



## STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and subdivision of the site into  
four Torrens title Lots

Lot 13 Sec 4 DP 975378 & Lot 1 DP530541

26 Paskin Street & 23 Second Avenue

Kingswood

## **STATEMENT OF ENVIRONMENTAL EFFECTS**

**22 Paskin Street & 23 Second Avenue Kingswood**

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## 1 Introduction

This Statement of Environmental Effects accompanies a development application for the Demolition of existing structures and Torrens Titled subdivision of two lots into four lots on land identified as Lot 13 Sec 4 DP 975378 & Lot 1 DP53054123 also known as 26 Paskin Street and 22 ***Second Avenue Kingswood.***

The primary topics addressed in this report are:

- Site description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979 (as amended).

This Statement of Environmental Effects confirms that the proposed development is suitable and appropriate in the context of the area and all relevant statutory and non statutory planning policies. As such it is considered that the proposal can be supported and approved by Council.

### 1.1 Site Description

The subject land is identified as Lot 13 Sec 4 DP 975378 & Lot 1 DP53054123 also known as 26 Paskin Street and 22 Second Avenue Kingswood. . Located on site are two existing dwellings and a secondary dwelling and is surrounded by dwellings of a similar size. Access to the site is via Paskin Street and Second Avenue. The sites are regular shapes.





**Figure 1:** Aerial Image of Sites & Surrounding Area







**Figure 2:** Map of the subject site

## 1.2 Proposed Development

The proposed development involves the Demolition of existing structures and Torrens title subdivision of two lots into four.

The proposed lots have the following lot areas:

Lot 1: 263sqm

Lot 2: 241.4sqm

Lot 3: 241.4sqm

Lot 4: 1277sqm

## 1.3 Approvals Sought

The application, which this Statement of Environmental Effects supports, seeks consent under section 4.15 of the Environmental Planning and Assessment Act, 1979 for the proposed development.

## 2 Planning Assessment

### 2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

*(a) to encourage:*

*(ii) the promotion and co-ordination of the orderly and economic use and development of land.*

This application is consistent with the objects of the Act as the proposed development enables the orderly and economic use of the land.

#### 2.1.1 Integrated Development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent by one or more approvals under another Act. **The subject proposal does not trigger integrated development as detailed under S.4.46 of the EP&A Act.**

#### 2.1.2 Designated Development – Section 4.10

Schedule 3 of the Environmental Planning and Assessment Regulations 2000 prescribes development which, if of the relevant type and size, may be considered to be Designated Development. In this case it is our opinion that the development would not trigger any of the designated development provisions.

### 2.2 Section 4.15 Assessment

Section 4.15 of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

#### 2.2.1 Environmental Planning Instruments - Section 4.15 (1)(a)(i)

##### 2.2.1.1 State Environmental Planning Policies

##### **State Environmental Planning Policy No 55 – Remediation of Land**

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clause of SEPP 55 is clause 7, which is outlined below.

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

Under Clause 7, 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.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land where the proposed development is located is in an existing residential area and shows no sign of previous contamination.

#### **SEPP Infrastructure 2007**

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. In this case the policy requires the consent authority to ensure infrastructure is adequate to accommodate the development proposal, which is held to be of the traffic-generating variety. As the development is for a residential development, 104 (2) of the SEPP is not triggered in this instance.

#### **2.2.1.2 Penrith Local Environmental Plan 2010**

The Penrith Local Environmental Plan 2010 (LEP 2010) is the applicable local planning instrument for the site.

Local Environmental Plan	
Matter	Relevant Control
Zoning	R3 – Medium Density Residential
Zone Objectives	<p>The objectives of this residential zone are:</p> <ul style="list-style-type: none"><li>• To provide for the housing needs of the community within a medium density residential environment.</li><li>• To provide a variety of housing types within a medium density residential environment.</li><li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li><li>• To provide for a concentration of housing with access to services and facilities.</li><li>• To enhance the essential character and identity of established residential areas.</li><li>• To ensure that a high level of residential amenity is achieved and maintained.</li><li>• To ensure that development reflects the desired future character and dwelling densities of the area.</li></ul>
Permitted without consent	Home occupations.



Permitted with consent	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture.
Prohibited	Pond-based aquaculture; Any other development not specified in item 2 or 3.
Height of Building	8.5m height of building limit.
Architectural Roof	Clause 5.6 allows Height of Building exceedance.
Floor Space Ratio	No Floor Space Ratio.
Minimum Lot Size	The site has not adopted Minimum Lot Size.
Heritage	Not of heritage significance.
Acid Sulphate Soils	Not identified as acid sulphate
Land Acquisition	Not identified for acquisition.
Mine Subsidence	Not identified as mine subsidence.
Bushfire	The site is not located within a bushfire area.
Flood Prone Land	The site is noted as being flood impacted
Wetlands	Not identified as Wetlands.
Watercourses	No identified watercourses.

#### **Clause 4.1 Minimum subdivision lot size**

The clause provides the minimum lot size requirements for subdivision. The subject site is considered to not have a minimum lot size as it is not mapped. Despite the subject site not being mapped as having a

(4B) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R3 Medium Density Residential unless each lot to be created by the subdivision would have—

- (a) if it is a standard lot—a minimum width of 12 metres, or
- (b) if it is a battle-axe lot—a minimum width of 15 metres and a minimum area of 450 square metres.

Comment: The proposed subdivision complies.

#### **Clause 4.3 Height of buildings**

The clause provides the maximum building height limit for the area. The maximum height of a building allowed within that area is 8.5m. The proposed development complies with the standard.

#### **Clause 4.4 Floor space ratio**

The site has no Floor Space Ratio. The proposed development complies with the FSR development standard.

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

The clause provides an avenue to seek a variation to development standards. It is noted that the development complies with all the LEP Development Standards.

#### **Clause 5.10 Heritage conservation**

Subclause (5) allows Council to require a heritage management plan to be prepared where a development is proposed on a site that is *within the vicinity of a heritage item*. The site is not listed as being a heritage item or in the vicinity of a heritage item.

### **2.2.2 Proposed Instruments - Section 4.15 (1)(a)(ii)**

There are no proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

### **2.2.3 Penrith Development Control Plan 2014 - Section 4.15 (1)(a)(iii)**

*Penrith Development Control Plan 2014* (DCP) applies to the site and outlines specific development requirements for residential development. The provisions of the DCP must be considered in the assessment of the proposed development.

Development Control	Compliance
<b>C11 Subdivision</b>	
<b>11.1. General Subdivision Requirements</b>	
<b>1) Engineering Works</b> a) Where roads and other engineering works are required to support a proposed subdivision, details must be included in the development application. Applicants are advised to consult with Council's Development Services Unit in relation to any subdivision proposal.	N/A
<b>2) Site Planning</b> a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Section C1 'Site Planning and Design	The proposed subdivision has taken into consideration Section C1 of the DCP in the design of the subdivision. It is considered that the proposed

<p>Principles' of this DCP. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>i. Site analysis and response to the site context;</li> <li>ii. Social impact of the proposed subdivision;</li> <li>iii. Economic assessment of the proposed subdivision;</li> <li>iv. Environmental assessment of the proposed subdivision;</li> <li>v. Urban design assessment of the proposed subdivision;</li> <li>vi. Compliance with the provisions of this DCP relating to specific land uses;</li> <li>vii. The allotment size, shape and orientation;</li> <li>viii. The alignment of roads with the natural topography;</li> <li>ix. Potential energy and water savings from subdivision design and allotment orientation; and</li> <li>x. The ability of proposed allotments to operate efficiently for the proposed use and potential future development.</li> </ul> <p>b) As part of any site analysis, the proposed subdivision must demonstrate its integration with the natural and physical features of the site including, but not limited to:</p> <ul style="list-style-type: none"> <li>i. Slope and orientation of land;</li> <li>ii. Opportunities for solar and daylight access to dwellings (if applicable);</li> <li>iii. Design of roads and access ways (individual site access);</li> <li>iv. Retention of special qualities or features such as trees or views;</li> <li>v. Availability of utilities;</li> <li>vi. Provision of adequate site drainage;</li> <li>vii. Possible need to retain the existing subdivision character;</li> <li>viii. Heritage and archaeological conservation;</li> <li>ix. Adequacy of each allotment considering relevant development standards for the proposed future use of the land;</li> <li>x. Relationship to adjacent subdivision patterns; and</li> <li>xi. Potential land use conflicts with adjacent lands.</li> </ul> <p>c) Existing vegetation and natural drainage lines should be retained and enhanced, wherever possible.</p> <p>d) Existing dams should be retained, where possible.</p> <p>e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio.</p> <p>f) 'Battle-axe' allotments are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments.</p>	<p>subdivision complies with the development control.</p>
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<p>g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP).</p> <p>h) Applications should be accompanied by landscape plans indicating proposed landscaping (including streets and how they are positioned so as not to compromise the effectiveness of street lighting) and parking arrangements.</p> <p>i) New allotments should be located so as to protect, enhance or conserve areas of high scenic or recreational value. Council may consider subdivisions/buildings in these higher value areas where ridgelines, vistas and other geographic features are not interrupted or where building materials that blend with the environment are to be used.</p>	
<p><b>3) Subdivision of Natural Resources Sensitive Land</b></p> <p>a) Where applicable, applicants are required to address the environmental impacts of any proposed subdivision of land where the proposed allotment(s) are within or adjacent to land shown on the Natural Resources Sensitivity Land Map of the LEP.</p> <p>b) Council will generally not support the subdivision of land within or adjacent to the land noted on the Natural Resources Sensitivity Land Map where the subdivision will result in fragmentation that will make control of environmental outcomes difficult to achieve.</p> <p>c) Council may require dedication of conservation easements, where necessary, over land adjacent to land shown on the Natural Resources Sensitivity Land Map to protect areas identified to be of significance.</p>	N/A
<p><b>4) Vegetation Management</b></p> <p>a) Any subdivision proposal is required to address the objectives and controls set out in the Vegetation Management and Landscape Design sections with particular focus on the protection of existing vegetation.</p> <p>b) Not more than 10% of the vegetation on any site shall be cleared (or required to be cleared) as a result of any subdivision proposal.</p> <p>c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will be consistent with the existing landscape character of the area.</p>	The proposed development complies.

<p>d) A subdivision application on land identified as or adjacent to 'bushfire prone land' will need to address the controls set out in the Vegetation Management Section relating to bushfire protection and the provision of asset protection zones. Where possible, removal of significant vegetation is to be minimised.</p> <p>e) Tree protection measures must be provided in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites.</p>	
<p><b>5) Water Management</b></p> <p>a) Any subdivision proposal is required to address the objectives and controls set out in the Water Management Section. The subdivision design should consider the following and incorporate measures to address:</p> <ul style="list-style-type: none"> <li>i. The potential impacts of any future development on water catchments and surface water quality;</li> <li>ii. The potential impacts of any future development on watercourses, riparian corridors and wetlands or other environmentally sensitive areas. Lot design may need to facilitate the fronting onto riparian land to facilitate surveillance and prevent degradation of these areas;</li> <li>iii. The potential for flood risk and damage to life and property and the need to provide safe emergency access/egress from the site;</li> <li>iv. Issues arising from stormwater and drainage requirements; and</li> <li>v. The potential for the site design to incorporate features of water sensitive urban design.</li> </ul> <p>b) Council will not approve any subdivision of lots where it is evident that a flood free building envelope and safe internal access from/to the public road cannot be provided. The building envelope for any dwelling should be flood free in a 1:100 Average Recurrence Interval (ARI) flood. Evidence of this must be provided as part of any application.</p> <p>c) Council will not support the subdivision of any land located in a floodway or areas of high flood hazard.</p> <p>d) Subdivision of land below the flood planning level in rural zones creating additional allotments will generally not be supported. However, Council may consider a subdivision application where the applicant can demonstrate that:</p> <ul style="list-style-type: none"> <li>i. the flood hazard is low;</li> <li>ii. flood free access can be provided; and</li> <li>iii. a minimum of 1,000m<sup>2</sup> within each allotment is flood free, allowing for a dwelling and all ancillary works;</li> </ul>	<p>The proposed development complies with the site being less than 0.5m above the 1% AEP Flood Level. It is therefore considered that any future dwellings on site will be able to comply with the flood controls.</p>

<p>e) Generally, land situated within existing residential, commercial and industrial zones may only be subdivided to enable its development for urban purposes where the level of the existing land to be developed is not lower than the 1:100 ARI flood. All lots created by such subdivision shall have the portion of the lot that can be built upon filled to a level at least 0.5m above the 1:100 ARI flood.</p> <p>f) Significant filling of flood planning land will not be supported. If minor filling is required on flood planning land, the provisions relating to flood liable lands will apply (refer to the Water Management section).</p>	
<p><b>6) Land Management</b></p> <p>a) Any subdivision proposal is required to address the objectives and controls set out in the Land Management section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration:</p> <ul style="list-style-type: none"> <li>ii. Site instability due to geology, slope or landfill;</li> <li>iii. The need for excavation and fill to create developable allotments;</li> <li>iv. The potential for erosion and sedimentation; and</li> <li>v. The potential for salinity.</li> </ul> <p>b) Any subdivision application must address whether the proposed site has any potential for contamination (in accordance with the Contaminated Land Management Act 1997), other than by normal grazing activities. If required by Council, the land will need to be remediated in accordance with legislative requirements before subdivision can be permitted.</p>	<p>The proposed development complies.</p>
<p><b>7) Culture and Heritage</b></p> <p>a) Subdivision of a heritage item or in the vicinity of a heritage item or where there is the likelihood of an Aboriginal archaeological heritage item must address the objectives and controls set out in the Culture and Heritage section. The proposed subdivision must minimise:</p> <ul style="list-style-type: none"> <li>i. The impact on Aboriginal or European archaeology on the site; and</li> <li>ii. The impact on Aboriginal objects and places.</li> </ul>	<p>The proposed development complies.</p>
<p><b>8) Access and Transport</b></p> <p>a) Any subdivision proposal is required to address the objectives and controls set out in the Transport, Access and Parking section with particular focus on ensuring that the proposed subdivision is appropriate taking into consideration:</p>	<p>The proposed development complies.</p>



<ul style="list-style-type: none"> <li>b) The appropriate location of land uses to minimise transport requirements; <ul style="list-style-type: none"> <li>i. Likely traffic generation;</li> <li>ii. Safe access and egress to the site; and</li> <li>iii. Appropriate lot sizes to provide facilities for cars, pedestrians and bicycles.</li> </ul> </li> <li>c) Council will not approve any subdivision of new lots in situations where each lot cannot be provided with a safe access point to an existing public road.</li> <li>d) Council may not approve subdivision of allotments where access is to a Crown Road only.</li> <li>e) Site frontage must be sufficient to permit vehicular and pedestrian access to the site.</li> <li>f) A minimum allotment frontage of 25m must be provided when the allotment has a vehicle access point to a collector or major road.</li> <li>g) Council and the Roads and Maritime Services (RMS) require that access points are grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to road networks.</li> <li>h) Where an internal road system is proposed to a new subdivision, the application must demonstrate a distinctive and hierarchical network of roads with clear physical distinctions between each type of road, based on function, capacity, vehicle speeds and public transport.</li> <li>i) Any proposed road system must provide acceptable levels of access, safety and convenience for all road users, while ensuring acceptable levels of amenity and protection from the impact of traffic.</li> <li>j) Council may levy a road contribution or require road upgrading for all proposed lots whether the lots are accessed by sealed or unsealed roads. The amount of the contribution will depend on the current standard of the road and the increased levels of traffic to be generated.</li> </ul>	
<p>9) Noise and Vibration</p> <ul style="list-style-type: none"> <li>a) Any subdivision proposal is required to address the objectives and controls set out in the Noise and Vibration section with particular focus on designing lots so sensitive buildings (especially dwellings) will have sufficient setbacks or noise mitigation measures to minimise noise and vibration impacts.</li> </ul>	<p>The proposed development complies.</p>
<p>10) Infrastructure and Services</p> <ul style="list-style-type: none"> <li>a) Council will not approve of any subdivision of new lots where requirements for effluent/wastewater disposal cannot be adequately met on each individual lot.</li> </ul>	

<ul style="list-style-type: none"> <li>b) Council will not approve of any subdivision of new lots where the provision of services, such as electricity, telephone and other centralised services, would result in additional costs not paid for by the applicant.</li> <li>c) Satisfactory arrangements will be required to be made with Sydney Water in conjunction with the submission of the subdivision application. Documentary evidence will be required of the consultation which has been undertaken.</li> </ul>	
<b>1.3. Residential Subdivision</b>	
<p><b>1) General Requirements</b></p> <p>Subdivision is generally the first stage of development in residential zones. Different development approval processes apply, depending on the form of development proposed.</p> <ul style="list-style-type: none"> <li>a) Where development applications for subdivision meet the minimum lot size requirement, a development application may be made for subdivision alone.</li> <li>b) In the R1 General Residential zone, where subdivision into allotments of area less than 400m<sup>2</sup> is permitted (subject to the requirements of the LEP), a development application must be made for both subdivision and the development (e.g. detached dwelling) proposed</li> </ul>	<p>The proposed development complies.</p>
<p><b>2) Design Principles</b></p> <ul style="list-style-type: none"> <li>a) In determining the suitability or otherwise of any subdivision application, consideration of the following matters, together with those specified in Section 79(C) of the Environmental Planning and Assessment Act 1979, will be taken into account <ul style="list-style-type: none"> <li>i) slope and orientation of land;</li> <li>ii) opportunities for solar and daylight access to future dwellings;</li> <li>iii) design of road and access ways (individual site access);</li> <li>iv) retention of special qualities or features such as trees and views;</li> <li>v) availability of utilities;</li> <li>vi) provision of adequate site drainage;</li> <li>vii) provision of public open space;</li> <li>viii) possible need to retain existing subdivision character;</li> <li>ix) heritage and archaeological conservation;</li> </ul> </li> </ul>	<p>The proposed development complies.</p>

<ul style="list-style-type: none"> <li>x) adequacy of each allotment considering relevant development standards such as setbacks, car parking, landscaping etc.;</li> <li>xi) the relationship of the subdivision layout to adjacent land suitable for subdivision;</li> <li>xii) the enhancement of existing or future subdivision character;</li> </ul> <p>b) Subdivision should only occur where the land is suitable for its intended use</p> <p>c) Subdivision of land should not result in steep slopes or high retaining walls.</p> <p>d) In cases where subdivision is proposed on land with steep slopes, details of cut and fill including proposed retaining walls are to be provided at the time of subdivision.</p>	
<p><b>11.3.1. Allotment Orientation</b></p> <p>1) Staggering of allotments and extensive use of landscaping are encouraged to reduce adverse wind impacts and achieve maximum exposure to cooling breezes in summer and create streetscape variety and interest.</p> <p>2) The allotment orientation shall take into account:</p> <ul style="list-style-type: none"> <li>a) The various types of dwellings which may be constructed on them. In this regard, potential living and private open space areas of any dwelling can be oriented to the north.</li> <li>b) The possible overshadowing impact on existing and/or future adjoining buildings</li> <li>c) Road orientation, which is an important factor in influencing allotment orientation to achieve energy efficient subdivision. <ul style="list-style-type: none"> <li>i. Roads running close to east-west provide for good orientation of allotments for solar access to dwellings and private open space, while maintaining a narrow allotment frontage. This will contribute to minimising the street length and reduce lengths of utility and service related infrastructure.</li> <li>ii. On roads running north-south, allotments may need to be widened to provide solar access and prevent overshadowing of dwellings and private open space.</li> </ul> </li> </ul> <p>3) Where land slopes are generally greater than 5%, road and allotment design should provide for dwellings to be generally parallel with the contours to minimise</p>	<p>The proposed development complies.</p>



<p>earthworks. Special care should also be taken in the configuration of roads and allotments to:</p> <ul style="list-style-type: none"> <li>a) Minimise boundary retaining walls, particularly associated with building to boundary;</li> <li>b) Minimise potential overlooking; and</li> <li>c) Maintain solar access, where slopes face south. A greater distance between dwellings will generally be required to achieve the same solar access as on level sites or north facing slopes.</li> </ul>	
<p><b>11.3.2. Site Frontage</b></p> <ul style="list-style-type: none"> <li>1) Site frontage shall be sufficient to permit vehicular and pedestrian access to the site.</li> <li>2) Access to major roads may be restricted and can potentially affect the proposed subdivision layout.</li> <li>3) Along collector and major roads, it is desirable to reduce the number of vehicle access points. In such situations, a minimum allotment frontage of 25m is preferred.</li> <li>4) Alternatively, a service road running parallel to the main road may be required. (See Section 11.3.5 Road Design and Construction.)</li> <li>5) While minimum frontage requirements are not specified in this section, each new lot created shall have satisfactory depth-to-frontage ratio and long narrow lots will be discouraged.</li> <li>6) Allotments with double road frontage (i.e. front and rear) are discouraged.</li> </ul>	<p>The proposed development complies.</p>
<p><b>11.3.3 Allotment Dimensions</b></p> <p>Allotment Size</p> <p>Residential lots greater than 400m<sup>2</sup></p> <ul style="list-style-type: none"> <li>1) Allotment dimensions shall be capable of containing a rectangle suitable for building purposes measuring 10m x 12m or 8m x 15m behind the building line</li> </ul> <p>Residential lots less than 400m<sup>2</sup></p> <ul style="list-style-type: none"> <li>2) In determining the suitability of any subdivision application for small lots (i.e. less than 400m<sup>2</sup>), special consideration of the following matters will also be taken: <ul style="list-style-type: none"> <li>a) Cost of providing services and the capacity of existing services;</li> <li>b) The advantages of building to a boundary and using attached and semi-detached forms of housing;</li> </ul> </li> </ul>	<p>The lots have been designed to allow for semi-detached and attached dwellings.</p>

<p>c) That adequate privacy can be assured for each proposed dwelling; and</p> <p>d) That adequate provision is made for access to natural light for each proposed dwelling.</p> <p><b>Battle-Axe Lots</b></p> <p>1) Battle-axe lots must be greater than 400m<sup>2</sup>.</p> <p>2) Battle-axe allotments are generally discouraged. Where battle-axe allotments are proposed the access corridor will not be included in the site area calculation for battle-axe allotments.</p> <p>3) Requirements for access corridors are:</p> <ol style="list-style-type: none"> <li>Minimum width of 4m;</li> <li>Minimum width for shared corridor of 5m;</li> <li>Maximum length of 60m.</li> </ol> <p>4) No more than 2 allotments shall be served by a shared corridor.</p> <p>5) Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted for the benefit of both allotments.</p> <p>6) Council will not be responsible for the maintenance of access corridors.</p>	
<p><b>11.3.4 Road Network</b></p> <p>1) The road network shall conform to a strategic plan for the area showing an existing and proposed major road network above the level of collector which satisfies projected district and regional travel.</p> <p>2) The road network shall provide for access to bus routes within acceptable walking distance from all dwellings. Unless prescribed otherwise, no more than 10% of allotments shall be more than 250m straight line or 400m walking distance from a proposed bus route.</p>	<p>The proposed development complies.</p>
<p><b>11.3.5 Road Design and Construction</b></p> <p>1) Connections between roads</p> <ol style="list-style-type: none"> <li>The minimum distance from an access place or road to a collector road shall be 60m if the junction is on the same side of the road or 40m if the junction is staggered on opposite sides of the road.</li> <li>Intersections shall be either T junctions or roundabouts.</li> </ol> <p>2) Controls –road capacity</p>	<p>The proposed development complies.</p>

<ul style="list-style-type: none"> <li>a. A share-way shall serve a maximum of 8single dwelling allotments, or 6single dwelling allotments if it is a cul-de-sac.</li> <li>b. An access place serving allotments greater than 400m<sup>2</sup>shall serve a maximum of 24single dwelling allotments.</li> <li>c. An access placeserving allotments less than 400m<sup>2</sup>shall serve a maximum number of 30 allotments.</li> <li>d. An access street shall serve a maximum of 200single dwelling allotments or generate no more than 1,500vehicle movements per day based on an average of 7vehicle movements per dwelling unless a lower rate can be demonstrated. Lower rates may be applied to multi dwelling housing.</li> </ul>	
<p>Controls –design speeds</p> <ul style="list-style-type: none"> <li>a. Design speeds shall be a maximum of: <ul style="list-style-type: none"> <li>i) 15kmper hour –share-way, access place.</li> <li>ii) 40kmper hour –access street.</li> <li>iii) A combination of measures may be required to limit design speeds by: <ul style="list-style-type: none"> <li>i. limiting street length</li> <li>ii. introducing bends</li> <li>iii. introducing slow points, bends and other traffic management measures such as constriction of carriageway width, speed humps etc. These may not be appropriate in all situations</li> </ul> </li> </ul> </li> <li>b. Design shall conform to Council’s guidelines. Speed profiles are required for each road.</li> </ul>	
<p>Control -road reserves</p> <ul style="list-style-type: none"> <li>a) Where a subdivision adjoins a collector road of a standard less than Council’s current standard, adequate half-width road pavement construction, kerbing and footpath along the full length of the frontage shall be provided to approved standards.</li> <li>b) Rear fences of a subdivision fronting collector roads are discouraged. Where there is no alternative greater verge widths may be required to provide for landscaping against fences taking into account intersection sight distance requirements</li> </ul>	

<p><b>11.3.6. Landscaping and Site Design</b></p> <ol style="list-style-type: none"> <li>1) Landscaping shall be designed to enhance the natural features of the site and adjoining areas. Existing landscape elements such as rock formations, vegetation or water courses shall, where possible, be preserved.</li> <li>2) In established areas, landscaping shall relate to the scale of other elements of the streetscape and the landscaping of adjoining development. Where possible, landscaped areas shall adjoin landscaped areas of adjoining allotments.</li> <li>3) Rear fences fronting public roads are discouraged. Where they are unavoidable, the following may be required: <ol style="list-style-type: none"> <li>a. Greater setbacks for landscaping against fences, consistent with acoustic and road design standards.</li> <li>b. Building frontages to face road by provision of parallel access road separated by acoustic and landscaped buffer.</li> <li>c. Landscaped berms and other planting, particularly where a minimal amount of rear fencing is provided such as with cul-de-sac heads abutting the major road boundary.</li> </ol> </li> <li>4) For all subdivisions, street tree planting or a contribution for street tree planting at the following rate shall be provided: <ol style="list-style-type: none"> <li>a. For allotments greater than 400m<sup>2</sup>, a contribution for one (1) super advanced tree per 10m road frontage.</li> <li>b. For allotments less than 400m<sup>2</sup>, to be in accordance with an approved landscape plan for the entire development.</li> </ol> </li> <li>5) Subdivision design shall maintain existing mature trees where possible. Council has in force a Tree Preservation Order which requires Council's consent to the removal or lopping of any tree.</li> <li>6) The slope from any proposed dwelling to a street shall be such as to allow recreational use and the provision of a footpath where required.</li> </ol>	<p>The proposed development complies.</p>
<p><b>11.3.7 Services</b></p> <ol style="list-style-type: none"> <li>1) The design and construction of utility services shall conform to the specific standards of the relevant servicing authority.</li> </ol>	<p>The proposed development complies.</p>

<ol style="list-style-type: none"> <li>2) Where possible, compatible public utility services shall be coordinated in common trenching to maximise cost-effectiveness.</li> <li>3) In access places and streets, the design of street lighting as part of a thematic streetscape is encouraged.</li> </ol>	
<p><b>11.3.8. Drainage</b></p> <ol style="list-style-type: none"> <li>1) The piped drainage system shall be designed to control minor stormwater flows under normal operating conditions for an Average Recurrence Interval (ARI) of five (5) years.</li> <li>2) The drainage system shall be designed to control major stormwater flows under normal operating conditions for an ARI of 100 years.</li> <li>3) The design of the drainage system shall comply with the NSW Environment Protection Authority standards for urban run-off.</li> <li>4) Allotment drainage shall discharge to the roadway gutter wherever possible.</li> <li>5) Where easements are required over downstream property, Council requires the submission of the adjoining owner's consent with the development application.</li> </ol>	<p>The proposed development complies.</p>
<p><b>11.3.9. Public Open Space</b></p> <ol style="list-style-type: none"> <li>1) Open space shall accord with the relevant Council Section 94 Contributions Plan and other Section of this Plan or open space plan based on a needs assessment for the vicinity.</li> <li>2) Council will consider the dual use of suitable open space for recreation and major stormwater drainage in accordance with the principles and requirements of the WSROC handbook "Dual Use of Drainage Open Space in Western Sydney" (1989).</li> <li>3) On-site provision of open space (such as for integrated housing development) may only satisfy passive recreation. Council may require a contribution for the provision of, or enhancement of, active recreation space elsewhere.</li> <li>4) In established areas, and where Council determines that the public open space component of a subdivision shall be located elsewhere, a contribution to Council will be required for acquiring or improving more suitable open space in the vicinity.</li> </ol>	<p>The proposed development complies.</p>

<p><b>11.3.10 Environmental Site Management</b></p> <ol style="list-style-type: none"> <li>1) Development shall comply with the provisions of the Vegetation Management Section Management of this Plan and current soil erosion, sediment and water quality control requirements.</li> <li>2) A detailed site plan shall be prepared by a suitably qualified consultant, identifying significant trees and vegetation and other physical constraints, such as watercourses.</li> <li>3) A site management plan shall be prepared and submitted with the development application showing arrangements for the control of stormwater runoff and erosion control, during and after completion of the development, site restoration and other mitigation measures required prior to the development being undertaken, stockpile position, and all vegetation/trees to be removed and/or retained.</li> <li>4) Council may require a performance bond or bank guarantee to be submitted to secure performance of works in accordance with an approved site management plan.</li> </ol>	<p>The proposed development complies.</p>
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## 2.2.4 The likely impacts of that development – Section 4.15(b)

### 2.2.4.1 Aboriginal Archaeology

The requirement for an Aboriginal Heritage Impact Assessment (AHIA) is based on Part 2 of the NPWS Guidelines for Aboriginal Heritage Impact Assessments. Part 2 states that an AHIA is generally not required where:

*a) The proposed development is on land previously subject to intensive ground disturbance and the development will impact only on the area subject to the previous disturbance;*

*b) The impact of the proposed activity is unlikely to cause any additional damage to Aboriginal objects than that which has already occurred; and*

*c) The proposed development is in an area that has been identified in strategic planning, rezoning or other assessment studies as having low Aboriginal heritage potential.*

Based on the abovementioned points it is noted that the proposed development is not likely to cause any damage to Aboriginal objects as the development is located within an existing residential area with existing site disturbances.

### 2.2.4.2 CONTEXT AND SETTING

The proposed development has demonstrated consistency of the surrounding locality through the environmental planning regulations and site features informing the overall development design. It



has also shown to be consistent with the surroundings through its consistency with the existing residential development of the area.

#### **2.2.4.3 VISUAL IMPACT**

The development has been designed in a way and style that complements the area. The development is not expected to create an eye sore to the surrounding community.

#### **2.2.4.4 ACCESS, TRANSPORT AND TRAFFIC**

Due to the small nature of the development it is not considered to cause any impact on the local road network.

#### **2.2.4.5 PUBLIC DOMAIN**

The proposed development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements.

#### **2.2.4.6 SERVICES**

Electricity, telephone and physical, legal and emergency service access exists to the existing development. The site has reticulated (town) water supply and reticulated sewer service available.

#### **2.2.4.7 European Heritage**

The site is not within a heritage area or close to any existing heritage items.

#### **2.2.4.8 Flooding**

The site is located within an local overland flow flood area as shown in the flood information provided by Penrith Council.

The 1% AEP local overland flow flood levels affecting the above property are estimated to vary from RL41.6m AHD at the front boundary to RL40.7m AHD at the rear boundary.

Property less than 0.5m above the 1% AEP flood level is subject to Penrith Development Control Plan 2014 Section C3.5 Flood Planning. The Penrith Development Control Plan 2014 is available from Council's website [www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au).



#### Definitions

**AEP** – *Annual Exceedance Probability* – the chance of a flood of this size occurring in any one year.

**AHD** – *Australian Height Datum* – A standard level datum used throughout Australia, approximately equivalent to mean sea level.

#### Legend

Extent of 1% AEP local catchment overland flow path. Generally depths less than 150mm is not shown.

It is noted that the site is above the 1% AEP Floor level and is therefore acceptable for subdivision.

#### 2.2.4.9 Landslip Risk Hazard

The site is not mapped as being a landslip hazard and as such no geotechnical report is required.

#### 2.2.4.10 Bushfire

The site is not located within a bushfire zone.

#### 2.2.4.11 Ecology

The physical works that will result from the proposed development will involve some minor earthworks for the demolition and subdivision work.

#### 2.2.4.12 Noise and Vibration

No potential noise or vibration impacts have been identified. Construction noise will be as per normal construction times/processes.

#### 2.2.4.13 Social and Economic Impact

The proposed development is for the demolition of the existing structures and Subdivision of two lots into four and should have no social or economic impact on the area.

### **2.2.5 Suitability of the Site – Section 4.15(c)**

The subject site is considered suitable for the proposed use as the area is surrounded by similar buildings of a similar size. As such it is considered that the development is suitable for the site and the surrounding area.

### **2.2.6 The Public Interest – Section 4.15(e)**

The proposed development is considered to be in the public interest.

## **3 Conclusion**

This Statement of Environmental Effects comprehensively demonstrates that the proposed demolition of existing structures and the *subdivision of two into four lots* is an appropriate and suitable development when tested against the relevant heads of consideration detailed within the section 4.15(C) of the *Environmental Planning & Assessment Act, 1979*.

This report has identified all key issues associated with the proposal and demonstrated that the proposal can be developed appropriately with respect to these issues. The proposal is consistent with the zone objectives and other planning provisions and will make a positive contribution to the area.

The proposal is considered acceptable and should be approved because:

- The site is suitable for the proposal;
- The SoEE has identified all constraints associated with the land and demonstrated that the proposal can be undertaken whilst effectively minimising these constraints;
- The proposal will generate positive social and economic impacts;
- The proposal will generate only negligible environmental impacts; and
- The proposal is within the public interest.

The proposal has been assessed in accordance with S.4.15 of the EP&A Act 1979. This assessment has concluded that under the zone the development is a permissible land use.

Penrith Council's Development Control Plan has also been considered and proposal complies with the DCP in all respects of the controls.

This report has assessed environmental considerations of the proposal, including heritage, flooding, access, ecological considerations, waste management, stormwater runoff, Aboriginal archaeology and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal and that infrastructure either is, or can be developed to support the proposal.