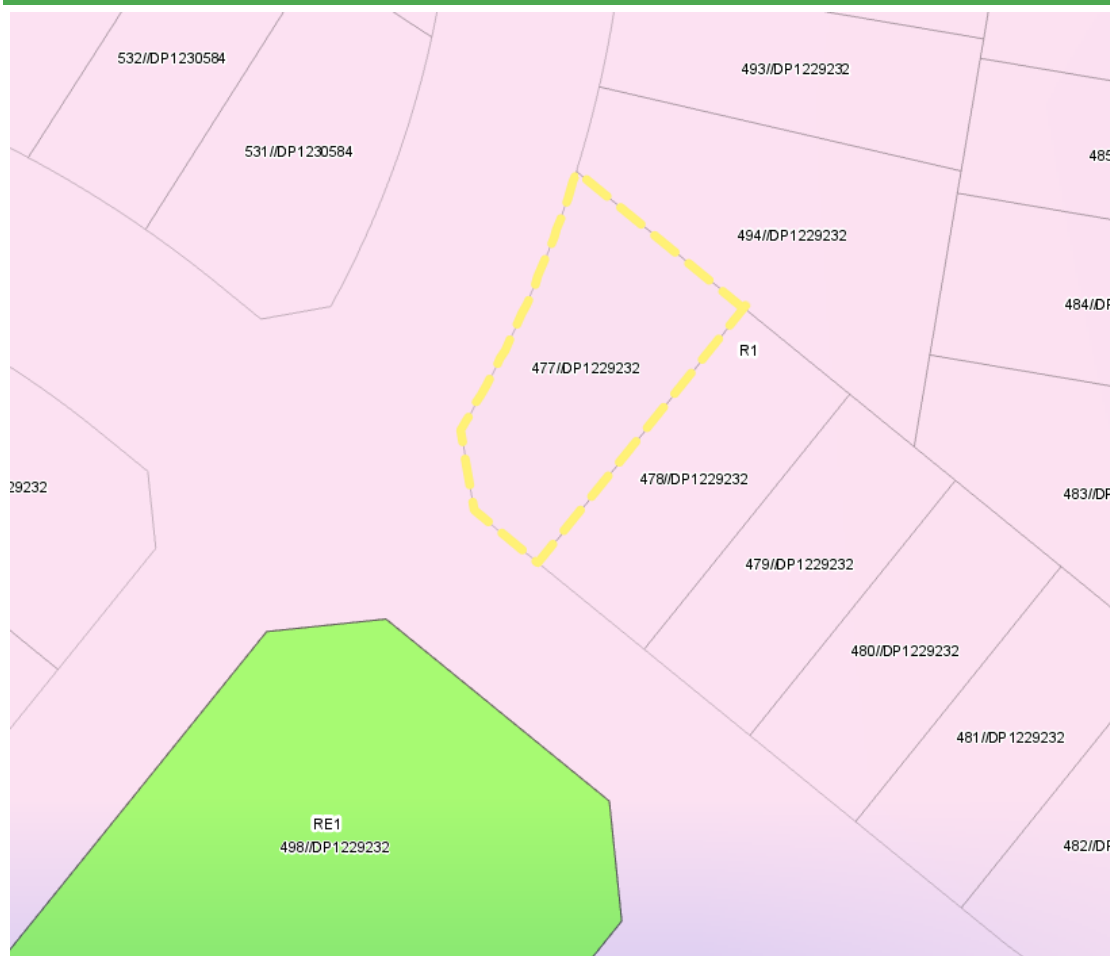
 - Subject Site

ZONING CONTROL

As evident via the zoning map extract provided overleaf, the subject site is zoned R1 General Residential as per the Penrith Local Environmental Plan 2010.

'Dual Occupancy (attached)' developments are permissible with consent within the R1 zone with the subject site permitted a maximum building height of 9m. It is noted that this is based on the construction of the zoning table that permits all forms of residential accommodation- of which dual occupancies are a form of residential accommodation.

Figure 2: Zoning Map Extract (Source: ePlanning Spatial Viewer).



 - Subject Site

The existing dwelling is underutilising the site's full zoning potential give its R1 zoning which permits low density residential development such as dual occupancy developments.

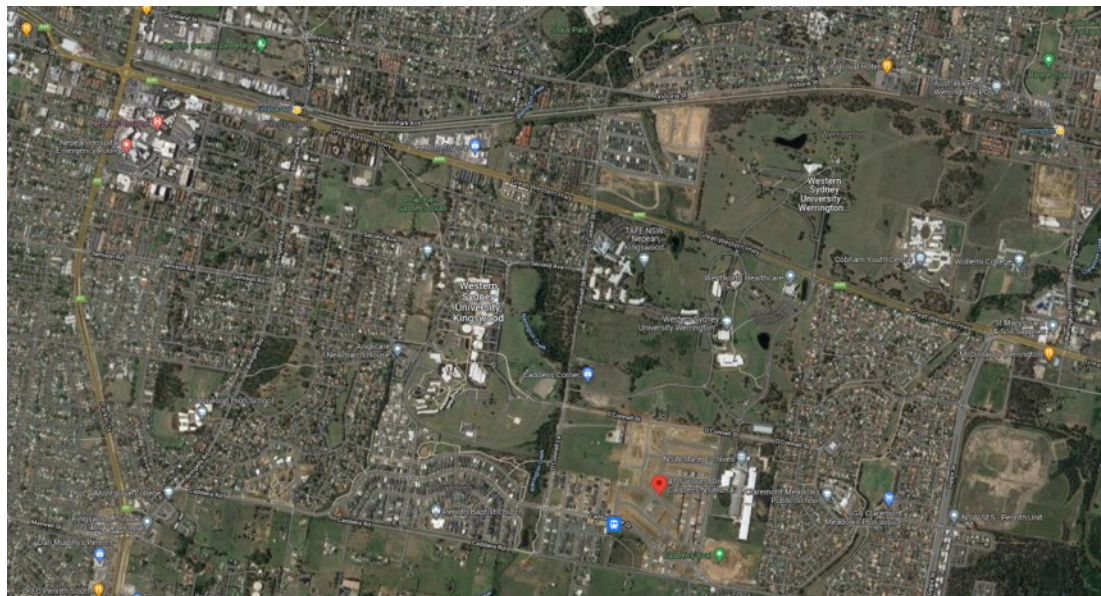
As such, the existing dwelling is to be demolished in-order to accommodate the proposed 2 storey 'Dual Occupancy' development.

LOCALITY ANALYSIS

The site is located a recently subdivided residential estate, on the eastern side of the intersection of Sunburst Drive and Midnight Avenue. The new residential estate is situated near the M4 motorway and bounded by established residential estates. The site is also within close proximity to Western Sydney University Kingswood Campus, TAFE NSW Kingswood, Nepean Hospital and is within a short driving distance of Kingswood and Penrith train stations and commercial centres. A bus stop with regular services to Penrith and Mt Druit is within walking distance from the development site.

An aerial map extract illustrates the site within its local context below.

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).



 - Subject Site  - Train Station  - Educational Facilities  - Bus Stops

With the subject area zoned for low density and considering the current demand for housing within Sydney and with the site's proximity to services within established commercial precincts, employment opportunities, educational establishments, public transportation and recreation opportunities, it is expected that a number of the existing stock of older style single storey dwellings within the subject area will be redeveloped to larger 2 storey dwelling houses and dual occupancies over the next 5-10 years.

Photographs are provided below and on the following page that give context to the locality and the relationship of the development site with adjoining developments.

Photograph 2: Shows the vacant subject site and the streetscape to the north.



Photograph 3: Shows the streetscape to the east of the subject site.



Photograph 4: Shows the streetscape to the west of the site, separated by Midnight Avenue.



Photograph 5: Shows Hilltop Park, located on the opposite side of Sunburst Drive.



HERITAGE

The site is not identified as a heritage item, it is not located within a heritage conservation area and it is not within proximity of heritage items that are likely to be impacted by the development, as illustrated by the heritage extract map below.

Figure 4: Heritage Map Extract (Source: ePlanning Spatial Viewer).



 - Subject Site

As a result, the subject site will not be burdened by any heritage restrictions.

DESCRIPTION OF PROPOSAL

This Statement of Environmental Effects has been prepared in support of a Development Application for the construction of a two storey 'Dual Occupancy (attached)', at 41 Sunburst Drive, Caddens.

The key aspects of the proposal are as follows:

Dual Occupancy

The development proposes the construction of a dual occupancy developments, comprising of;

- 1 x 3 bedroom unit; and
- 1 x 4 bedroom unit.

The dwellings are each provided with a single garage, with room for a stacked parking space each.

Strata Subdivision

Strata subdivision is proposed post construction of the dual occupancies.

A brief description of the various aspects of the units is provided below, noting the proposed dual occupancies are designed with 2 distinct levels:

Ground Floor:

- Parking: A new single width vehicle cross-over, driveway and garage is provided per unit.
- Dwelling: Both dwellings are provided with the more active areas including the living area, dining area, kitchen and courtyard via direct access from the living area within the ground floor. Front porch, rear patio, laundry, W.C, garage and POS is also provided per dwelling within the ground floor. A guest bedroom/study is provided on the ground floor of unit 2.

First Floor:

- The more passive areas including bedrooms and bathrooms are located within the first floor of the units.
- Both dwellings are provided with 3 bedrooms on the first floor and balconies overlooking the street frontages.
- Both dwelling are provided with a master bedroom with ensuite and walk-in-robe.

The proposal also incorporates several ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Designworx, while supporting reports have been prepared by relevant consultants.

The design of the proposal incorporates contemporary architectural aesthetics, whilst being compatible with the evolving character of the wider locality, noting the development has been designed to be compatible with the existing low residential density-built form character within the subject area, and consistent with the emerging larger scale 2 storey low density residential developments within the locality.

Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing and future desired character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those surrounding properties.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017
- State Regional Environmental Plan (SREP) NO. 20 – Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

POLICY CONTROLS

The applicable policy control documents include:

- Penrith Development Control Plan 2014.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The application has been assessed and is accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency and aligning with the provisions of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- a) it has considered whether the land is contaminated, and
 - b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments,		

electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	NA.

There is no information that would indicate that the site is contaminated and this would have been considered at the subdivision stage. Based on the available information there is nothing to warrant further investigation in relation to contamination at this stage.

STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, with the site having been extensively cleared and predominantly void of vegetation. Currently, there are no trees on the site.

The development proposes appropriate landscape treatment that seeks to soften the built form and integrate with the development and the site's context within a low density zoned residential estate than what current exists. Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. Refer to attached Landscape Plan for detail.

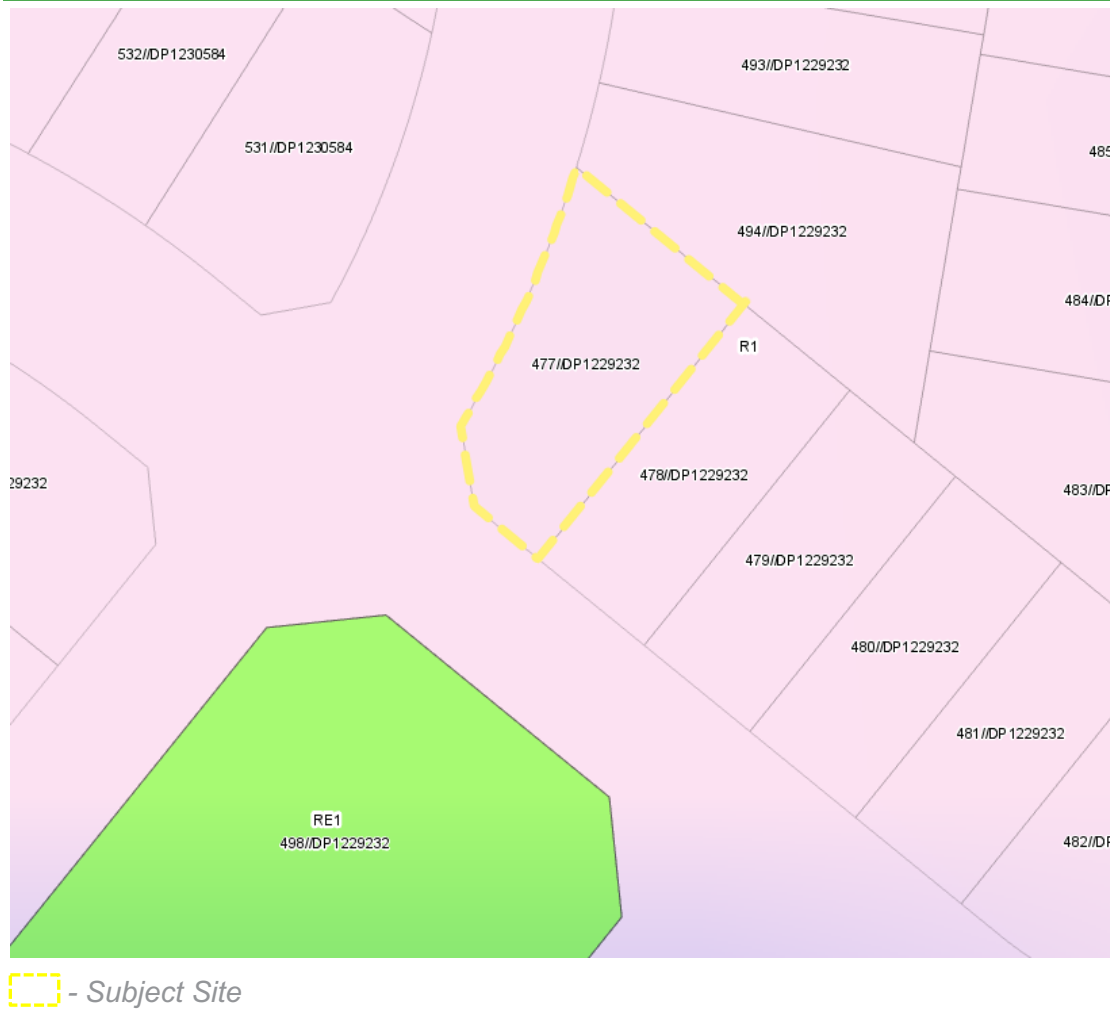
STATE REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 – HAWKESBURY
NEPEAN RIVER

The development proposal will be connected to all appropriate services (sewer, water and stormwater) and will not result in adverse run off or environmental damage. Erosion and sediment controls that align with the ‘Blue Book’ can be implemented throughout the construction phases and it is anticipated that conditions of consent will reinforce this. All sediment and building waste will be appropriately managed during the construction phase as well as through the ongoing life of the building.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provision of the Penrith Local Environmental Plan 2010.

Figure 5: Zoning Map Extract (Source: ePlanning Spatial Viewer).



'Dual Occupancy (attached)' developments are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

It is noted that a dual occupancy is a form of residential accommodation and the residential accommodate group term is permitted in the R1 zone and hence a dual occupancy is permitted with consent.

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that new development reflects the desired future character and dwelling densities of the area.*

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to Penrith CBD, Kingswood Train Station, educational facilities, public transport and recreational opportunities.

The proposed development aims to provide a development that is compatible with the existing low residential density-built form character within the subject area, and consistent with the emerging larger scale 2 storey low density residential developments within the locality.

The development will play a positive role in increase housing opportunities and the housing stock of Caddens.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comments	Complies
Zoning	R1 General Residential	'Dual Occupancies (attached)' are permissible with Council consent in the R1 General Residential Zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R1 General Residential, will appropriately fulfil the subject site's zoning potential and will provide additional housing in the catchment of public transport and services, whilst contributing to range of housing types to suit the needs of residents within a low density context.	Yes
2.6	Subdivision – Consent Requirements	Consent is sought for the Strata subdivision of the dual occupancies post development.	Yes
2.7	Demolition Requires Consent	The site is currently vacant	Yes
Part 4 Principal Development Standards			
4.1	3) Minimum Subdivision Lot Size: 550m ² (4) This clause does not apply in relation to the subdivision of any land— (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015	Does not apply to Strata subdivision	Yes
4.1A	Minimum Lot Size for Dual occupancies	Not applicable to the R1 zone.	N/A
4.3	Height of Building: 9m	Penrith Local Environmental Plan 2010 Height of Buildings Map indicates that the maximum building height within the subject site is 9m.	Yes

Clause	Controls	Comments	Complies
		No part of the proposal exceeds 9m in height. Complies.	
4.4	Floor Space Ratio	No FSR control applies to the subject site.	N/A
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	The site is not identified as a heritage item, it is not located within a heritage conservation area and it is not within proximity of heritage items that are likely to be impacted by the development. As a result, the subject site will not be burdened by any heritage restrictions.	Yes
5.21	Flood Planning	The 10.7 certificate indicates that the site is not identified as being flood prone.	N/A
Part 7 Additional Local Provisions			
7.1	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area. The proposed excavation and fill work are consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.	Yes
7.3	Development on Natural Resources Sensitive Land	The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.	N/A

Clause	Controls	Comments	Complies
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p>(a) <i>conserving energy and reducing carbon dioxide emissions,</i> (b) <i>embodied energy in materials and building processes,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy efficiency.</p> <p>(c) <i>building design and orientation,</i> (d) <i>passive solar design and day lighting,</i> (e) <i>natural ventilation,</i></p> <p>All units receive good solar access and natural ventilation (including at first floor).</p> <p>(f) <i>energy efficiency and conservation,</i> (g) <i>water conservation and water reuse,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy/water efficiency.</p> <p>(h) <i>waste minimisation and recycling,</i></p> <p>Waste management and recycling can be addressed through the remediation action plan.</p> <p>(i) <i>reduction of vehicle dependence,</i></p> <p>A Bus stop with services to Penrith is within walking distance for the development site. Furthermore, the development site is within a reasonable proximity to Kingswood Train Station.</p> <p>(j) <i>potential for adaptive reuse.</i></p> <p>N/A, the site is currently vacant.</p>	Yes
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils.	N/A

Clause	Controls	Comments	Complies
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014

All relevant Council controls have been identified and considered in the following compliance table noting the key controls are in Chapter E1 Caddens.

Penrith Development Control Plan 2014 Compliance Table			
Clause	Controls	Comments	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u>	Yes
		A Site Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.	
1.1	Site Planning	<u>1.1.2 Key Areas with Scenic and Landscape Values</u>	N/A
		The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u>	Yes
		The proposed development has a northern orientation that maximise solar access to the units. A BASIX certificate is attached to this statement.	

Clause	Controls	Comments	Complies
		<u>1.2.3 Building Form – Height, Bulk and Scale</u>	
		It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.	Yes
		The site complies with maximum height that applies for the site under Penrith LEP 2010.	
		The proposal is consistent with recently emerging 2 storey dwelling dual occupancy developments in the locality, displayed in the site analysis in this report.	
		<u>1.2.4 Responding to the Site's Topography and Landform</u>	
		The site experiences a gentle slope, with the proposal being designed with a stepped built form to minimise excessive cut and fill. See the attached sections for detail.	Yes
		<u>1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)</u>	
		The proposed development incorporates an active façade that will permit casual surveillance of both Sunburst Drive and Midnight Avenue, as well as common areas and landscaped areas of the proposal.	Yes
		The dwellings have been designed with habitable rooms and windows oriented to the Street.	
		The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.	
		The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.	
		The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	

Clause	Controls	Comments	Complies
		<u>1.2.6 Maximising Access and Adaptability</u>	
		The proposed development incorporates a suitable path of travel from the street to both units.	Yes
C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The subject site is within a well-established residential area, having historically been used for residential purposes.</p> <p>The site is cleared of vegetation.</p> <p>The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.</p> <p>The proposal provides landscaping embellishment work that will improve and enhance the subject site within a low residential density context. Refer to attached landscape plans for detail.</p>	Yes
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	Subject site is not identified as being within a Natural Resource Sensitive Land under the Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not identified as being within Bushfire Prone Land.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	<p>Subject site is not located within proximity to a watercourse, wetland or riparian corridor.</p> <p>Not applicable.</p>	N/A

Clause	Controls	Comments	Complies
3.4	Groundwater	The proposed development is for a residential development. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A
3.5	Flood Planning	Council's 10.7 certificate indicates that the site is not flood prone.	N/A
3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. See attached Stormwater Management Plan for detail.</p>	Yes
C4 Land Management			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes

Clause	Controls	Comments	Complies
4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>The site was previously used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.</p> <p>Nothing on site indicates a previous contaminating use.</p> <p>If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	Yes
4.5	Salinity	The site is not identified on the Area of Potential Salinity Risk map provided in the Caddens site specific DCP.	N/A
C5 Waste Management			
		A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.	Yes
C6 Landscape Design			
		<p>A landscape concept plan accompanies this development application.</p> <p>The concept plan details that the landscape embellishment works are appropriate within a low residential density context that will contribute towards softening the proposed built form.</p>	Yes

Clause	Controls	Comments	Complies
C7 Cultural and Heritage			
7.1	Heritage	<p>The site is not identified as a heritage item, it is not located within a heritage conservation area and it is not within proximity of heritage items that are likely to be impacted by the development.</p> <p>As a result, the subject site will not be burdened by any heritage restrictions.</p>	N/A
7.2	Aboriginal Cultural and Heritage	The site is not identified on the Areas of Aboriginal & European Cultural Heritage map provided within the Caddens site specific DCP.	N/A
7.3	Significant Trees and Gardens	The subject site does not contain any trees or gardens that are considered to be of cultural, historical, scientific or aesthetic significance.	N/A
C10 Transport, Access and Parking			
10.2	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p>	Yes
10.3	Key Transport Corridors	The subject site is not located within a key transport corridor.	Yes
10.5	Parking, Access and Driveways Parking Rates: 2 spaces per dwelling – stack parking acceptable	Each unit is provided with a single garage and room for a stacked parking space within the driveway. Therefore, the development is compliant.	Yes

PENRITH DEVELOPMENT CONTROL PLAN 2014 E1 CADDENS

The development aims to facilitate future residential development that will deliver a diverse range of housing forms and densities to meet the needs of diverse age groups, family types and income levels.


The site is located within the Caddens Precinct, as demonstrated via the Caddens boundary map extract below and Caddens Structure Plan provided below.

Figure 6: Caddens Boundary Map Extract (Source: Penrith DCP)



Figure 7: Caddens Structural Plan Map Extract (Source: Penrith DCP).



 - Subject Site

The controls relevant to the development application are addressed in the table below.

Penrith Development Control Plan 2014 E1 Caddens Compliance Table			
Clause	Controls	Comments	Complies
1.4 Residential Development			
1.4.1	Subdivision and Neighbourhood Design	<p>6) The minimum lot dimensions for all dwelling types at Caddens are set out in Table E1.2.</p> <p>It is noted that there are no specific controls that relate to a 'dual occupancy' however this form of development is most closely aligned with a 'semi-detached' form and hence they are the most appropriate set of provisions under which to assess the proposal.</p> <p><u>Semi-Detached Dwelling</u> <i>Lot Area (m²) = 225sqm (resultant)</i> <i>Lot width (m) = 7.5m-10m (resultant)</i></p> <p>The development site has a site area of 451.6m² which aligns with the parent lot requirement of 450m² for this form of development.</p> <p>The proposal also has a lot width at the building line to the primary frontage of 13.2m.</p> <p>This varies the numerical requirement in the sense that the frontage is wider than the range of 7.5m-10m but it meets the intent of the control and noting the corner lot configuration is suited for this form of development with a dwelling addressing each frontage which is a better outcome than a 'side by side' approach in terms of presentation, activation, and streetscape.</p> <p>Further given the development site is a corner land parcel with an irregular shape, widening towards the rear(north) of the lot. The development is fully compliant with the setback requirements, provides adequate amenity for the neighbouring properties and the future occupants of the development, and therefore, is considered appropriate for the proposal.</p>	Merit
1.4.2	Streetscape, Feature Element and Roof Design	<p>1 & 2) The development adopts a variety of architectural features;</p> <ul style="list-style-type: none"> - An entry feature; - Incorporation of stepping alignment of walls; - Projections on ground floor plan; and - Projecting verandahs and awnings. <p>3) Eaves are provided consistent with the requirements.</p> <p>4) Water tanks, air conditioning units, solar hot water tanks and the like are not prominent when viewed from the street.</p>	Yes

Clause	Controls	Comments	Complies
		<p>5) The development proposes a neutral palette of colours.</p> <p>6) The development proposes asymmetrical designs.</p>	
1.4.3	Dwelling Height, Massing and Siting	<p>1 & 2) The development proposes a two storey dual occupancy and therefore, complies.</p> <p>3) The development proposes north facing POS which receives adequate solar access. Given the location of the adjoining lots and street frontages, the development will not reduce solar access to adjoining properties POS.</p> <p>4) The site has an area of 451.6m² and therefore, the upper level of a dwelling is allowed a maximum area of 135.5m² (30%). The dwellings upper floor area do not exceed 135.5m².</p>	Yes
1.4.4	Building Setbacks	<p>1) The development is located on a corner site with a lot width at the building line of approximately 13.2m to its primary frontage to Sunburst Drive.</p> <p>Therefore, the development is prescribed the following setback requirements noting the detached controls have been used for the primary frontage to better align with character.</p> <p><u>Detached (frontage: 12.5m to less than 15m)</u></p> <p><u>Front: 4.5m</u> The development provides a front setback of 4.5m to Sunburst Drive.</p> <p><u>Side: 0.9m</u> The development provides side boundary setbacks of 900mm which is appropriate given the short run of this setback than then steps in</p> <p><u>2nd storey side: 1.2m</u> The development provides side boundary setbacks of 1.2m to the 2nd storey.</p> <p><u>Rear: 4m</u> Given that the site is a corner lot, it does not have a rear boundary, and therefore, is not required to provide a rear setback. Nonetheless, the development provides a setback to the northern boundary of 4m to the ground floor and 5.6m-8m to the first floor.</p>	Yes

Clause	Controls	Comments	Complies
		<p><u>Secondary frontage setback: 2m</u> The development provides a setback of 2m to Midnight Avenue.</p> <p><u>Splay setback: 2m</u> The development provides a setback of 2m to the splay frontage.</p> <p>6) The garages are setback 1m behind the dwelling facades.</p> <p>11) The development incorporates entry features within the articulation zone.</p> <p>12) The side walls are staggered/indented to avoid an excessive long and blank appearance.</p>	
1.4.5	Development Forms	N/A to the proposal.	N/A
1.4.6	Private Open Space	<p>1) The site has a width at the building line of 13.2m to its primary frontage however the lot is irregular and given it is effectively a semi-detached form adopting the 7.5m-10m lot width- which requires 20% of the lot area with a minimum dimension of 2m with a 16sqm principal area with minimum dimension of 3m is appropriate.</p> <p>The proposal adopts:</p> <p>Unit 1: 18.5sqm Unit 2: 64sqm</p> <p>Hence the principal areas comply, however Unit 1 is short the total area required owing to the lot configuration and layout. However given there is a principal POS and the corner lot configuration the extent of POS is considered suitable on merit.</p>	On Merit
1.4.7	Site Cover and Landscaped Area	<p>1) Dwellings on lots <450m² will be on merit but maximum 70%.</p> <p>The site coverage proposed is approximately 57%.</p> <p>4) Landscaped area is any part of a site, at ground level, that is permeable and consists of features such as soft landscaping, turf and planted areas. The following minimum landscaped area must be provided: a) lots less than 450m² – 35% of the lot area ; b) lots 450m² and greater - 35% of the lot area.</p> <p>The proposal provides for 43% landscaped area.</p>	Yes

Clause	Controls	Comments	Complies
1.4.8	Fencing	The development does not propose front fencing.	N/A
1.4.9	Garage and Access	<p>2) The garages are setback 1m behind the front building line.</p> <p>4) The garages are compliant with the max dimensions provided.</p> <p>5) The garages are visually recessed through the provision of a 1m setback, overhanging balconies and the careful consideration of colours and materials.</p> <p>9) The driveways are to be no wider than 4.5m at the front boundary and are a minimum of 1.5m from street trees.</p> <p>10) Unit 2 is accessed via the secondary road frontage.</p>	N/A
1.5 Environmental and Residential Amenity			
1.5.1	Visual Privacy and Acoustic Amenity	<p>1 & 2) The development incorporates adequate separation and features to maximise visual privacy for the neighbouring dwellings and future occupants of the proposal. The windows that are located within 3m of the side boundaries are provided with high sill windows to mitigate impacts.</p> <p>4) On the upper level, bedrooms share walls with bedrooms of the adjoining property. The guest bedroom on the ground floor shares a wall with the living area of the adjoining dwelling, however, the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia.</p>	Yes
1.5.2	Safety and Surveillance	<p>1-3) The dwellings are designed with windows of habitable rooms overlooking the street frontages, public space and communal areas.</p> <p>4) The development is designed to avoid areas for concealment and blank walls facing the street.</p> <p>5) Sufficient lighting is provided.</p>	Yes

Clause	Controls	Comments	Complies
1.5.3	Sustainable Building Design	<p>1) The development provides compliant floor to ceiling heights.</p> <p>2) The dwellings are designed to allow for cross ventilation.</p> <p>3-4) Adequate solar access is provided to the dwellings. External shading is provided where required.</p> <p>5) Outdoor clothes drying areas are provided.</p>	

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.