<u>Statement of</u> <u>Environmental</u> <u>Effects</u>



SUBJECT PREMISES:	Lot 60 DP 259229 (No. 10) Iralba Avenue, Emu Plains
Proposal:	Two storey attached dual occupancy and associated strata subdivision
For:	Mr and Mrs Sinclair / Sharon Jones Accomplished Design
COUNCIL:	Penrith City Council
DATE:	May 2017

This Statement of Environmental Effects has been prepared by Anthony Krilich (MAIBS, B.App.Sc. (Env. HIth)).

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Anthony Krilich Report No. J17-024

THE SITE:

The subject site is located at Lot 60 DP 259229 (No. 10) Iralba Avenue in Emu Plains. The site is an irregular shaped allotment with a total site area of 1050m². The width of the allotment at the street front is 15.5m and 26.0m at the rear boundary. The depth on the north eastern side boundary is 48.745m and 57.695 on the south western side boundary. The land is located on the southern side of Iralba Avenue.

An existing single storey older style brick dwelling house, detached weatherboard garage, carport and a detached shed are present on the allotment. The site slopes to the street and the land has a fall of over 4m across the site, most of which occurs across the front half of the site. Some trees and vegetation are located on the site, including plantings that form part of the private gardens of the site.

The Emu Plains area is an established residential area. There is a mixture of single storey and two storey dwellings throughout the streetscape. Many of the older homes in the area are either being re-developed with significant alterations and additions, or sites are having new housing or higher density housing built (including other dual occupancy development). The site is also located less than a kilometre from the local Lennox Shopping Centre and not far from Emu Plains Railway Station.

Photographs of the site are provided for in the Appendix to this Statement.



An aerial photograph of the site for the area is provided below.

Above - Aerial photo of site and general locality within Emu Plains.

PROPOSED DEVELOPMENT:

The proposal is for the following works on the land:

- The demolition of the existing dwelling, detached garage, carport and other ancillary structures such as the shed, paving and driveways.
- The construction of a two storey attached dual occupancy development with associated retaining walls, landscaping and driveway access.
- The strata subdivision of the proposed development into two lots.

The development proposes two attached two storey dwellings of 4 bedrooms each. Each of the dwellings proposes a single car garage, accessed off a shared driveway. The development will be of a combination of brick veneer and aluminium cladding sheets on a concrete floor slab. The roofing for the development will be of Colorbond roofing with a combination of flat, skillion and pitched roofs (roof pitch up to 15 degrees).

The development proposes a front setback of 9.6m from the street to the closest point on Dwelling A (Foyer/Stairs) and 13.2m to the garage of Dwelling B.

Minimum side setbacks are proposed at 1.49m for Dwelling A and 1.43m for Dwelling B. The rear setback for each dwelling is over 13m.

Strata subdivision of the development is proposed and consent for strata subdivision is required. It is noted that the strata subdivision of the development will involve common property and lot titles and an appropriate strata plan will be prepared for the Strata Certificate. All plans will be prepared by a registered surveyor of a quality required by the Land and Property Information (Land Titles Office). The issuing of a Strata Certificate is governed by the Strata Schemes (Freehold Development) Act or Strata Schemes (Leasehold Development) Act.

This Statement of Environmental Effects will address the proposed development against the provisions of the *Environmental Planning and Assessment Act* (Section 79(c)) and relevant development standards as listed in the relevant planning documents applying to the site.

HEADS OF CONSIDERATION:

The following heads of consideration under section 79(c) of the Environmental Planning and Assessment Act, 1979 apply:

a) "the provisions of any environmental planning instrument"		
Relevant EPI:	Penrith Local Environmental Plan 2010 (PLEP2010)	
Use:	"dual occupancy (attached)", "strata subdivision" and "demolition"	
Zoning:	Zone R2 – Low Density Residential	

Penrith LEP 2010 Map Summary:

The following <u>summary</u> of land use controls as shown in the maps within *PLEP2010* applies to the subject land for the Penrith area (Map 005 applies). These controls are further expanded upon in the Statement.

ZONING MAP:	R2 – Low Density Residential.
	R2 AVE AVE AVE
MINIMUM LOT SIZE MAP:	• 600m² ("M").
HEIGHT OF BUILDINGS MAP:	 "I" – 8.5m. This building height is proposed at the highest point is approximately <u>7.8m</u>, and complies with the development standard.
CLAUSE APPLICATION MAP:	This development standard is not applicable to the site.
KEY SITES MAP:	No map applies to the site.
URBAN RELEASE MAP:	No map applies to the site.
FLOOR SPACE RATIO MAP:	This development standard is not applicable to the site.
LAND RESERVATION ACQUISITION MAP:	• This development standard is not applicable to the site.
HERITAGE INDEX MAP:	This development standard is not applicable to the site.
NATURAL RESOURCES SENSITIVITY LAND MAP:	 No map applies to the site.
SCENIC & LANDSCAPE VALUES MAP:	This development standard is not applicable to the site.
Additional Permitted Uses Map:	This development standard is not applicable to the site.
ACTIVE STREET FRONTAGES MAP:	This development standard is not applicable to the site.

FLOODING INDEX MAP:	•	This development standard is not applicable to the site (residential areas of <i>PLEP2010</i> are excluded) and the site is however not flood prone land.
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Permissibility and Proposed Use:

PLEP2010 permits dual occupancy (attached) developments in the R2 – Low Density Residential zone with development consent.

The definition for a dual occupancy, dual occupancy (attached) and other associated definitions under PLEP2010 are as follows:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.

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

Note. Dual occupancies (attached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

The proposal complies with this definition. The development proposes two attached dwellings on the same parcel of land. Each dwelling has its own separate entrance and private yard/courtyard area at natural ground level. No other form of dwelling type is proposed with the development.

The development application also seeks consent to subdivide the development into two **strata title allotments**. Appropriate strata plans will therefore be prepared for the development.

The **demolition** of all existing site structures is also sought with this development application and demolition works will occur with development consent.

Zone Objectives:

PLEP2010 provides for certain 'objectives' of the R2 – Low Density Residential zone that need to be considered when proposing any land use. These objectives, and comments on how the development compares with these objectives, are provided as follows:

• To provide for the housing needs of the community within a low density residential environment.

The proposed development is compatible with the low density residential environmental and the capability of the land. The proposed dual occupancy development is permissible within the zone and is considered to be appropriate for the site. The objective is therefore complied with.

• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development does not seek any other types of land uses or services ancillary to a residential area. The provisions of this objective are therefore not applicable.

• 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.

The proposed works will result in the construction of a development that has the general appearance and features of traditional detached housing (such as height and bulk and scale). Each dwelling will be provided with its own private gardens and proposes large landscaped areas and extensive landscaping works.

• To enhance the essential character and identity of established residential areas.

The proposed dual occupancy (attached) development is considered to satisfy this objective. The R2 Low Density Residential zone permits dual occupancy housing and the development will therefore form part of the character and identity of the area. The character and identity of the established residential area will also be enhanced with this development proposal.

• To ensure that a high level of residential amenity is achieved and maintained.

The proposed dual occupancy development provides for a high level of residential amenity. For example, no balconies are proposed and most upper floor rooms are low stay rooms (bedrooms or bathrooms). The overall objective is therefore considered to be fully complied with by an appropriate design on the site.

Relevant Development Standards of PLEP2010:

The following relevant development standards as provided in *PLEP2010* apply to the intended development:

Clause 4.1 – Minimum subdivision lot size

The development application proposes the **strata subdivision** of the development into two lots and consent is sought for strata subdivision. Clause 4.1(4) advises that this clause does not apply in relation to the subdivision of individual lots in a strata plan. The provisions of this clause therefore do not apply to the development. Clause 4.1AB that limits strata subdivision does not apply to land within the R2 – Low Density Residential zone.

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

Clause 4.1A provides for the following specific standard:

STANDARD	REQUIRED – R2 ZONE	PROVIDED	COMMENT
<u>Minimum Area</u>	650m ² for dual	1050m ²	Achieved
	occupancy		
	(attached)		

Site areas are achieved with the dual occupancy (attached) development proposal. The available site area is not burdened by easements or other restrictions that affect the development controls within Clause 4.1A. The site is also not a battle-axe lot.

Clause 4.3 – Height of buildings

Clause 4.3(2) requires that all buildings comply with the height of buildings map. The maximum height of the development is at approximately 7.8m and is less than the 8.5m maximum that is specified in the Height of Building Map.

Clause 5.9AA – Trees or vegetation not prescribed by development control plan

The proposed development is to be located on an allotment of land that has some garden vegetation. Four trees/shrubs are proposed for removal in the while the remaining trees/shrubs at the rear of the site will be retained.

This tree/vegetation removal is therefore considered to be minimal and satisfactory. Additional landscaping that will be implemented by the owners of the site will also complement and embellish the existing landscaping and site.

Clause 7.4 – Sustainable development

The development site is considered to satisfy the considerations under this clause for sustainable development. The development will:

- Meet the NSW State Government targets of BASIX, therefore conserving energy and overall leading to housing development that reduces carbon dioxide emissions,
- Use suitable materials and building processes,
- Have a suitable building design and orientation,
- Incorporate suitable passive solar design and day lighting of living area rooms,
- Have suitable natural ventilation to all rooms,
- Incorporate waste minimisation and recycling as appropriate for a residential development (refer to waste management plan),
- Incorporate suitable Water Sensible Urban Design principles with the drainage design (for example, through the use of rainwater tanks),
- Be located in an area which will result in a reduction of vehicle dependence (not far from Emu Plains Railway Station and other bus services), and
- Have potential for adaptive reuse of rooms (especially for rooms on the ground floor).

Clause 7.6 – Salinity

The development site is not considered to be of high risk of salinity or saline prone. The provisions of this clause are therefore considered to not be applicable to the development.

Clause 7.7 – Servicing

Servicing arrangements for the proposed dual occupancy development are considered to be able to be easily met and achieved. Stormwater drainage for the development will drain to street drainage system, and outlets in the kerb for these connections are already available.

The site is also currently serviced by reticulated water, sewer and electricity and all appropriate service authorities will be consulted as part of the development proposal.

There are no other relevant development standards under *PLEP2010* and the above-mentioned clauses are therefore considered to be satisfied with the proposed development.

Other environmental planning instruments:

Relevant EPI:Sydney Regional Environmental Plan No. 20 –
Hawkesbury / Nepean River

The site is not within a riverine or scenic corridor. The site is therefore not subject to the development controls under Part 3 of the plan (Clause 11 (15) & (16)).

Penrith Local Environmental Plan 2010 has no other relevant clauses, provisions or development standards that apply to the intended dwelling house development.

b) "the provisions of any draft environmental planning instruments"

Penrith Local Environmental Plan 2010 has recently been adopted for Penrith's residential areas and there are therefore no relevant draft environmental planning instruments applying to the land.

c) "any development control plan"

The following development control plans are the relevant planning documents applying to the site:

Development Control Penrith Development Control Plan 2014 (PDCP2014) **Plans:**

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Penrith Development Control Plan 2014:

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Penrith Development Control Plan 2014 (PDCP2014) was adopted by Penrith City Council on the 23 March 2015 and came into operation on the 17 April 2015.

The main sections of PDCP2014 that apply to the development are as follows:

- Penrith DCP 2014 Part C Site Planning and Design Principles.
- Penrith DCP 2014 Part D2.2 Dual Occupancies.

The following relevant development controls of PDCP2014 apply to the proposal.

PART C1 TO C13		
DCP 2014 SECTION	REQUIREMENTS	COMMENTS
C1 – Site Planning and Design Principles:	 Gateway sites Visual impact statement Design principles Fencing 	The site is not a gateway site as identified in <i>PDCP2014</i> and the site is not identified on the 'Scenic and Landscape Values Map'. A specific visual impact statement is therefore not required.
		The visual impacts and site planning and design principles are, however, considered to be satisfactory and the proposed development will have no significant visual impact.
		The development will also be in keeping with the surrounding residential land uses (which are all residential).
		The development is also seen as development that is located in an appropriate area on the site.
		Existing boundary fencing is in good condition and is not proposed to be replaced. New 1.8m high paling fencing will, however, be provided to separate the rear courtyard areas of the development.
		There is no front fencing proposed for the development. Fencing therefore complies with the provisions of this part of PDCP2014.

C2 - VEGETATION	Tree preservation	The development involves the
MANAGEMENT:	 Biodiversity impacts Bush fire management 	removal of minor trees and shrubs forming part of the garden plantings of the site. This removal is considered to be satisfactory and the development will have no significant impact on the biodiversity of the area. The site is <u>not</u> identified as being located on bushfire prone land.
C3 - WATER MANAGEMENT:	 Water management and catchment Flood liable land Watercourses Ground water Stormwater management Water retention Rainwater tanks WSUD 	The proposed development will not significantly affect water management principles or affect the catchment area of any neighbouring creeks or rivers. All roofwater and stormwater drainage, including overflows from rainwater tanks, will be conveyed to the street drainage system. The development will incorporate water saving methods to achieve the State Government water targets through BASIX (such as the use of appropriate water rated fixtures). The development will also not affect and not be affected by any watercourses or ground water. Other provisions of this part of <i>PDCP2014</i> are considered to not apply to the development. The site is also not identified as being flood liable land.
C4 - LAND MANAGEMENT:	 Site stability and earthworks Landfill Erosion and sedimentation Contaminated lands Salinity 	The proposed development will require minimal earthworks for the creation of a building platform due to the proposed use of a stepped slab on ground construction which gradually decreases and steps with the slope of the site. The dual occupancy development incorporates three different

		ground floor levels, with a change in height of 1050mm from the front (Garage) to the rear (Family) areas. The development also proposes the use of suitable minor retaining walls for the retaining of all required excavated and fill areas (including Dwelling B rear open space). Erosion and sediment controls will be implemented during construction works. The site is not a known contaminated land site and has no contamination issues with the site (residential land uses only). Salinity is also considered to not be of concern for the development or the area, and no specific construction techniques are required for the development.
C5 – WASTE MANAGEMENT:	 Waste management plans Hazardous waste management On -site sewage management 	The waste management procedures to be adopted for the development are addressed in the waste management plan prepared for the development. No hazardous waste will result from the development. Sanitary drainage will be
C6 – LANDSCAPE DESIGN:	Landscaping of the site	connected to Sydney Water's system. The provisions of Part D1.2 of <i>PDCP2014</i> generally apply for landscaping considerations.
		There are some minor trees and other vegetation located on the development site that require removal. Landscaping of the site around the proposed dual occupancy development will however occur to compensate for this tree removal.

		A landscaping plan has been prepared for the development by "Bio Engineering" and accompanies the development application.
C7 – Culture and Heritage:	 European he Aboriginal cu heritage 	
C8 – PUBLIC DOMAIN:	General requ	
C9 – Advertising and Signage:	General requ	irements The development requires and proposes no advertising or signage.
C10 – TRANSPORT, ACCESS AND PARKING:	 Transport and Roads Parking, accidiveways Pedestrian combined Bike facilities 	a sealed public road and access to Iralba Avenue will be

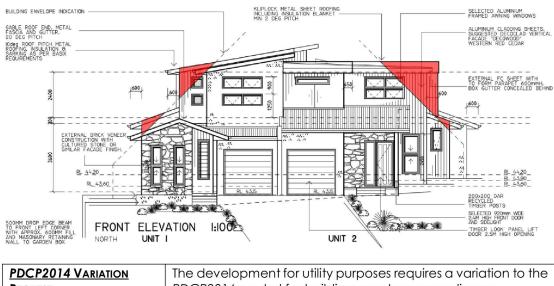
			Pedestrian facilities and bike facilities are not required with this type of development.
C11 – Subdivision:	•	General requirements	No subdivision of land is proposed or required as part of this application other than strata subdivision of the development (which is not applicable under this section of <i>PDCP2014</i>).
C12 – NOISE AND VIBRATION:	•	Road noise Aircraft noise Vibration and blasting	Iralba Avenue is not a major road and the development is not affected by any road or traffic noise. The development site is also not affected by any rail noise nor will it be affected by any future aircraft noise from Badgery's Creek airport. The development will also not require any blasting to occur, and vibration from excavation works (due to the silt /clay soil types) will be minimal.
C13 – INFRASTRUCTURE AND SERVICES:	•	General requirements	The site is serviced by a reticulated water supply and sewer (by Sydney Water). Electricity is also available for the development, and all relevant authorities will be consulted.

<u>Section 2.2 – Dual C</u>	ccupancies
2.2.1 – Residential Character:	 The provisions of Part 2.2.1 of PDCP2014 are considered to be satisfactory. The development will provide for: The use of satisfactory modern external colours and finishes that will blend in with the locale / surrounding development and that are appropriate for the site. The use of adequate yards/courtyards with adequate distances to neighbouring property boundaries and street frontages. A suitable building design that will complement the proposed and existing development within the streetscape. Adequate and usable landscape open space areas and private open space. A non-symmetrical design that will not significantly impact on the front garden setbacks and that is of a suitable height, bulk and scale.

2.2.2/2.2.3 – PREFERRED CONFIGURATION FOR DUAL OCCUPANCY	The development provides for a suitable attached dual occupancy design that will comply with Part 2.2.2 and 2.2.3 and includes the following: The development is designed as 'two dwellings fronting
DEVELOPMENT/ALTERNATIVE CONFIGURATION FOR DUAL OCCUPANCY DEVELOPMENT:	 the street, with their entrances, the windows to principal living rooms and private gardens facing the street or rear boundary' (Objective 2 is therefore complied with). Not impacting significantly on the streetscape of the area. Providing for suitable courtyards and private open space areas. Providing for a design that avoids the appearance of 'garage architecture' and of unappealing symmetrical 'duplex' styles. The front elevation of the development has many non-symmetrical features, such as clever entry door placement, differing roof and wall façade designs, providing for a street appearance that is as one dwelling house, and not a not an attached dual occupancy.
	 The development proposes: A 'semi-detached pair fronting the street'. The use of satisfactory finishes for the locale. Use of separating courtyards with adequate distances to neighbouring property boundaries. Dwelling B also proposes an internal private courtyard. A suitable design that does not impact on native or remnant vegetation (some existing trees at the rear of the site are to be retained). Adequate landscape open space (by not overdeveloping the site) and contributing to tree and shrub plantings/green corridors. The use of satisfactory modern/contemporary external colours and finishes that will blend in with the locale / surrounding development and that are appropriate for the area. The use of adequate site yards/courtyards with adequate distances to neighbouring property boundaries and street frontages. A suitable building design that will complement existing development does not propose the retention of the existing dwelling house on the site (as listed as 'alternative configuration for dual occupancy development').
2.2.4 – Urban Form:	The proposed development incorporates some of the controls relating to Urban Form.
	 Some of the controls that are considered to be satisfied include: Adopting a suitable non-symmetrical street front with variations in the window sizes and locations, differing wall locations and styles, and gable/roof designs and patio widths and patio roofs. Using a combination of differing external finishes and the non-symmetrical placement of external finishes.

	 Having garages that are recessed from the entry and lounge rooms of the front façade of each dwelling. Having appropriate articulation and steps in walls. Providing for suitable street and boundary setbacks.
2.2.5 – FRONT AND REAR SETBACKS:	 Front setbacks: The proposed dual occupancy development complies with the requirements of the front setback by: Providing for a minimum front setback of 9.6m, as measured to the closest front wall setback of the development (being the Foyer/Stairs wall of Dwelling A). Providing for an 'articulation zone' front setback of approximately 8.7m (as measured to the Dwelling A Garden Bed). Adopting larger front setbacks for the garages and for the first floor of the development. Garages are setback at a minimum distance of approximately 12.2m.
	Stacked parking spaces are also permitted within the front setback leading to a garage and the large street setback allows for two stacked parking spaces for each dwelling.
	The proposed setbacks for the development are therefore considered to satisfy the objectives of this part of <i>PDCP2014</i> .
	The front setback of the development will reflect the character of established garden suburbs and provide for development of flora and fauna corridors, both at the front of the site and along the rear setback area.
	The proposed front setback is therefore considered to be appropriate for the area and in accordance with the established character of the streetscape. All front setback areas will also be suitably landscaped.
	 <u>Rear setbacks</u>: The proposal fully complies with the requirements of the rear setback by: Proposing a minimum 13.22m rear setback for the development.
2.2.6 – BUILDING ENVELOPE AND SIDE SETBACKS:	The development site has steep fall across the front of the site and the dual occupancy development is designed to suit this slope constraint.
	As already advised, the development proposes stepped slab on ground construction which gradually decreases and steps down with the slope of the site. The dual occupancy development incorporates three different ground floor levels, with a change in height of 1050mm from the front (Garage) to the rear (Family) areas.
	The cut and fill provisions are therefore considered to be satisfied and stepped slab-on-ground construction can easily be incorporated with the development, without having floor levels at an unreasonable height. Suitable retaining walls

coupled with the stepped slab design are also considered to be satisfactory. Effective drainage and sub-soil drainage to these excavated areas will also be provided.
Landscaping for the development is compliant with the <i>PDCP2014</i> controls. The development provides for a more than reasonable separation to boundaries, and suitable landscaping between neighbouring buildings, side boundaries and the development is proposed and will occur.
The development has also been designed with extensive articulation of walls along boundaries, with the upper floor significantly staggered in from the ground floor walls. The development also incorporates a low pitched roof design, with skillion roof pitches of about 15 degrees, resulting in a lower overall height that is about 7.8m in total height.
Zero setbacks for the development, although permitted by <i>PDCP2014</i> are not proposed with the development.
PDCP2014 requires compliance with the <u>building envelope</u> control as provided for in Figure D2.5 for the R2 Zone.
The proposed dual occupancy development, due to restrictions mainly relating to site slope compliance, does not comply with the building envelope controls. This is represented on the elevations prepared for the development, and as shown below and relates mainly to <u>eave and minor upper floor wall encroachments</u> .
Accordingly, a request to vary this DCP requirement is provided.



PDCP2014 VARIATION REQUEST	The development for utility purposes requires a variation to the <i>PDCP2014</i> control for building envelope compliance.
	Part 2.2.6 of PDCP2014 states the objectives of the part and hence the standards relating to the building envelope controls. The objectives are as follows:

Comply with building envelope controls, minimise disturbance to existing topography and natural soil-profiles, and provide for reasonable landscaped separation between neighbouring buildings.
The purpose of the building envelope control for development is generally to control visual impacts of the development (such as bulk and scale) along with minimizing disturbance to topography and provide for landscaped separation.
Although the building envelope control is not fully achieved for the attached dual occupancy development, the development is still considered to provide for appropriate development of the site.
Some of the reasons that can be used to justify this remark include the following:
 The building envelope non-compliance can be seen to be caused as a result of the attributes of the site affecting the development, being the significant site slope and tapered side boundaries. Without these site attributes, a development complying with the building envelope standard could easily be achieved. Although the building envelope is encroached upon, the bulk and appearance of the dual occupancy development is considered to be suitable as the roof design results in overall, a lower building height. The roof pitch is proposed at a maximum of 15 degrees. A standard pitched and hipped roof (which is generally at over 20 degrees) would have a much higher overall building height as compared to this skillion roof design. Although the building envelope is slightly encroached upon, the bulk and appearance of the dual occupancy is considered to be very suitable due to the design of the building and larger boundary setbacks for the upper floor and suitable site area. Lower pitched roofs and articulation of the elevations along both street frontages also provides for a graduating appearance for the development, therefore reducing any perceived wall height exceedance. The bulk and appearance of the attached dual occupancy is considered to also be very suitable as the external walls are not in a singular plane, but are staggered and articulated along the side boundaries. The upper floor is staggered from the ground floor walls whilst the appearance of the development from the front elevation is that of a detached dwelling house (and not a traditional dual occupancy). The type of encroachment is common with many of the more modern designs of buildings and with other surrounding development. The type of encroachment is also common to the locale and has previously been consented to by Council on many other sites. The development will therefore not be out of character with the area or locale and will be compatible with existing housing in the locality.

 The use of a mixture of building materials and composite materials to the roof gables reduce the scale and bulk appearance of the building. The varying external colours and finishes/materials are also considered to be very appropriate.
The development has been designed for minimising overshadowing impacts on the adjoining neighbours. For example, the development incorporates a staggered upper floor that minimises overshadowing impacts. The orientation of the lot, being generally a north-south lot, also results in most overshadowing occurring over the subject lot, and not neighbouring lots. The neighbouring lots are also large in size and their private open space
 Iocation results in minimal overshadowing. The dual occupancy development does not extend into the minimum rear setback area dimension allowable for the site, and is double the minimum rear setback area (a large rear setback of over 13m applies), again limiting neighbour overshadowing. The dual occupancy development will therefore not unreasonably impact upon the adjoining properties in terms of overshadowing due large rear setbacks and lot orientation. The upper
 floor side boundary setback is also substantially increased from the ground floor setback, therefore also improving solar access to neighbours. The impact on privacy to the neighbouring properties has also been considered with the design. For example, window placement and boundary setbacks for windows are suitable. There are also no proposed balconies. The encroachment into the building envelope will not result in any loss views across the site (which are not proposed balconies).
 present). The proposed dual occupancy development will achieve an appropriate separation to boundaries and between buildings on neighbouring land. The building envelope encroachment will result in suitable separation to other buildings and will not impact upon private open space corridors along rear fence lines. The building envelope encroachment will not impact on
any potential for site landscaping of the site. Extensive site landscaping is proposed for the development which complies with the <i>PDCP2014</i> controls. The building envelope encroachment will therefore not impact on any potential for site landscaping of the site.
As can be seen in the above comments, the impact of the building envelope encroachment is considered to be minimal. Although the development exceeds the building envelope control, the overall objectives of this development control is still considered to be achieved.
A variation to these controls as permitted by D2.1.6(B)(1) of <i>PDCP2014</i> is therefore <u>considered to be appropriate</u> and necessary for the intended design and location, especially in relation to the site slope on the site. The design, external appearance and utility of the proposed

	development are also considered to be satisfactory and allowing such variations results in a good design outcome for the site.
2.2.7 – DRIVEWAYS AND PARKING AREAS:	 The proposal fully complies with the requirements for driveways and parking, with: Each dwelling being provided with two car parking spaces (single garages with at least one stacked parking space in front of each dwelling). Garage areas occupying less than 50% of the frontage width of each dwelling and having no significant impact upon the frontage/streetscape appearance. Providing for 'passive surveillance' from the bedrooms and living areas (Foyer) within each house of the development. Having a suitable width for the combined concrete driveway. Having a suitable landscaping areas to the sides of the front combined driveway to all boundaries. Not impacting on existing significant vegetation (which is not present), other than garden plantings. Allowing for adequate drainage of the driveway areas.
	The location of the intended driveway for the development also complies with AS2890.1-2004 with respect to the intended location and gradients. The driveway length, being a minimum 12.1m in length, results in a satisfactory gradient for the steep driveway that complies with gradients and transition zones applicable under AS2890.1-2004. Site access is not restricted by any street infrastructure or other restrictions.
2.2.8 – LANDSCAPED AREA:	 PDCP2014 requires that at a landscaped area of over 50% is provided for development within the R2 zones. The proposed development complies with the controls by providing for: Approximately 54.5% landscaped open space on the site. Providing for suitable landscaping to areas in front of the development. Providing for suitable private open space areas for each dwelling. Incorporating a landscape design in accordance with Part C6 "Landscape Design" of PDCP2014 (refer to the landscaping plan by 'Bio Engineering' prepared for the development).
2.2.9 – SOLAR PLANNING:	 In the assessment of solar planning for the development, the following details are provided: A <u>BASIX Certificate</u> for the development. <u>Shadow diagrams</u> for the development. Shadow impacts of the development are considered to be satisfactory due to the design of the development, the lot size, shape and lot orientation.

	Larger first floor and ground floor side and rear setbacks for the development result in minimal overshadowing of rear and side neighbours. Accordingly, the attached dual occupancy development will not impact upon neighbouring properties in relation to overshadowing and solar access (most shadowing will occur on the rear yards of the proposed dwellings). All adjoining dwellings will receive a minimum of 3 hours of sunlight to their main living zones and over 40% of the principal private open spaces mid-winter. The development also incorporates: Good sunlight access to internal living areas. Eaves in the roof design of each dwelling. Private open space areas for each proposed dwelling that
	provide for good solar access.
2.2.10 – Significant Landscapes and Townscapes:	The provisions of this part of <i>PDCP2014</i> do not apply to the site or the development as the area is not identified as being a significant landscape or townscape area.
2.2.11 – CORNER SITES AND PARK FRONTAGES:	The provisions of this part of <i>PDCP2014</i> do not apply to the site/development. The site is not a corner site nor does it front a park or reserve.
2.2.12 - Building Design:	The development is considered to have a satisfactory building design that will be compatible with the locale. The design of the development overall will also have a satisfactory design and appearance.
	The bulk scale and appearance of the development is also considered to be satisfactory.
	Architectural features adopted for the dual occupancy development are considered to be very suitable and varied.
	Suitable verandah designs, minimal garage impacts and appropriate window and entry door placement are positive aspects to the design and appearance of the development.
2.2.13 – ENERGY EFFICIENCY:	The provisions of this part <i>PDCP2014</i> are considered to be satisfied.
	The development incorporates suitable orientation and placement of windows and living areas. Eaves are also incorporated into the design.
	A <u>BASIX Certificate</u> has also been prepared for the development.
	The development also incorporates suitable cross ventilation.

2.2.14 - DESIGN OF	Each dwelling within the dual occupancy development is
Dwellings and Private Courtyards:	 provided with: Open spaces in private courtyards that are greater than 30m² in area and greater than 4m in dimension (each rear yard areas is provided with large areas that provide for private open spaces of over 149m² and 182m² respectively each). A principal private open space area of at least 6m x 4m in each courtyard area. Good access to sunlight and areas that are well connected to the internal living areas of the development. Clothes drying facilities in non-visible/service courtyards to the rear and sides of the dwellings.
	The development will therefore maintain adequate landscaped and private open space.
	Dwelling B also incorporates an internal courtyard for use by the occupants.
2.2.15 – GARAGE DESIGN:	 The parking and garage areas proposed for the development are considered to be satisfactory and will: Not significantly impact on the streetscape. Allow for the suitable accommodation of vehicles. Allow for suitable landscaping to be provided. Allow for adequate turning and entering.
	All garages are setback from the front façade of both dwellings and have suitable internal dimensions.
	The garage doors proposed for the development will also provide for a suitable appearance.
2.2.16 – GARDEN DESIGN:	Landscaping will incorporate some existing and new plantings that will contribute to the local landscaping themes.
	 Some of the features include: Providing for suitable landscaping of the site upon completion of the development. Adopting minor excavations and retaining for Lot B private open space usability. The use of landscaping verges against hardstand areas. Adopting suitable pervious areas for the establishment of landscaping. Adopting suitable impervious areas to enable the use of the gardens by all occupants. Not requiring any significant existing trees or vegetation to be retained. A concept landscaping plan has also been prepared for the dual occupancy development and accompanies the application.
2.2.17 – PAVING DESIGN:	Paving will be incorporated into the development as part of the site landscaping, in accordance with the objectives of the DCP and as required by Penrith City Council.

	The proposed driveway will be decorative concrete in design.
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2.2.18 – FENCES AND RETAINING WALLS:	Adequate fencing and retaining wall construction will be incorporated into the development.
	All boundary / inter allotment fencing will generally be 1.8m in height.
	Due to the slope of the site, retaining walls are also required (mainly for Lot B) up to a maximum height of 600mm. All excavations and retaining of excavations for the development will be satisfactory and form part of the development.
2.2.19 – VISUAL AND ACOUSTIC PRIVACY AND OUTLOOK:	The attached dual occupancy development has been designed to achieve substantial levels of acoustic and visual privacy. Measures incorporated in the design include the following:
	 Appropriate orientation of windows and appropriate upper floor room use.
	 Having higher use rooms located on the ground floor. Appropriate separation between dwellings and private open spaces.
	 Adequate zoning of the dwellings' interiors.
	 Adequate and larger boundary setbacks. Having no direct overlooking into neighbouring vards and
	 Having no direct overlooking into neighbouring yards and private open spaces.
	The development also incorporates a suitable ground floor height that limits potential privacy impacts on neighbours.
2.2.20 – SAFETY AND SECURITY:	The development will achieve a satisfactory level of passive security. Both dwellings have habitable rooms that face entrances and rooms that provide passive surveillance of the street frontages.
	No other measures are considered to be necessary for the development.
2.2.21 – ACCESSIBILITY AND ADAPTABILITY:	The development will be accessible to persons with impaired sight or partial mobility and the ground floor or each dwelling is provided with facilities that are suitable for these persons.
	The new work will also be able to be adapted for future measures, if required.
2.2.22 – STORAGE AND Services:	 Private storage has been considered in the design of the dual occupancy development through: Having internal cupboards and robes wherever possible. Incorporating yard areas of sufficient size to enable small storage (garden) sheds to be built by occupants (if required).
	Adequate provisions have therefore been made with respect to site storage.

There are no other relevant sections or parts of *Penrith Development Control Plan* 2014 that are considered to apply to the development.

d) "any planning agreement entered into"

The development is not associated with any planning agreement or any draft planning agreement entered into under section 93F of the *Environmental Planning* and Assessment Act, 1979.

e) "the regulations"

The development is not subject to the Government's Coastal Policy. No masterplans are applicable for the development.

The only other matter prescribed by the regulations is 'demolition'. All demolition of required site structures will occur in accordance with the provisions of AS2601-2001 – The demolition of structures.

f) "the likely impacts of that development"

The development will have minimal impact on the environment, neighbourhood and locale. The likely impacts of the development are further expanded on the following pages.

PUBLIC DOMAIN:	The development will not impact on the public domain in any manner.
UTILITIES:	Water, telephone, sewer and electricity are all available to the site. All service providers will be consulted with prior to and during construction.
CONTEXT & SETTING:	The proposed development will be located within a residential area where a number of similar styles of development are being built, including higher density development. The development will not significantly impact upon the residential area, and has been designed to accompany some of the features of the area, such as suitable bulk of two storey buildings, suitable building setbacks, and a scale and design which are considered to be appropriate for the housing character of the area. The impact of the intended development on the context and setting of the locale is therefore considered to be very positive and satisfactory.

ACCESS, TRANSPORT & TRAFFIC:	Access to the development is to be via a new shared driveway. Some public transport is available to the area (local bus network).
	The applicant will need to liaise with Penrith City Council with respect to the approval and construction of all new vehicle crossover points, as provided for under the <i>Roads</i> <i>Act</i> , 1993.
HERITAGE:	No heritage provisions or considerations are applicable to the site or the area.
OTHER LAND RESOURCES:	The development will not impact on the value of the land in terms of agricultural potential or other land resources (which is considered to be minimal).
WATER:	The development will have no significant impact on water resources or water conservation. The BASIX assessment for the development also lists proposed water conservation techniques including the provision of rainwater tanks and re-use of this water.
	Roofwater drainage for the development proposes the use of a combination of rainwater tanks and other measures as stipulated by BASIX, and all overflows will be conveyed to the street drainage system. On-site detention of stormwater is not required for the development.
Soils:	The development will have no significant impact on soils. Erosion and sediment controls are to be provided during construction (refer to sediment and erosion control plans prepared for the development).
	There are no known acid sulfate problems with the soil. The potential for land contamination on this site is minimal.
AIR & MICROCLIMATE:	The development will have no significant impact on the air and microclimate of the area.
ENERGY:	The development will have no significant impact on energy.
	A BASIX Certificate has been prepared for the development and accompanies the application.
SAFETY, SECURITY AND CRIME PREVENTION:	Satisfactory safety, security and crime prevention measures are to be employed for each residential premise.
	Each of the dwellings proposes a design that enables good surveillance over front yard and the driveway area of both dwellings. Active measures such as alarm systems may also be proposed in each dwelling.

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FLORA & FAUNA:	As previously discussed, the development involves the removal of some minor garden trees/shrubs.
	This removal is considered to be satisfactory and the development will have no significant impact on flora or fauna.
	Landscape plantings will be implemented by the owners of the property after completion of the works (refer to landscaping plan prepared for the development).
TECHNOLOGICAL HAZARDS:	There are no known technological hazards that pose a risk for the development.
WASTE:	Waste and recycling storage areas have been designed in accordance with <i>PDCP2014</i> .
	A waste control container to be provided on site during demolition and construction. All waste generation and disposal will occur in accordance with the waste management plan prepared for the development (see separate plan prepared for the development).
NOISE/VIBRATION:	The development will have no significant impact from noise or vibration from road noise or by rail noise.
	Construction of the development will also not cause any significant noise or vibration.
SOCIAL IMPACT:	The development will have no significant social impact. The social impact upon adjoining land owners will also be minimal due to the higher quality of design and construction proposed.
ECONOMIC IMPACT:	The development will have a positive impact on locale and will not significantly affect property values. The economic impact on adjoining owners would also be very positive.
Site design and internal design:	The site design and internal design is considered to be satisfactory and in accordance with the provisions of <i>PDCP2014</i> .
CONSTRUCTION:	All construction works are to be done in accordance with development consent, prescribed conditions of the Environmental Planning and Assessment Regulation 2000, and the National Construction Code – Volume 2 Building Code of Australia – Class 1 and 10 buildings.
	A construction certificate will be required to construct the development.
	Subdivision approval will also require the issuing of appropriate subdivision or strata certificates.

NATURAL HAZARDS:	The site is not identified as being 'bush fire prone land'. There are also no other known natural hazards pose a threat to the development (for example, flooding or similar natural hazards).
CUMULATIVE IMPACTS:	There are no significant or potential cumulative impacts that will occur as a result of the development. The minimal cumulative impacts of the development are therefore considered to be acceptable for the site and area.

g) "the suitability of the site for the development"

DOES THE PROPOSAL FIT THE LOCALITY:	The proposal is considered to fit the locality well and neighbouring residential development and area well.
	The development has been designed in accordance with all the planning provisions applying to the site and will therefore be incorporated well into the locale.
ARE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT:	The site attributes are considered to be conducive to development of the site. There are no risks or factors associated with the site that will significantly affect the development.

h) "the public interest"

Although the public interest of the development will be gauged through the neighbour notification process, the development is considered to be in the public interest.

The proposed dual occupancy development will have minimal impact on public infrastructure as a whole and on the surrounding neighbourhood. The development will also not significantly affect any neighbouring properties in terms of privacy, noise, overshadowing or amenity.

CONCLUSION:

As shown in this statement of the environmental effects, the proposed attached two storey dual occupancy development and associated strata subdivision is considered to be a satisfactory proposal.

The statement of environmental effects has addressed the planning controls applying to the site and has found the proposal to be in conformity with these controls.

The applicant has demonstrated compliance with all of the development controls and standards applying to the land, through the commissioning of a compatible design that will integrate well with the neighbourhood and have minimal impacts on neighbours. Minor non-compliance with the building envelope control has also been substantiated in this Statement.

Based on the overall merits of the proposal and compliance with the relevant development controls applying to the site, it is hoped that approval for the housing development will be granted.

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Appendix – Photos



<u>Above</u> – Front view of site and existing dwelling house. Note slope to street front.



Below – Alternate front view of house and site.



<u>Above</u> – Front view of house and neighbour at No. 8 from opposite side of site. Minor shrubs and tree to left of photo are to be removed. Access in street is not restricted (for driveway access).



Below – View of neighbouring sites at No. 6 & 8 Irabla Avenue, Emu Plains.



<u>Above</u> –View of neighbouring site at 12 Irabla Avenue (behind vegetation and bus) and No. 14 Irabla Avenue (two storey dwelling).



 $\underline{\operatorname{Below}}$ – View along Irabla Avenue looking towards the east.



Above - View along Irabla Avenue looking towards the west. Blue Mountains escarpment in background.