



THE PLANNINGHUB

by Hawes & Swans

STATEMENT OF ENVIRONMENTAL EFFECTS

**Staged Demolition of Existing
Dwelling and Construction of a
Detached Dual Occupancy at
64-70 Clark Road, Londonderry**

CONTACT INFORMATION

THE PLANNINGHUB *by Hawes & Swan*
ABN 27 605 344 045
Suite 3.09, Level 3,
100 Collins Street,
Alexandria New South Wales 2015

www.theplanninghub.com.au

DOCUMENT INFORMATION

Prepared For: JMA Architecture
Project Name: 64-70 Clark Road,
Londonderry
Job Reference: 20/492 V.2
Date Approved: 29 January 2021

Author(s):



Faisal Halla
Town Planner



Lachlan Rodgers
Senior Town Planner

Approved by:



Mairead Hawes
Director

Table of Contents

1.0	Introduction	5
1.1	Project Context	5
2.0	Site Analysis	5
2.1	Location and Context	5
2.2	Site Description	7
2.3	Existing Site Conditions	7
3.0	Proposed Development	7
3.1	Overview	7
3.2	Safety and Security	8
4.0	Assessment of Environmental Impacts	9
4.1	Statutory Planning Framework and Compliance	9
4.2	Justification for Proposed Variations	12
4.3	Social and Economic Impacts	14
4.4	Site Suitability	14
4.5	Public Interest	15
5.0	Conclusion	15

Appendices

- A** Architectural Plans
J Mammone Architecture & Accurate Design and Drafting
- B** Penrith Development Control Plan 2014 – Compliance Table
The Planning Hub
- C** Survey Plan
Total Surveying Solutions
- D** Waste Management Plan
J Mammone Architecture
- E** Bushfire Report
Harris Environmental Consulting
- F** BASIX
Efficient Living Pty Ltd & Abeaut Design Pty Ltd
- G** Soil and Site Assessment
Harris Environmental Consulting
- H** Estimated Cost of Works
JMA Architecture

1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) submitted to Penrith Council. This DA proposes the demolition of the existing dwelling and the construction of a detached dual occupancy and associated site works at 64-70 Clark Road, Londonderry. The works are proposed to be staged to ensure that there are never more than two dwellings occupied on the site at any time.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the current objectives of the LEP and DCP where applicable;
- Will not result in negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A – H**.

1.1 Project Context

The site is located in Londonderry, on the southern side of Clark Road, and is situated in the Local Government Area of Penrith City Council. The land is described as 64-70 Clark Road, Londonderry and is currently registered as Lot 2, DP 512998. The site is rectangular in shape and covers an area of 2.02 hectares. Existing development in the area consists of a number of large rural lots with residential dwellings, detached dual occupancies and large rural outbuildings.

This application seeks approval for the demolition of the existing dwelling and the construction of a detached dual occupancy and associated site works. The works are proposed to be staged to ensure that there are never more than two dwellings being occupied on the site at any time.

Details of the proposed development and staging are provided below in **Section 3**. The proposal is generally compliant with the relevant LEP and DCP controls however minor variations are sought regarding building separation, side setback and building dimensions.

These proposed variations are deemed to be reasonable as they will not result in increased impacts onsite or adverse impacts on adjoining properties. See **Part 4.2** below and the DCP Compliance Table in **Appendix B** for further discussion of the proposed variations.

2.0 Site Analysis

2.1 Location and Context

The site sits within the Penrith City Council LGA in the suburb of Londonderry. The subject site is located on the southern side of Clark Road. The site is located approximately 3km south west of the Hawkesbury Riding Club, 2.6km west of Bligh Park Public School, 700m north of Rickabys Creek and 2.7km south east of Western Sydney University Hawkesbury Campus.

The surrounding area is characterised by a number of large rural lots which contain residential dwellings and large rural outbuildings. The site’s locational context is demonstrated in **Figures 1 & 2** below.

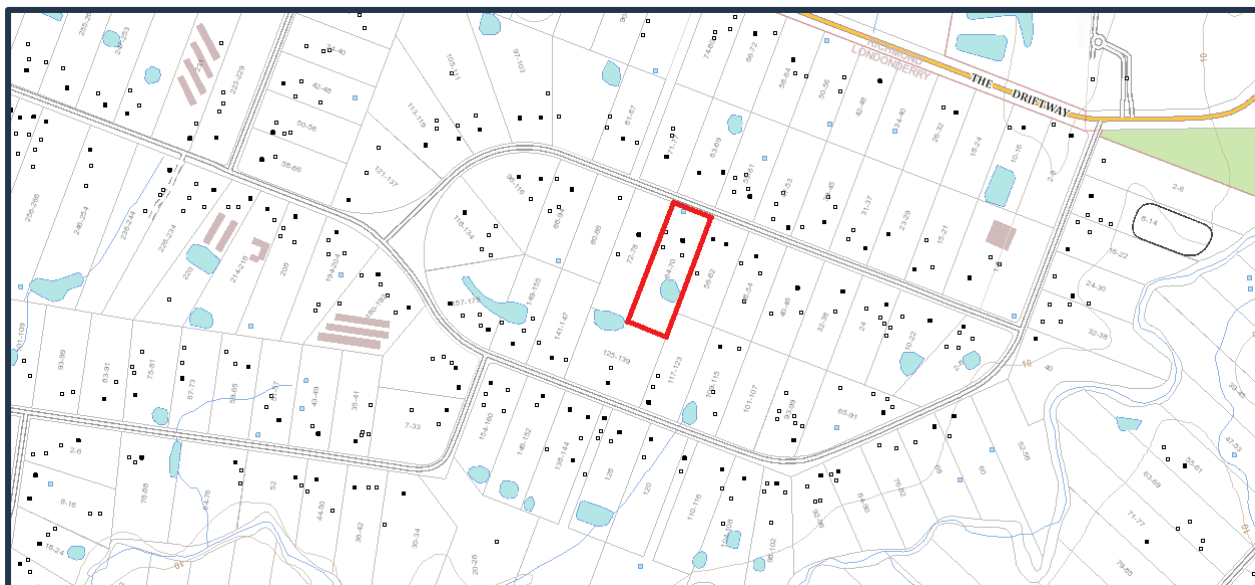


Figure 1: Locality Plan Demonstrating the Site Outlined in Red (Source: ePlanning Spatial Viewer)



Figure 2: Site Aerial Demonstrating the Site Area Outlined in Blue (Source: Nearmap)

2.2 Site Description

The site is commonly known as 64-70 Clark Road, Londonderry and is legally described as Lot 2, DP 512998. The site has a total area of 2.02 hectares and has a frontage of approximately 80.47m to Clark Road. The site area to be developed under this DA is identified as RU4 zoned under the provisions of the Penrith Local Environmental Plan (LEP) 2010.

The site currently contains a single storey brick dwelling, three car garage, swimming pool, metal sheds, bird aviary and a number of other ancillary structures. The site also contains a dam and a number of trees. All existing trees will be retained as part of this development.

2.3 Existing Site Conditions

Landform	The subject site is generally flat with a very minor fall of approximately 2m to the south.
Existing Structures	The site currently contains a single storey detached dwelling, three car garage, swimming pool, metal sheds, bird aviary, a dam and other ancillary structures.
Access	Vehicular access is provided off Clark Road.
Vegetation	Several trees are present on the site. These trees will be retained and incorporated as part of the proposed landscaping.
Bushfire	The site is identified as being Category 2 bushfire prone land. A Bushfire Report has been provided in Appendix E by Harris Environmental Consulting which supports the application subject to the implementation of a number of recommendations.
Flood Planning	The rear portion of site is mapped as being within a flood planning area. Although no development is proposed on this part of the lot, the development has been assessed against Section C3.5 of the Penrith DCP 2014 (Appendix B).
Easements	The site is not subject to any easements or restrictions as detailed in the Survey Plan prepared by Total Surveying Solutions provided in Appendix C .

3.0 Proposed Development

3.1 Overview

This application seek approval for the demolition of the existing dwelling and construction of a detached dual occupancy and associated site works at 64-70 Clark Road, Londonderry. Specifically, the development will consist of the following:

Stage 1

- Demolition of the existing garage, ancillary structures and partial demolition of the existing dwelling.
- The simultaneous construction of both dwelling A and dwelling B.

Dwelling A will consist of:

- 4 bedrooms;
- Kitchen and walk-in pantry;
- Dining room;
- Lounge room; and
- 4 car garage.

Dwelling B will consist of:

- 3 bedrooms;
- Family and Meals rooms;
- Kitchen;
- Double Garage; and
- Alfresco.

- The following ancillary works are proposed:
 - Construction of the driveway;
 - Establishment of any necessary utility services; and
 - Landscaping.

Stage 2

Completion of the construction of dwelling A and dwelling B. The existing dwelling is to be demolished prior to the occupation of Dwelling A. The staging of this development ensures that there are never more than 2 dwellings being occupied on the site at any time.

The applicant is happy to accept a condition detailing that the occupation certificate for Dwelling A is to not be issued until such time as the existing dwelling onsite is demolished to ensure no more than 2 dwellings can be occupied onsite ant any one time.

3.2 Safety and Security

The proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design (CPTED). In this regard, a number of security features will be introduced as follows:

- Landscaped areas within the development site to be maintained to a good standard.
- Clear delineation between public and private areas.
- Effective sightlines between public and private spaces.
- Landscape, building position and activities orientated to maximise natural surveillance.

Based on the above provisions, the requirements of CPTED are deemed to be met.

4.0 Assessment of Environmental Impacts

4.1 Statutory Planning Framework and Compliance

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. These are:

- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River;
- Penrith Local Environmental Plan 2010; and
- Penrith Development Control Plan 2014.

4.1.1 State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The subject site currently contains a dwelling house, garage, swimming pool and ancillary structures. Satellite imaging shows that the location where the dwellings are proposed to sit have been used only for residential purposes for the past 10 years and therefore the site is considered suitable for its intended use and no further investigations are required.

4.1.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP (BASIX) applies to the subject site. A BASIX Report has been prepared for the proposed development that indicates the proposal will satisfy the relevant water and energy targets. Therefore, the requirements of this SEPP are met. A copy of the BASIX Certificate is attached as **Appendix F**.

4.1.3 State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

The proposed development is consistent with the aim of the SEPP that is to protect the environment of the Hawkesbury-Nepean River system, as well as all of its planning controls.

The proposed development has been designed to ensure it will not impact on the Hawkesbury-Nepean River system through the design of a stormwater management system that manages water quality and

quantity and the implementation of soil erosion and sediment controls measures (**Appendix A**) in accordance with the requirements of Council’s Engineering Specifications.

A Stormwater Concept Design has been prepared by J Mammone Architecture and Accurate Design and Drafting in support of the proposal and is provided in **Appendix A**.

4.1.4 Penrith Local Environmental Plan 2010

Permissibility

The site is situated within the Penrith City Council Local Government Authority (LGA) and is subject to the provisions of the Penrith Local Environmental Plan 2010 (LEP). The site is zoned RU4 Primary Production Small Lots pursuant to the LEP, as shown in **Figure 3** below.

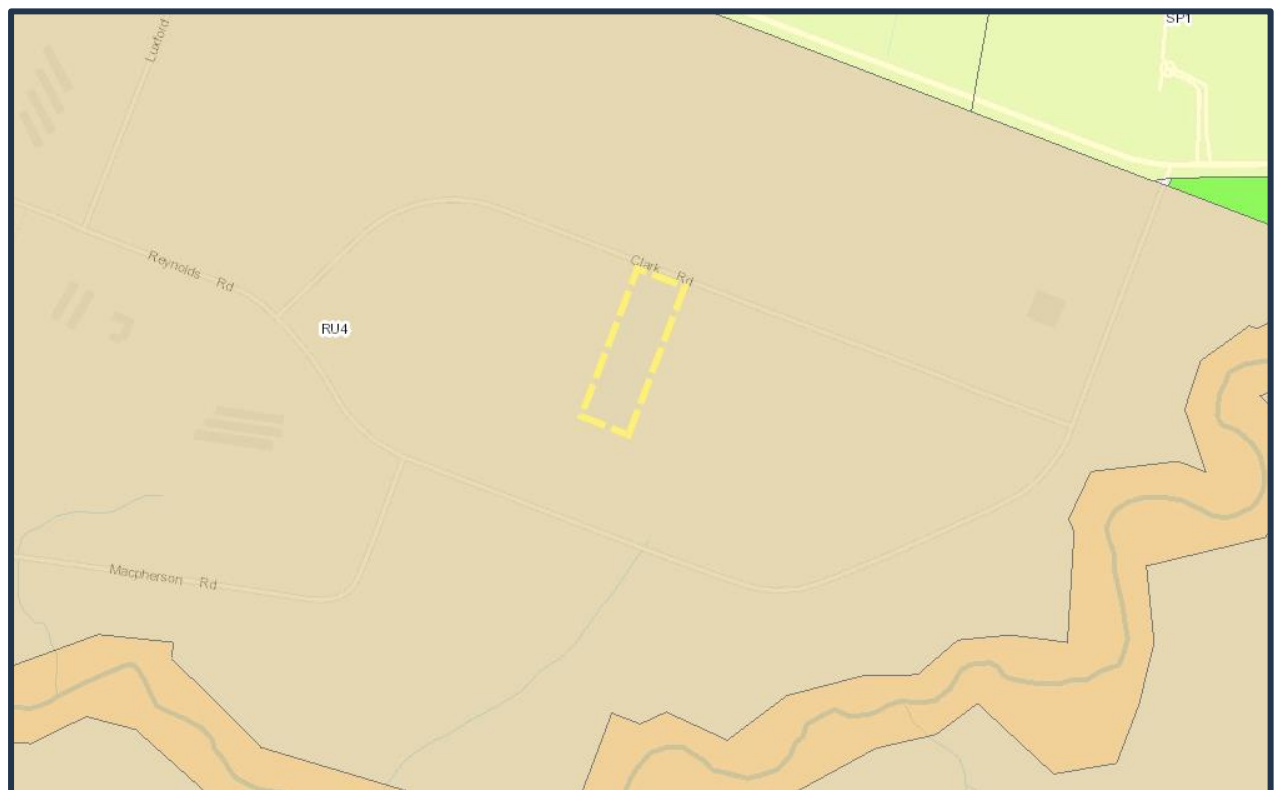


Figure 3: Land Zoning Map Demonstrating the Subject Site as Outlined in yellow (Source NSW Planning Portal)

The development proposes the construction of a detached dual occupancy and ancillary works which is permissible with consent in the RU4 Primary Production Small Lots Zone.

Zone Objectives

The objectives of the RU4 Zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*

- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.
- To preserve and improve natural resources through appropriate land management practices.
- To maintain the rural landscape character of the land.
- To ensure that development does not unreasonably increase the demand for public services or facilities.

Comment

The proposed development is consistent with the relevant objectives of the zone in that it will provide for the housing for the community in an appropriate rural environment and has been designed to reflect the desired character of the area and ensure a high level of amenity is maintained to surrounding development.

Relevant Clauses

A summary of the proposed development against the relevant clause within the Penrith LEP is provided in the following table.

Table 1: Penrith LEP Compliance Table		
LEP Clause	Requirement	Complies - Comment
2.7 Demolition Requires Development Consent	The demolition of a building or work may be carried out only with development consent.	Yes - The development proposes the demolition of the existing dwelling and associated structures on site.
7.1 – Earthworks	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Yes – The proposed dwellings are designed to respond to the site. No cut or fill is proposed which will ensure that the development will not have a detrimental impact on surrounding land uses or environmental functions of surrounding lands. Erosion and sediment control measures will be incorporated throughout all components of the development to minimise the impact of the development on surrounding land uses, this is detailed in the Erosion and Sediment Control Plan provided in Appendix A .

Table 1: Penrith LEP Compliance Table		
LEP Clause	Requirement	Complies - Comment
7.2 – Flood Planning	Minimise the flood risk to life and property associated with the use of land.	Yes - The rear portion of the subject site is identified on a map as being within a flood planning area. Although no part of the development is proposed to take place on land mapped in this area, the development has been assessed against Section C3.5 of the Penrith DCP 2014 (Appendix B).
7.10 – Dual Occupancies and Secondary Dwellings in Certain Rural and Environmental Zones	<p>Development consent must not be granted for a dual occupancy on a lot to which this clause applies unless the lot has an area of at least 2 hectares.</p> <p>Development consent must not be granted for the erection of more than 2 dwellings on a lot to which this clause applies.</p> <p>Development consent must not be granted for the subdivision of a dual occupancy on a lot to which this clause applies into a strata, company or community title.</p>	<p>Yes - The subject site has an area of 2.02 Hectares.</p> <p>The proposed staging as detailed in Part 3.1 of this report ensures that prior to the provision of the occupation certificate for dwelling A, the existing dwelling is demolished. This proposal will result in no more than 2 dwellings being occupied during the construction stage at any time and a total of 2 detached dwellings on the site upon the completion of the development.</p> <p>No subdivision is proposed.</p>

4.1.5 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 provides detailed provisions to supplement the Penrith LEP 2010. An assessment of the proposal against the relevant development controls applying to the subject land is provided in **Appendix B**.

Of note, the development largely complies with all DCP controls with the exception of the controls outlined below and in **Appendix B**.

4.2 Justification for Proposed Variations

Side Setback

Section 1.2.2(3)(b), Part D1 (rural land uses) of the Penrith DCP requires dwellings on lots larger than 2 hectares to have a side setbacks of at least 10m. Dwelling A proposes a side setback of 4m to the western boundary and Dwelling B proposes a side setback of 8m to the eastern boundary. Given the considerable size of the lot and the design of both dwellings, this minor reduction to the side setback is considered acceptable.

The slightly reduced side setbacks create a development which is more responsive to the site's existing context and is compatible with existing development on surrounding sites without negatively impacting dwellings on adjoining sites. The neighbouring dwelling to the west of the site is located at a considerable distance away from the side boundary and located further toward the rear of the property, ensuring that a 4m setback to the western boundary will have no impact to the privacy or solar access of the proposed dwelling or of the existing dwelling in the neighbouring property.

The neighbouring dwelling to the east of the site provides significant privacy through the use of boundary trees. These trees, as well as the single storey nature of both dwellings, ensures that there will be no negative privacy or solar access of the neighbouring dwelling or proposed dwellings as a result of the 8m setback.

Location of Dual Occupancy Dwelling

Part 1.2.5 (1)(d) requires the second dwelling to be located behind the building line of the existing dwelling. The construction of the detached dual occupancy is proposed to be staged as detailed in **Part 3.1** of this report. As part of this staging, the existing dwelling on the site is proposed to be demolished prior to receiving the Occupation Certificate for Dwelling A. Both dwelling A and dwelling B are then proposed to be constructed simultaneously, with the larger dwelling (dwelling A) located behind the building line of dwelling B. The location of dwelling A also allows the existing swimming pool and other ancillary structures at the rear of the site to be retained, minimising the need for any cut, fill or demolition.

Building Separation

Part 1.2.5 (1)(e) prefers that a second dwelling be detached and provide a separation of at least 10m. Although the proposed dual occupancy is detached, a building separation of 9.07m is proposed. This minor variation is considered acceptable as further separation would impact the setback of both dwellings to the side boundaries. Given the width of the lot, the current building separation ensures there is sufficient privacy and solar access to both proposed dwellings and to dwellings on adjoining properties.

In addition to the above, this reduced separation allows both dwellings to be clustered, improving the visual appearance of the development and is appropriate within the rural context of the site as it reduces the overall scale of the proposal.

Access to Dual Occupancy

Part 1.2.5(2)(a) requires access to dual occupancies to be via a common driveway. A new driveway is proposed to be constructed which will provide the dwellings with separate access. Variation to this control is proposed due to the distance between both dwellings and the proximity of the proposed dwellings to Clark Road.

A separate driveway access directly from Clark Road to the dwellings in this instance will not result in a substantially increased amount of hardstand surface or visual impact. The provision of a direct path to the public road creates improved accessibility on the site. Given the proximity of dwelling B to Clark Road, a direct driveway to the public road will result in less hardstand surface as compared to if a shared driveway was proposed.

A shared driveway would require the removal of additional landscaped area. Therefore, this design allows the proposal to minimise the hardstand surface that would be required to connect it to the access of dwelling A by providing a direct path to the public road.

The site also benefits from a boundary of 80.4m facing Clark Road. Given that the driveway of dwelling A is near the western corner of the lot, an additional access point on the eastern corner is considered acceptable and practical given the excessive distance of this driveway point.

In addition to the above, there is precedent of Council approving a second driveway for dual occupancies in cases where it is more practical, and the site can properly accommodate one. One particular example is seen on 113 Clark Road, Londonderry (**DA13/0994**) where a second driveway was approved for the dual occupancy.

4.3 Social and Economic Impacts

The construction of the proposed development will bring with it a number of important environmental benefits for the local and wider community as outlined below.

- Promote enhanced neighbourhood safety and security through casual surveillance generated by the presence of permanent new development and activity within the site;
- Provide short-term economic benefits through construction expenditure and employment; and
- Positively complements the existing and envisaged streetscape, character, amenity of the area thus enhancing resident quality of life and satisfaction.

4.4 Site Suitability

Having regard to the characteristics of the site and its location, the proposed development is considered appropriate in that:

- The zoning of the site permits the proposed uses;
- The size and dimensions of the land are appropriate for accommodating the proposal;

- It does not result in any adverse impacts on adjoining developments including overshadowing, overlooking or noise issues; and
- It will a dual occupancy that positively responds to the streetscape and are compatible in size and siting with surrounding developments.

4.5 Public Interest

The proposal will facilitate the development of the site by providing a new high-quality housing development which achieves good design. It is in the public interest to reinforce the importance of this location for high quality rural housing. Generally, the proposal provides the following public benefits:

- The development has been designed that enhances and responds sensitively to its rural setting, creating spaces that reflect the desired scale and significance of the immediate precinct.
- The proposed development provides a built form that presents as high-quality design that fits within the envisaged character of the area and responds to the site attributes and development controls applicable; and
- There are no significant adverse impacts on surrounding properties in terms of sunlight access, views, visual and acoustic privacy.

5.0 Conclusion

This proposal seeks approval for the demolition of the existing dwelling construction of a detached dual occupancy and associated site works at 64-70 Clark Road, Londonderry.

The proposal is generally consistent with the relevant environmental planning instruments, including Penrith LEP 2010 and Penrith City Council Development Control Plan 2014. The proposed development has significant planning merit in the following respects:

- the proposal maintains the rural landscape character of the land; and
- there are no adverse impacts on surrounding properties.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* the proposal is reasonable and appropriate and warrants favourable consideration.



**A PUBLICATION BY
THE PLANNING HUB**

PH (02) 9690 0279

**SUITE 3.09, LEVEL 3,
100 COLLINS STREET,
ALEXANDRIA, NSW 2015**

**INFO@THEPLANNINGHUB.COM.AU
WWW.THEPLANNINGHUB.COM.AU**