

# **STATEMENT of ENVIRONMENTAL EFFECTS**

For

**PROPOSED NEW STUDIO**

At

**LOT 2235, DP 1184495  
76 William Hart Crescent, PENRITH NSW 2750**

For



# PROJECT PARTICULARS

**Project No.:** 20-117  
**Project Address:** Lot 2235, No. 76 William Hart Crescent, PENRITH NSW  
**Local Government Area:** PENRITH  
**Client:**   
**Prepared By:** Wayne Wilson  
**Date:** October 2020

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# 1 INTRODUCTION

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This Statement of Environmental Effects prepared by Wayne Wilson to accompany the Development Application (DA) for the site located at 76 William Hart Crescent, PENRITH. (The site).

The proposed development is for the construction of a studio apartment constructed on top of an existing brick veneer double garage located at the rear of the site. The studio and its entry are to be subdivided with the existing dwelling under strata title.

The site is subject to the provisions of the Penrith LEP 2010, Penrith DCP 2014, **Part E11 Penrith, Part B, North Penrith** and the SEPP (Exempt and Complying Development Codes) 2008. The site is zoned **R1 General Residential**. In accordance with the provisions of the LEP and the site's land-use zoning, the proposed development is permissible with development consent.

This Report is set out as follows:

- **Section 2** provides a description of the site and the surrounding locality;
- **Section 3** details the proposed development;
- **Section 4** provides an assessment of the proposed development in accordance with **Section 79C(1)** of the *Environmental Planning and Assessment Act 1979* (the Act); and
- **Section 5** concludes this report.

Overall, the proposal satisfies the intentions of the statutory planning controls which apply to the site and is therefore suitable in environmental terms. Most importantly, the proposed development reflects a density that is appropriate to the zone and may be provided without adverse impacts on adjoining properties.

In that respect, the conclusions of this Report are that this application may be approved by the Council, subject to appropriate conditions.

## 2 THE SITE & SURROUNDING LOCALITY

### 2.1 SITE DETAILS

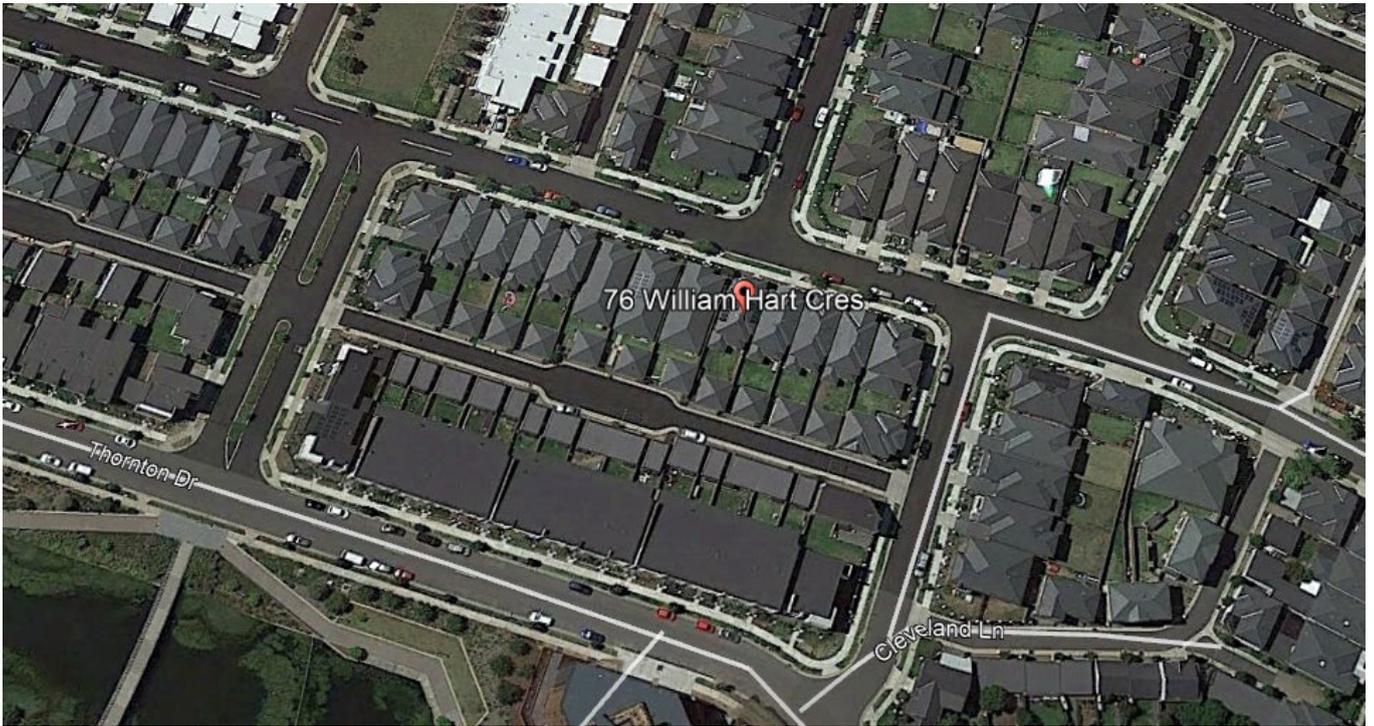
The site details are set out in Table 1, below.

**Table 1: Description of the Site**

Site Details	
Site Address	Lot 2235, No. 76 William Hart Crescent, Penrith NSW 2750
Site Area	247.0 m <sup>2</sup>
Property Owners	
Legal Description	Lot 2235, Deposited Plan 1184495
Existing Use	Single Storey Residence and detached double garage
Boundary Site Dimensions	North (William Hart) 8.00 metres West 30.90 metres South (Stoddard Lane) 8.00 metres East 30.90 metre
Allotment Shape	Rectangular
Topography	Approx. 450mm fall South to North
Vehicular Access	Directly from the rear – Stoddard Lane
Relevant Environmental Planning Instruments	Penrith Local Environmental Plan 2010 Penrith Development Control Plan 2014 Part E11 Penrith, Part B, North Penrith SEPP (Exempt and Complying Development Codes) 2008

Figure 1: Site Map

Source: <http://www.google.com/maps/>



## 2.2 TITLE ENCUMBRANCES

Table 2: Title Encumbrances

Restriction	Description	Burdened Lot(s)	Benefited Lot(s)/Authority
	Easement for Access, Maintenance and Overhang 0.9 Wide	2235	2234

## 2.3 PHYSICAL CONSTRAINTS

A Section 10.7(2) Certificate (N0.20/03828) for the site, dated 28 August 2020, has been obtained from the Council. The relevant details have been included in Table 3, below.

Table 3: Section 10.7(2) Certificate Details

Item	Is The Land Affected?
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No
Flooding	No
Land Reserved for Acquisition	No
Contributions Plans	Yes
Biodiversity	No
Bio banking	No
Bushfire	No
Vegetation Plans	No
Tree Preservation Orders	No
Directions Under Part 3A	No
Hazard Restrictions	No
Heritage	No
Acid Sulphate Soils	No
Contaminated Land	No

### 3 THE PROPOSED DEVELOPMENT

The proposed development is for the construction of a detached second storey single residency, as well as the construction of an erosion and sediment control screen, as detailed below.

#### 3.1 THE PROPOSED DWELLINGS & THEIR LAYOUTS

The proposed layout will be designed as set out in Table 4.

**Table 4: Dwelling Summary & Site Layout**

Level	Layout & Details	
Existing Ground Floor Garage	Floor Area	46 m <sup>2</sup>
	Garage	1
	Store	1
	Studio Entry	1
First Floor Studio	Floor Area	47m <sup>2</sup>
	Bedroom/Living	1
	Bath/Ldy	1
	Kitchen	1
	Balcony	1

#### 3.2 DEVELOPMENT STATISTICS

Table 5, below, provides the development statistics of the proposal.

**Table 5: Development Statistics**

Built Form Control	Details		
Gross Floor Area	47 m <sup>2</sup>		
Building Height	6.80 metres		
Site Coverage	0.59:1		
Building Setbacks	Level	Side	Setback
	Ground	North	3.00 metres
		East	0.17 metres
		South	0.65 metres
		West	1.84 metres
Landscaped Area	91.22 m <sup>2</sup> (0.37:1)		
Private Open Space (Studio)	4.95 m <sup>2</sup>		
Car Parking Spaces	2 (garaged)		

# 4 ENVIRONMENTAL IMPACT ASSESSMENT

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Pursuant to Section 79C (1) of the Act, an applicant is required to take into consideration various matters pertaining to an application. These are set out below.

## 4.1 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

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This application is for a *BASIX affected development*, which contains a *BASIX affected building*. The relevant certification accompanies this application.

## 4.2 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

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### **Aims, Objectives (Part 1 Clause 1.2)**

The proposal will allow the site to utilize its intended purpose with the construction of an ancillary (studio) residence within a high density residential area. In accordance with the objectives of the LEP, this will contribute to the variety of residential lifestyles within this area of Penrith.

### **Consent Authority (Part 1 Clause 1.6)**

Penrith City Council is the consent authority.

### **Zoning (Part 2)**

The site is zoned **R1 General Residential**  
Ancillary Dwellings (Studios) are permissible with development consent.

### **Consistency with Zone Objectives (Part 2 Clause 2.3)**

The proposal will facilitate development to an intensity that is appropriate for the site when considering its size and location. Therefore, the proposal is consistent with the zone objectives.

### **Minimum Lot Size (Part 4 Clause 4.1A)**

The site has an area of 247.0 m<sup>2</sup>, there is minimum lot size noted in the LEP for this area.

### **Height of Buildings (Part 4 Clause 4.3)**

The proposed development reaches a maximum building height of 6.80 metres, complying with the LEP.

## 4.3 PENRITH DCP 2014

### PART E11 PENRITH, PART B, NORTH PENRITH

#### 11.8.3.11 SPECIFIC PROVISIONS – ANCILLARY DWELLINGS

The proposal has an articulated form and the site fronts William Hart Crescent, although the proposal fronts Stoddard Lane. The proposed development complies with the intentions of the DCP.

The site is rectangular in shape. The proposal has been designed to comply the requirements of the DCP, with all room windows addressing Seymour Lane.

**Table E11.9: Controls for ancillary dwellings**

Element	Control	Actual
Setbacks	0.0 m to sides and laneways	0.17 m and 0.65 m
Maximum Building Height	2 storeys (i.e. 1 floor above garage)	Complies
Private Open Space (required for studio lofts only)	Studio and 1 bedroom: 4 sq.m. minimum dimension 1.0 m wide	Patio 4.95 sq.m. x 1.49m w Ground Level - 11.5 sq.m.
Maximum car parking	Studio lofts: 1 space	Nil

#### 11.8.3.11 B 5 - Strata Title

- a) The proposal has a combined private open space of 16.45 sq.m. This is the sum of the ground level area of 11.5 sq.m. and the patio, which is directly off the living area, is 4.95 sq.m. as demonstrated on the plans the patio can accommodate a small table and chairs, together with a small portable barbeque.
- b) The proposal has a separate pedestrian access directly from Seymour Lane.
- c) The nature of this proposal is in keeping with guidelines of Penrith DCP 2014 E11 which relates specifically to North Penrith Precinct as shown in figure **E11.30** of the DCP. Under **11.8.2.2 Outcomes** The expected outcomes of the North Penrith Precinct are: **1) Transport and Accessibility b)** states '*an integrated and legible network of open space and pathways to encourage pedestrian and cyclist, particularly to and from the train station.*'

The very nature of the studio is to provide affordable accommodation to one, or two at the most, people in close proximity to transport or work, with minimal maintenance requirements. This sort of accommodation is usually occupied by either students or young business people, who have limited resources and don't require the need of a motor vehicle. They typically live a healthy life style and enjoy physical activities and exercise.

The proposal provides an area at the base of the stairway in which to store a bicycle/s which would be the normal mode of transport for the typical resident of the studio.

The studio is 520m from Penrith Railway Station, which allows access to Penrith Plaza shopping centre or high speed train service to the Sydney CBA.

Given the above I believe not providing a parking space is in keeping with the intent of the DCP and promotes an area of less pollution and increased physical activity.

I would seek Council's support in this regard.

- d) The studio will have separate connections to all utilities with individual metering on completion of the works.
- e) The building will be constructed in accordance with the requirements of both local and state authorities and the rules and regulations of the Building Code of Australia.

## THE LIKELY IMPACTS OF THE DEVELOPMENT

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The proposed development, is an appropriate outcome for the site, given its high density residential context. Furthermore, the design of the proposed ancillary dwelling is such that there are no overshadowing impacts and the proposed setbacks ensure adequate separation between built form and the retention of visual privacy with adjoining properties.

The proposal will contribute to the variety of housing within the local government area of Penrith, providing a housing choice for the future population.

The proposal is therefore considered not to have any significant adverse impacts and is suited to its local context.

## 4.7 THE PUBLIC INTEREST

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The proposed development is in the interest of the public as it will contribute to the variety of housing within the area and promote improved architectural outcomes through the incorporation of an attractive and visually appealing design.

# 5 CONCLUSIONS & RECOMMENDATIONS

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This Report has assessed the proposed ancillary dwelling at 76 William Hart Crescent, Penrith NSW 2750.

The site is subject to the provisions of the Penrith LEP 2010 and is zoned **R1 General Residential**. In accordance with the provisions of the LEP and the site's land-use zoning, the proposed development is permissible with development consent.

The proposed development achieves technical compliance with the legislation and provides for an outcome that is without adverse impact on surrounding properties. It is therefore considered that this application may be approved by the Council accordingly, subject to appropriate conditions.