

# STATEMENT OF ENVIRONMENTAL EFFECTS

## Proposed Dual Occupancy

At Lot 8 Macadamia Court Kingswood (The Knoll)

August 2015

### INTRODUCTION

The development application that is before Penrith City Council involves the removal of existing vegetation and the construction of two detached dual occupancy units.

The subject site is located at Lot 8 Macadamia Court Penrith DP 119417.

The proposed development has been assessed in relation to the LEP/DCP (The Knoll) for Dual Occupancy.

### SITE AND CONTEXT

The development site has an overall area of approx. 747.5sqm and is rectangular in shape with a site frontages 14.79 and 25m respectively and a depth of approx. 35m.

The land has a fall from the southern corner towards the northern corner. The proposed detached dual occupancy units are to be terraced.

The subject site is zoned Residential R2 (Medium low Density Residential) under the Penrith Local Environmental Plan 2010 – Urban Land where a minimum land area of 650sqm is required for attached dual occupancy and 750sqm is required for detached dual occupancy. It is the case the lot falls 2.5sqm short of that required for detached dual occupancy i.e. less than 0.5% but can still be achieved provide the objectives of the LEP/DCP are met. It is the case Penrith City Council has supported such a proposal where the objectives of the LEP/DCP have not been compromised and the land area comes within 10% of that required. A SEPP 1 objection is annexed.

The site is located in a new subdivision area of Kingswood known as The Knoll and development in general is to be of a residential nature consisting of single and two storey residential developments. The area is zoned for dual occupancy under PLEP 2010.

The application seeks the erection of two detached two storey dual occupancy units.

The site is located within close proximity to public infrastructure.

The proposal does not affect any flora or fauna nor does it encroach on any easements.

The site is not affected by heritage or conservation, nor is it located in any bushfire area or affected by flooding, mine subsidence, landslip etc.

#### **DCP 8.3.2.1 Vision for The Knoll**

The Knoll comprises accessible grassland with an area of approximately 7.33 hectares. The Knoll is surrounded by existing residential development.

The development of the Knoll is to:

- a) Provide an appropriate balance between low-density residential development and public open space.
- b) Create a 'Hill Top Park' for community use.
- c) Demonstrate a high standard of residential amenity and a high standard of urban and architectural design quality.
- d) Maintain the existing established character of the areas adjoining the Knoll.
- e) Facilitate connections with land and development adjoining the Knoll.
- f) Maintain district views and vistas attained from the Hill Top Park.
- g) Provide an integrated, convenient and sustainable road, footpath and cycle network.

In order to achieve the vision for the Precinct, a Structure Plan was prepared as part of the planning proposal. This Structure Plan demonstrated the opportunity to subdivide land into a minimum of 45 individual residential lots and establish an area of informal public open space, to be known as Hill Top Park, at the central portion of the precinct.

The Knoll Structure Plan establishes the urban structure and form for the planning and future development of the Knoll. The Structure Plan (Figure E8.5) demonstrates the subdivision of the Knoll to provide 45 individual residential lots and an area of public open space in the form of a hill top park.

#### **PROPOSED DEVELOPMENT**

The proposed development is primarily two storey in construction being units '1' and '2' and face the northeast side of Macadamia Court.

The two units (1 & 2) are detached and have their own private rear courtyard.

A total of at least 2 parking spaces have been provided to each unit with access being off the northeastern boundary of Macadamia Court.

The proposed development is defined as dual occupancy housing under the PLEP 2010 means development that results in two dwellings (whether attached or unattached) on a single allotment of land.

The proposed development falls within this definition and accordingly, it is permissible with the consent of Council.

## **1.2 Aims of Plan**

- (1) This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows:
  - (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
  - (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
  - (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
  - (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
  - (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
  - (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
  - (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
  - (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

## **Zone R2 Low Density Residential**

### **1 Objectives of zone**

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

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

### **3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Shop top housing

#### **MINIMUM ALLOTMENT SIZE**

Under clause 4.1A of LEP 2010, the minimum allotment size for land zoned R2 must be 650sqm for attached dual occupancy and 750sqm for detached dual occupancy with a minimum width of 15m.

The proposed development has an area of 747.5sqm and an average width of over 18m.

As outlined above the allotment falls short by 2.5sqm of the 750sqm required for detached dual occupancy i.e. less than 0.5% and this proposal can be supported to provide a better environmental outcome without compromising the objectives of the LEP/DCP.

#### **4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

A SEPP 1 Objection is annexed.

### **4.3 Height of buildings**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
  - (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,
  - (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,
  - (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map

The maximum building height permitted under the LEP is 9m. This has not been exceeded.

In the DCP, Clause 8.3.4.3 Dwelling Height, Massing and Siting states a maximum wall height of 7m – this has not been exceeded.

### **4.4 Floor space ratio**

- (1) The objectives of this clause are as follows:
  - (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
  - (b) to minimise the adverse impact of development on heritage conservation areas and heritage items,
  - (c) to regulate density of development and generation of vehicular and pedestrian traffic,

- (d) to provide sufficient floor space for high quality development.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

#### 4.5 Calculation of floor space ratio and site area

##### (1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
  - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
  - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
  - (iii) require community land and public places to be dealt with separately.

##### (2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

*gross floor area* means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:
  - (d) any area for common vertical circulation, such as lifts and stairs, and
  - (e) any basement:
    - (i) storage, and
    - (ii) vehicular access, loading areas, garbage and services, and
  - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
  - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
  - (h) any space used for the loading or unloading of goods (including access to it), and
  - (i) terraces and balconies with outer walls less than 1.4 metres high, and
  - (j) voids above a floor at the level of a storey or storey above.

Under LEP 2010 floor space ratio allowable is 0.5 or 50% = 373.75sqm. The calculated gross floor area in this proposal is 322.6sqm - this has been achieved.

## **LANDSCAPED AREA**

**Clause 8.3.4.8 of the DCP** states: Site Coverage and Landscaped Area

A. Objectives:

- a) To provide sufficient landscaped area to each allotment.
- b) To encourage an appropriate level of amenity.
- c) To enhance streetscapes.
- d) To reduce impervious areas/or maximise pervious areas/or maximise stormwater infiltration/absorption to lessen site stormwater runoff.

Controls:

- 1) A 3m landscaped setback will be provided at the rear of properties which are adjacent to existing residents (as illustrated in Figure E8.5). This will be provided in addition to standard building setbacks detailed in section E8.3.4.4 Building Setbacks.

## **Penrith Development Control Plan 2014 E8 Kingswood E8-20**

- 2) Landscaped area in any part of a site, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like. On lots 450m<sup>2</sup> and greater, 35% of the lot area must be landscaped.

390sqm of landscaped area is being provided which constitutes approx. 52%.

## **SETBACKS**

DCP Table E8.1: Building Setbacks

Allotment Type	Front	Side	Rear
Frontage with 15m and lesser	4.5m	0.9m	4m

The frontage at the southeast boundary (primary setback) of Macadamia Court is 14.795m. The setback provided is 5.5m to unit 1.

- 2) Secondary frontages for all corner sites are to be provided in accordance as follows:

- a) 2m on lots less than 18m wide
- b) 3m for dwellings on lots 18m and wider

The secondary setback to the northeast boundary of Macadamia Court is greater than 3m with the garage setback being 5.5m.

The rear setback is 5.04m to the ground floor and 6m to the upper floor and this complies with Table E8.1 where a minimum setback of 4m is required.

#### **DCP Clause 8.3.4.7 Private Open Space**

A. Objectives:

- a) To allocate sufficient space within an allotment for recreational purposes.
- b) To provide a desirable level of residential amenity.
- c) To optimise solar access on recreational areas.

Controls:

- 1) Each dwelling must be provided with an area of private open space.
- 2) Minimum of 20% of site area is to be reserved for private open space capable for recreational uses.
- 3) 50% of the private open space should be exposed to direct sunlight for at least 3 hours between 9am and 3pm.

This has been achieved.

#### **ENVIRONMENTAL PERFORMANCE**

Given the fall of the land and that the proposed development is principally two storey, the shadows cast by the proposed development ensures the compliance to the minimum amount of light achievable to both itself and to its neighbours.

#### **CHARACTER, DESIGN AND STREETScape**

The new development is consistent with the scale of and will complement the character of other buildings in the area and maintains existing residential amenities and views. The roof form is of a modern roof appearance consistent with the requirements of the DCP and sympathetic to other adjoining developments.

#### **DRAINAGE**

All storm-water is to be drained to the northeast side of Macadamia Court.

#### **CONCLUSION**

The proposed development has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and found to be satisfactory. The proposal is permissible with the consent of Council's local Environmental Plan.

The beneficial effects of the proposal include: improved streetscape, improved landscaping, improvement in the social and economic environment in the area, the development is suitable for the site and is compatible with Council's policies and accordingly, it is sought that Council approve the application.