

STATEMENT OF ENVIRONMENTAL EFFECTS



- SITE:** Lot A DP 409146
64 Nepean Avenue
Penrith
- APPLICANT:** Design Concepts Sydney
- PROPOSAL:** Demolition of the existing dwelling and ancillary structures.
Construction of a two storey dwelling, detached storage shed
and swimming pool.

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INTRODUCTION

This Statement of Environmental Effects is submitted to Penrith City Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the erection of a two storey dwelling, containing four (4) bedrooms, theatre, gymnasium, family and dining rooms along with an attached double garage and outdoor alfresco area. A detached outbuilding and swimming pool is also proposed to the rear of the allotment.

The lot has a gentle fall to the southern rear boundary and is currently contains a dwelling and ancillary structures that are to be demolished to allow for the proposed development to occur. Drainage is to be directed to the street via a rainwater tank collection system in accordance with the concept drainage plan.

Several trees are required to be removed to allow for the proposed development to be sited. Replacement planting is to be provided upon completion of the construction phase ensuring the landscape character of the area is not detrimentally impacted by the development.

All necessary services are available on the site.

The neighbourhood generally consists of a mix of one and two storey dwellings as anticipated within an established residential area.

ENVIRONMENTAL EFFECTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 Contamination and remediation to be considered in determining development application

(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 subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.

State Environmental Planning Policy (Infrastructure) 2007

Division 17 Roads & Traffic

Subdivision 2 – Development in or adjacent to road corridors and road reservations

101 Development with frontage to classified road

- (1) The objectives of this clause are:
 - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.
- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
 - (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
 - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The subject site is not located within proximity to a classified road, and does not frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

State Environmental Planning Policy (Building Sustainability Index) 2004

The proposed development has been designed with a high degree of consideration toward energy efficiency and sustainability. A BASIX Certificate has been prepared with the requirements to be implemented during construction and prior to occupation. The development is considered to achieve the aims and objectives of this policy.

Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context.

Of most relevance to the proposal is the requirement to assess the development in terms of the impact of the development on water quality.

Stormwater drainage plans have been prepared and are lodged for Council's consideration. The plans demonstrate that the cumulative impact of water quality for the region will be minimal. Subject to appropriate conditions, the proposal will be consistent with SREP 20, particularly in relation to total catchment management, water quality and the metropolitan strategy.

Penrith Local Environmental Plan 2010

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

The subject site is zoned R2 Low Density Residential pursuant to Clause 2.1 of Penrith Local Environmental Plan 2010.

The proposed development is defined in the Plan as a "dwelling house" which means "a building containing only one dwelling" on each proposed allotment.

The identified zone permits the construction of a 'dwelling house' subject to development consent from Council.

Clause 2.3 Zone objectives and land use table

The objectives of the R2 Zone are:

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

The proposed development is for low-density residential dwellings on a residential allotment. The proposed development is considered to be compatible with the existing character, style and scale of the locality. The proposed dwelling is designed to provide a high level of amenity for residents and adjoining residents whilst considering the constraints of the site. The proposed development is considered to meet the relevant objectives of the R2 zone.

Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance and is not directly in the vicinity of any heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is not identified to be bushfire prone land on Council's maps.

Clause 6.1 Acid Sulfate Soils

The subject property is not known to be affected by Acid Sulphate Soils.

Clause 6.2 Earthworks

Minor ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site due to the slope of the allotment, deepened edge beams, and retaining walls proposed to reduce site disturbance as much as practical on the allotment. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

Clause 7.2 Flood Planning

The subject site is not known to be located within a flood planning area however the site is understood to be identified as flood prone land. It is understood that appropriate floor levels have been provided to meet the minimum freeboard levels required by Council.

Clause 7.5 Protection of scenic character and landscape values

The proposed development is considered to be in keeping with the existing development of Nepean Street, Penrith. The proposed development is compatible with the character of the area and has been designed to minimise the impact upon the scenic character and the landscape values of the area. The development addresses the street frontage to the benefit of the streetscape. The proposed dwelling will not detrimentally impact the surrounding rural aesthetic and will not be visually prominent when viewed from the any major roads or public places.

Clause 7.7 Servicing

All the listed essential services are capable of being provided to the subject site.

* * *

Conclusion with respect to LEP requirements

The proposal is considered to satisfy all the relevant development standards relating to dwelling houses as contained within PLEP 2010.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Penrith Development Control Plan 2014

The objective of this plan is to consolidate all of Council's Development Control Plans into one comprehensive document, detailing the provisions for all types of development within the Penrith area.

Part C – Controls applying to all Land Uses

C1 Site Planning and Design

1.1 Site Planning

Site Analysis Plan attached for Council's consideration.

1.2 Design Principles

Consideration has been given to the energy efficiency of the proposed development. A BASIX assessment has determined that each dwelling within the development can achieve the required efficiency rating. Please see attached BASIX Certificates.

The proposed dwellings have a contemporary design, particularly at the street elevation that is characteristic of the housing styles available from the residential home market and current architectural trends. Large proportionate feature windows provide for greater natural light penetration into each residence and assist in defining the character of the detached built forms. The front elevation of the dwelling is stepped in order to minimise the prominence within the streetscape. A variety of roof forms occur over the dwelling to create interest in the design.

The site has a gentle fall to the southern rear boundary with fill required to site the building footprint. Refer to the Site Plan for details of the cut/fill proposed on the subject site. Retaining walls also form part of the proposed development and future landscaping of the site.

Consideration has been given to the principles of the CPTED. These are to provide a safe and secure development with adequate lighting, visual access and passive surveillance along street frontages. The site will be clearly delineated as a private space to separate it from the public realm. Appropriate external and internal lighting will be provided to assist in this regard.

C2 Vegetation Management

2.1 Preservation of Trees and Vegetation

Several trees, including two (2) street trees, are required to be removed as part of the proposed development. Replacement planting and additional landscaping is to be provided upon the completion of the construction phase.

2.2 Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas

The subject site is not identified as being within a biodiversity corridor or area of remnant indigenous vegetation on the LEP 2010 Natural Resources Sensitivity Land Map.

2.3 Bushfire Management

The land is not identified as being bushfire prone land in accordance to Council's Bush Fire Prone Land Map.

C3 Water Management

3.1 The Water Cycle / Water Conservation

Consideration has been given to water conservation during the design of the proposed development. A BASIX assessment has determined that the dwelling can achieve the required water conservation rating. Please see attached BASIX Certificate.

3.2 Catchment Management and Water Quality

No pollutants are anticipated to be discharged from the proposed development.

3.3 Watercourses, Wetlands and Riparian Corridors

No watercourses, wetlands or riparian corridors are located on or within direct proximity to the subject site.

Consideration of the impacts of residential development on the surrounding watercourses is anticipated to have been considered during the assessment of the subdivision application for the area.

3.4 Groundwater

The proposed dwelling is not anticipated to impact upon the groundwater of the subject site.

3.5 Flood Liable Lands

The subject site is located within a flood planning area.

3.6 Stormwater Management and Drainage

Drainage from the proposed development is to be directed to an existing rear easement via rainwater tanks. Please refer to the attached Concept Drainage Plan.

C4 Land Management

Ground disturbance will be limited to minor excavation and filling for construction of a level building platform. All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing and/or staked hay bales as specified on the site plan. Soil erosion control measures can easily be provided in accordance with Council's policy with compliance required as a condition of consent. A stabilised access pad will be provided at the point of entry to the site to eliminate soil leaving the construction zone.

C5 Waste Management

All waste will be deposited within the waste receptacle in accordance with the attached Waste Management Plan.

C6 Landscape Design

A landscape concept plan is submitted with the development application.

C7 Culture and Heritage

The subject site is not known to contain any items of heritage significance or be within a heritage conservation area.

C10 Transport, Access and Parking

10.5 Parking, Access and Driveways

Two (2) carparking spaces are required per dwelling. The proposed development includes garage areas within the dwelling to easily comply with this requirement.

Part D Controls applying to Specific Land uses/ activities

D2 Residential Development

2.1 Single Dwellings

2.1.1 Residential Character

The proposed two storey development will be compatible with surrounding developments, and is considered consistent with a typical two storey dwelling within a residential area.

The siting of the dwelling will provide generous boundary setbacks. This distance is compatible with surrounding development and will contribute to spatial separation and openness between buildings. With respect to external appearance, the design

of the proposed dwelling is consistent with other contemporary residential buildings within the locality and will compliment the streetscape.

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<p><u>2.1.2 Setbacks and building Envelope</u></p> <p><u>Setbacks</u> Front setback – 5.5m or average of adjoining properties.</p> <p>Secondary street setback – 3.0m and 5.5m to garage.</p> <p>Verandahs and pergolas permitted to encroach 1.5m beyond the adopted setback.</p> <p>Side setbacks – Min. 900mm</p> <p>Rear setback – Single Storey elements – 4m Two Storey elements – 6m</p> <p><u>Building Envelope</u> As per Figure D2.1</p>	<p>7.43m to porch. 8.31m to the facade</p> <p>N/A N/A</p> <p>N/A</p> <p>Min. 1.26m</p> <p>>4m >6m 1m to storage shed.</p> <p>The proposed dwelling is entirely within the building envelope.</p>	<p>No – See below No – See below</p> <p>N/A N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes Yes No – See below</p> <p>Yes</p>
<p><u>2.1.3 Development on Sloping Land</u> Max excavation and fill – 600mm</p> <p>Ground floor levels – 800mm above natural ground</p>	<p>No cut proposed, 500mm fill</p> <p>1.2mm above NGL</p>	<p>Yes Yes</p> <p>No – See below</p>
<p><u>2.1.4 Landscape Area</u> R1 Zone – Min. 40% R2 Zone – Min. 50% R3 Zone – Min. 40% R4 Zone – Min. 35%</p> <p>Min. dimension 2m & includes up to 15sqm of alfresco etc.</p> <p>A portion of the landscape area should be connected to</p>	<p>40.96%</p> <p>Provided</p> <p>Provided within rear & side yards,</p>	<p>No – See below</p> <p>Yes</p> <p>Yes</p>

or directly adjacent to a living area.	accessible from family/dining rooms.	
<p><u>2.1.5 Building Design / Site Works</u></p> <p><u>Bulk and Scale</u> Max. 8m wall length without articulation</p> <p>Balconies and decks >800mm above ground to incorporate privacy measures. Eg. Screening or landscaping</p> <p><u>Design</u> Front door and window of habitable room to street.</p> <p>Garage integrated into the building façade</p> <p><u>Garages</u> Setback 1m behind the building line</p> <p>Max width of garage doors Lots <15m wide – 4.8m Lots >15m wide – 6m</p> <p><u>Corner Lots</u> Developments to address both street frontages</p> <p><u>Parking</u> Min. 1 space behind the building alignment</p> <p>2 spaces for dwellings with 2+ bedrooms with at least 1 behind the building line.</p>	<p>No walls >8m without articulation treatment.</p> <p>N/A</p> <p>Large entry and bedroom windows address the street</p> <p>Provided</p> <p>>1m behind the building line.</p> <p>5.53m</p> <p>N/A</p> <p>Provided within attached garage</p> <p>Provided with the attached garage.</p>	<p>Merit consideration</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<p><u>2.1.6 Solar Planning</u> Min. 3hrs solar access to proposed and adjoining living and POS areas between 9am and 3pm on 21 June.</p>	<p>Reasonable level of solar access for the orientation of the site. Living and POS receive appropriate</p>	<p>Yes</p>

	solar access throughout the morning and afternoon. No unreasonable impact on the adjoining sites for a two storey construction and appropriate boundary setbacks.	
<p><u>2.1.7 Garden Design and Fences</u></p> <p><u>Retaining Walls</u> Max. 600mm high Min. 500mm setback from fencing and driveways</p> <p><u>Fencing</u> Meets the requirements of the Dividing Fences Act 1991.</p> <p>Front fences: Max. 1.2m high "See through" construction</p>	<p>Any required retaining walls are capable of complying.</p> <p>Side and rear boundary fencing does not form part of the proposed development.</p> <p>Max. 1.2m piers with open style infill panels.</p>	<p>Yes</p> <p>N/A</p> <p>Yes Yes</p>
<p><u>2.1.8 Significant Landscapes</u></p> <p>Maintain natural topography and features</p> <p>Preserve trees where possible</p>	<p>No natural features located on site.</p> <p>Several trees, including two (2) street trees, are required to be removed as part of the proposed development. Replacement planting and additional landscaping to be provided upon completion of the construction phase.</p>	<p>N/A</p> <p>Yes</p>

Variations

Front Setback – Council's policy requires a front setback of 5.5m or the average of the adjoining properties, whichever is the greater. In this case, the average setbacks of the neighbouring properties is varied from 6m to 9m, the proposed dwelling provides a setback of 8.31 to the façade and 7.43m to the porch, therefore a variation is required.

The proposed dwelling has been sited with a variation to the front setback to allow for a suitable rear setback to the proposed outbuilding. The dwelling will not have any increased impact upon the streetscape as a result of the decreased front setback, as appropriate landscaping can be provided to the front yard to ensure a softening of the development.

Despite the numerical non-compliance, the amenity and visual quality of the streetscape will be preserved given the appropriate side and rear setbacks have been provided, and the articulated two storey design of the dwelling will further ensure minimal visual bulk when viewed from the street. The design of the dwelling will not result in any excessive visual bulk, or overshadowing due to the increase side setbacks.

The proposed front setback maintains the objectives of the control and has a significant benefit to the residents of the property, without having any detrimental impact to the streetscape or adjoining properties. A variation is requested to be supported in this instance.

Rear Setback (outbuilding only) – Council's policy requires a rear setback of 4m to be provided to single storey developments. The proposed outbuilding is provided with a rear setback of 1m thus requiring a variation to the 4m requirement.

It is understood that exceptions to the rear setback controls are permitted when the proposed encroachment is for a non-habitable building or structure where the proposed development will not adversely impact the subject or adjoining properties.

The proposed outbuilding is for storage purposes only and will not be utilised for habitable purposes, including storage of garden equipment and collectable vehicles. The proposed shed is not to be used for commercial purposes therefore noise emissions from the shed will be minimal. Despite being located within the rear setback of the development the proposed setback is considered to be in keeping with similar development located throughout the area.

It is considered common for outbuildings to be located to the rear of sites in this area to indicate that the rear setback control has been abandoned in this area. Therefore, the proposed setback is deemed acceptable and should be supported in this instance.

FFL above NGL – As detailed earlier in this report, the topography of the site results in a stepped floor plate and required 500mm of fill throughout the dwelling footprint. The increased fill is the direct result of the required freeboard for the site and results in a floor level >800mm above ground.

The dwelling incorporates mitigative design measures to ensure the privacy and amenity of the adjoining property is maintained. The side setback along with suitably offset and sized openings in the side elevation, combined with varied roof forms and a compliant overall height ensures the built form will not appear excessive despite the raised floor level.

The increased side setbacks and the ability to provide screen planting where required, enables the dwelling to present well within the streetscape, without being a dominating form. The dwelling is considered to be suitably sited and designed on a difficult allotment. As the proposed floor level will not result in any impact beyond that of a compliant proposal, it is requested that the variation be supported in this instance.

Landscape Area – The proposed dwelling is unable to meet the minimum landscape area requirement of 50% of the allotment area. A variation is therefore requested to Council's control to permit the proposed development with a landscaped area of 40.96%.

It is understood that the objectives of the landscape requirement is to ensure that the landscape character is retained and enhanced along with providing increase amenity, improve privacy and improve microclimates.

Extensive consideration has been given to providing as much landscaped area as possible to the development with hard surface areas minimised as much as practical for the design. The proposed development has been provided with high quality landscape area throughout the site however providing a swimming pool and a rear storage shed reduces the landscaped area to below the minimum requirement. The non-compliance is the direct result of the desire to build a modestly sized home and ancillary development on a standard sized allotment within an established residential area.

Providing high quality landscaping and a suitable drainage system to the development is considered to outweigh the impact of the reduced landscape area and is considered to result in a suitable outcome for the site which currently contains minimal quality landscape planting.

In this instance the reduced landscaped area will not result in any impact beyond that of a compliant proposal and it is therefore considered reasonable and appropriate for the variation to be supported.

* * *

Conclusion with respect to DCP requirements

The proposal is considered to satisfy the relevant development standards relating to dwellings as contained within DCP 2014.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality.

The following matters are considered relevant when considering onsite impacts:

Siting and Design

The proposed dwellings and subdivision will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwellings provides suitable boundary setbacks in keeping with the surrounding area, contributing to spatial separation and openness between dwellings. The articulated design will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements along with a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, minor earthworks will be required for the construction of a level building platform, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential precinct and is close to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.

The proposed dwellings and subdivision, the subject of this application, can be constructed with all services necessary and has been designed to suit site constraints and the character of the surrounding locality.

The residential use of the site is permissible with development consent under the provisions of the Penrith Local Environmental Plan 2010, and satisfies the objectives of the Penrith Development Control Plan 2014.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.

CONCLUSION

The residential use of the site is permissible with development consent under the provisions of Penrith Local Environmental Plan 2010 and can satisfy the objectives and design provisions of the Penrith Development Control Plan 2014. Support of the proposed works is based upon the proposals ability to be in context with the character of the area and the means to have minimal impact on the adjoining properties.

It is considered that the construction of a dwelling will complement and blend with the existing character of the established area within Penrith. The proposal is not expected to have an adverse impact on the natural or built environment.



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