

Monday 23rd November 2020
Ref: 1354 Env

STATEMENT OF ENVIRONMENTAL EFFECTS

Address 32 Sydney Street, St Marys

Proposed: SEPP 2009
Multi-Unit Housing Development R3 Townhouses

THE SITE

The site is regular shaped approx. 16.54m x 60.96m with an area of 1008.5m² on the east side of Sydney Street. Upon the site is situated a single storey dwelling garage and sheds which will be demolished. Adjoining to the north, south and rear are multi-unit developments. The site slopes gently to the front of the property and there are a couple of trees to be removed in the rear of the site.

The area is one of transition with many new Townhouse developments replacing older single dwellings.

The area is close proximity to St Marys Station and Retail Precinct. Convenient public transport is available 110m to the south - Brisbane Street bus route 774 Penrith to Mount Druiitt. Provision of multi-unit type accommodation under SEPP 2009 is therefore a viable land use for this area and is permitted in the Zone.



The Site: 32 Sydney Street, St Marys



Site Aerial: 32 Sydney Street, St Marys

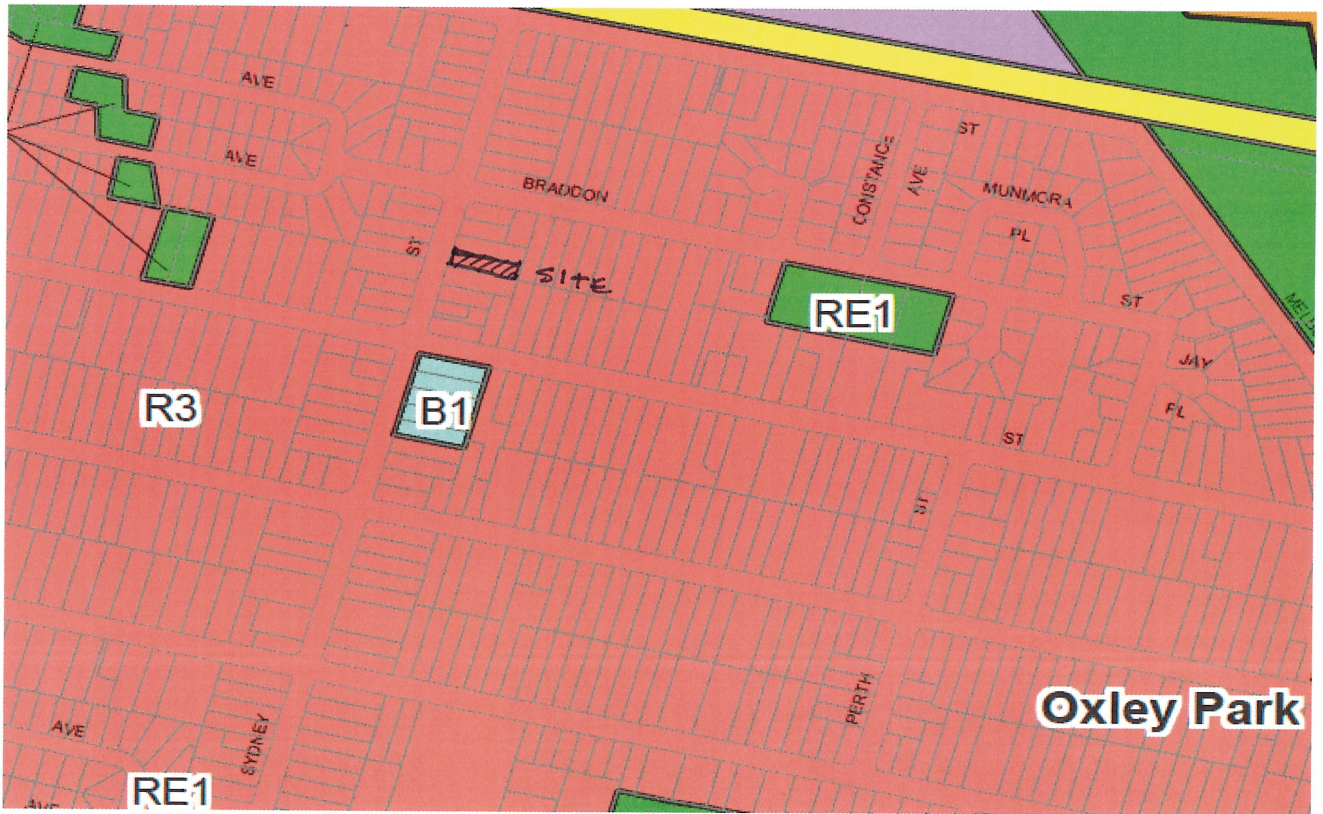
STATUTORY SITUATION

The site is zoned R3 Medium Density Residential in Penrith LEP 2010.

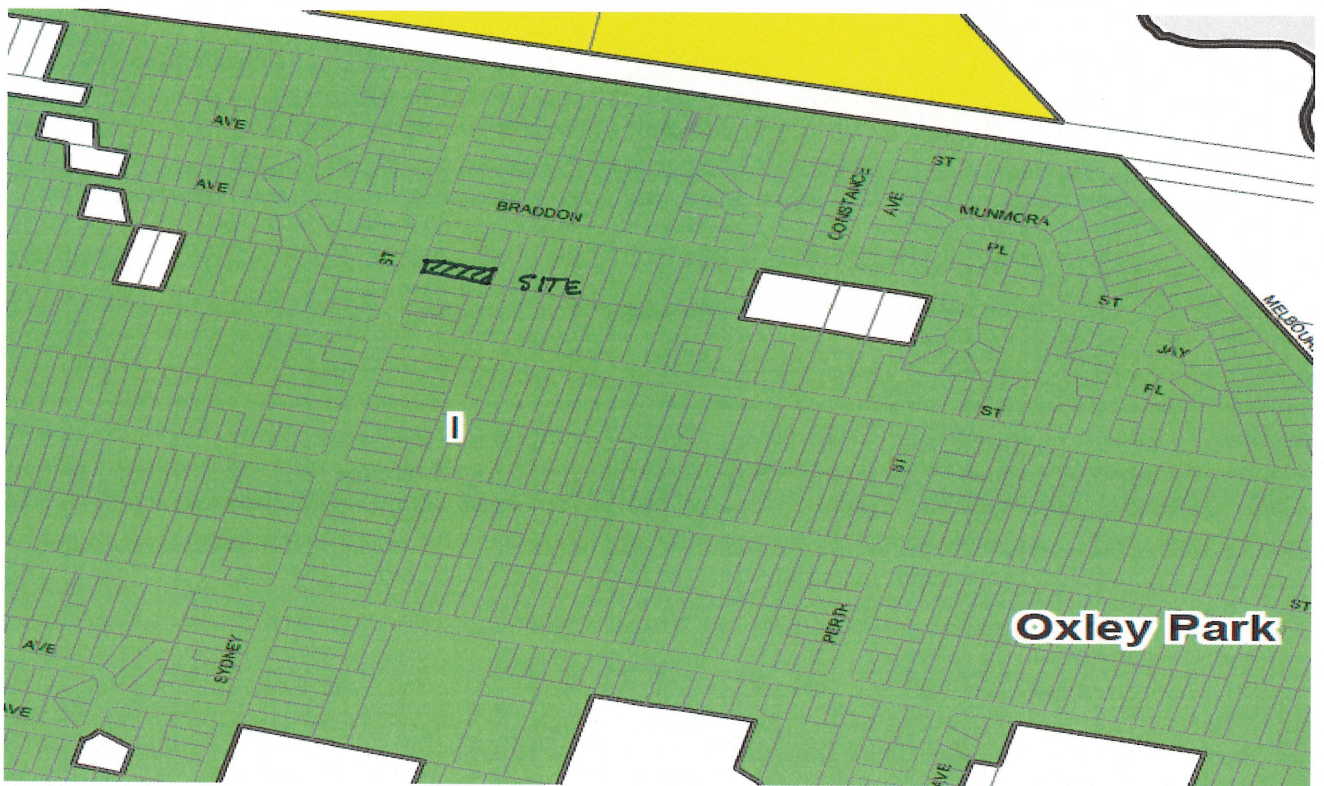
SEPP (Affordable Rental Housing) 2009 applies to the land and the proposed development of Multi Unit Infill Affordable Housing is permitted.

The site is serviced within 400m by a compliant bus service in Brisbane Street and is thus classed as being in an Accessible area under the SEPP.

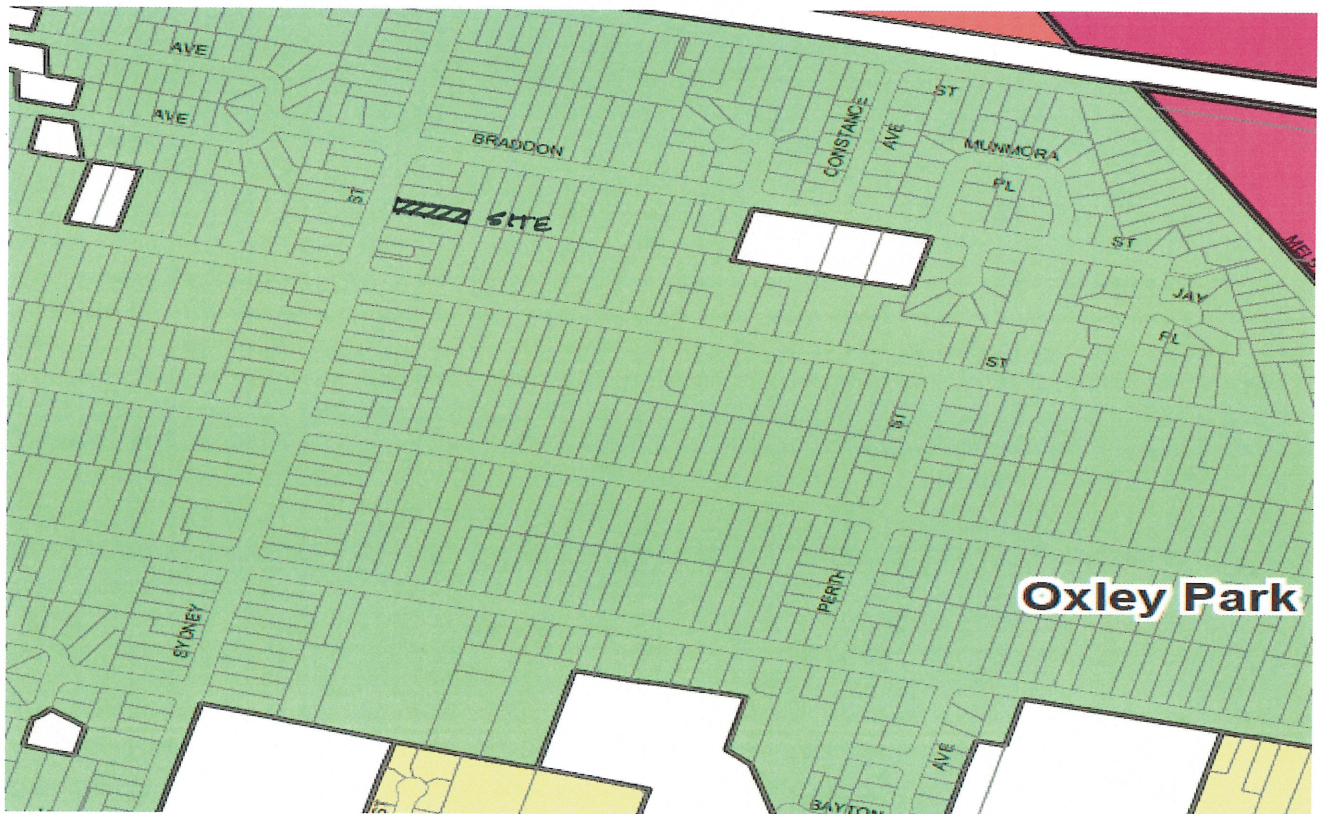
The development is also subject to compliance with Penrith DCP 2014 as may be applicable under the SEPP.



The Site: Zone Map R3



The Site: HOB Map 8.5m



Lot Size Map F 400m²

THE PROPOSAL

The proposal is for the construction of 4x3 bedroom and 2x2 bedroom 2 storey brick veneer townhouse dwellings with tiled roofs. The units typically have living areas, kitchen, laundry, wc and garage on the ground floor with bedrooms bathroom and en-suite on the first floor. Unit 6 has Bed 1 on the ground floor and is able to be an adaptable unit.

The units are accessed from a common driveway in the east side of the site with dwelling courtyards located on the west side and rear of the site.

The dwellings are separated into 3 groups of 2 units with single garages and ground level parking spaces.

The building lengths are 14.8m and 13.16m with 4.0m wide gaps between the groups.

The dwellings are setback 6.0m from the street.

The dwellings are 2 storey 3 and 2 bedroom with brick and weatherboard walls and tiled roofing. The dwellings are accessed by a single driveway on the south side of the site.

The garbage bin and bulky waste storage areas are located in the front setback area

Due to the slope of the site the development is raised approximately 500mm at the east rear to provide for the OSD system.

Stormwater is discharged to Sydney Street in accordance with Engineers details and Councils requirements. The proposed development site is located in an area required to have OSD and the development is required to have WSUD.

VEHICULAR ACCESS / TRAFFIC

Access to the dwellings will be via a common driveway on the south side of the site allowing entry or exit in a forward direction. In accordance with and in excess of SEPP 2009 a total of 8 parking spaces are provided on site. Parking to each unit is provided via the use of single garages and an open car space. The SEPP does not require any visitor parking, however, 2 have been provided, which then complies with the SEPP parking number requirements.

The additional amount of traffic likely to be generated by the development will have little or no effect on the existing road system.

PRIVACY AND FENCING

Privacy to the adjoining dwellings will be maintained by the use of 1.8m high fencing. Unit 1 at the front of the site will feature a 1.8m high horizontal metal slat front courtyard wall.

SERVICES

Existing utility services are available adequate to serve the development (i.e. water, electricity, sewerage and stormwater).

Stormwater will be drained to the side street system in accordance with the Engineers details and Council requirements.

OSD is required.

The proposal includes a WSUD device in the OSD area in accordance with the DCP.

STATUTORY ASSESSMENT

1) Environmental Planning and Assessment Act 1997 Section C(1)

The provisions of section 79C(1) of the Environmental Planning and Assessment Act 1997 require the matters hereunder to be considered prior to determination of the subject application.

79C(1) a) i) The Provisions of any Planning Instrument.

The following Relevant Environmental Planning Instruments apply.

a) The Environmental Planning and Assessment Act 1997 and Environmental Planning and Assessment Regulation 2000.

b) The Penrith Local Environmental Plan 2010.

c) The Penrith Development Control Plan 2014,

d) SEPP (Affordable Rental Housing) 2009.

79C(1)a)ii) Any Proposed instrument the subject of Public Consultation.

N/A

79C(1)a)iii) Any Development Control Plan

a) Environmental Planning and Assessment Act 1997 and Regulation 2000.

The proposal is not classed as Designated Development nor is it Integrated Development.

b) Penrith Local Environmental Plan 2010.

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To enhance the essential character and identity of established residential areas.
- To ensure that a high level of residential amenity is achieved and maintained.
- To ensure that development reflects the desired future character and dwelling densities of the area.

2 Permitted without consent

Home occupations

3 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

The proposal meets the objectives of the zone with the provision of multi-unit housing which protects the character of surrounding residential development, but with increased housing density and variety.

Clause 4.1A Minimum Lot sizes for Dual Occupancies and Multi Unit Housing

N/A

The proposal complies with SEPP 2009 requirements.

R3 Zone Maximum Height: 8.5m Complies
Minimum Landscaped Area : 32.15% **Complies**
SEPP 2009 requires front setback landscape to be compatible with street scape and min 30% landscape - proposal complies

Compliance with Penrith DCP 2014 Provisions for Environmental Performance in Development Generally

The proposal complies with each of these requirements and is supported by a BASIX report

The following Development Control Plans apply.

i) Penrith City Council Development Control Plan 2014.

Part 2.4 Multi Dwelling Housing

2.4.2 Preferred configuration for new dwellings

The proposal complies with the predominant development in the area which is multi unit developments.

2.4.3 Development Site

The required minimum lot width of 22m is unable to be obtained due to existing multi unit developments on either side and therefore this application is to be assessed on a merits basis. In addition council's draft submission to increase minimum lot size to 1200m² is unable to be accommodated due to the existing multi unit development at the rear.

2.4.4 Urban Form

The proposal complies with the objectives of the clause with characteristics of traditional suburban development, front dwelling oriented to the street, building forms articulated and integrated with surrounding garden areas.

2.4.5 Front and rear Setbacks

The dwelling setbacks reflect the character of surrounding areas. 4.0/6.0m at rear and 6.0 m at front.

2.4.6 Building Envelope and Side Setbacks

Proposal compliance with side setbacks minimum 2.0m.

2.4.7 **Parking and driveways are provided in accordance with this clause and in accordance with AS.2890.1.**

2.4.8 Landscaped areas N/A SEPP 2009

2.4.9 Solar planning N/A. SEPP 2009

2.4.11 Common Site and Park Frontages
N/A

2.4.12 Building Design

The proposal presents 2 storey attached dwellings with a variety of facade materials and finishes.

2.4.13 Energy Efficiency

Proposal is supported by ABSA Certificate (BASIX) to indicate its measure of energy efficiency.

- 2.4.14 Dwelling Design and Private Courtyards
The proposal complies with this clause as previously indicated with minimum 25m² of courtyard .
- 2.4.15 Garage Design
Garages are designed to AS 2890.1 as required by the clause.
- 2.4.16 Garden Design
Gardens are designed by the Landscape Architect in compliance with this clause.
- 2.4.17 Paving Design
Paved areas are minimised to maximise landscape / permeable areas.
- 2.4.18 Fence and Retaining Walls
Fences are in compatible materials with neighbourhood. Retaining walls are masonry as required by Council.
- 2.4.19 Visual and Acoustic Privacy
Construction is insulated brick veneer and insulated stud walls which aids in acoustic separation. Application is supported by an acoustic report.
- 2.4.20 Safety and Security
All units have living areas overlooking the street and / or access driveway and also rear courtyards.
- 2.4.21 Accessibility and Adaptability
All units are accessed at ground level and unit 6 is able to be adapted in the future for disabled usage.
- 2.4.22 Storage and Services
All units have wardrobes and storage cupboards in accordance with this clause. In addition 3 m³ storage is provided per unit under the stairs. All services, post boxes, electrical meters and TV and telecommunication facilities are provided in accordance with this clause.

SEPP 2009 Compliance

Division 1 In-fill affordable housing

10 Development to Which Division Applies

- (1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:
- (a) The development concerned is permitted with consent under another environmental planning instrument, and
- (b) The development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.

The proposal complies with both these requirements.

Penrith LEP 2010 permits multi-unit development.

(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.

The land is within an accessible area with bus routes to Mt Druitt and St Marys Stations.

Please see bus route timetable and distance map.

13 Floor Space Ratios

(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.

(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) If the existing maximum floor space ratio is 2.5:1 or less:

(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent,

Where:

AH is the percentage of the gross floor area of the development that is used for affordable housing.

$Y = AH \div 100$

No FSR is prescribed by the LEP therefore N/A.

(3) In this clause, gross floor area does not include any car parking (including any area used for car parking).

Note. Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the Standard Instrument (Local Environmental Plans) Order 2006.

14 Standards That Cannot Be Used To Refuse Consent

(1) Site and solar access requirements

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) (Repealed)

(b) Site area

If the site area on which it is proposed to carry out the development is at least 450 square metres.

The site is greater than 450m² – 1008.5m²

(c) Landscaped area

If:

(ii) In any other case — at least 30 per cent of the site area is to be landscaped.

32.15% of the site is landscaped.

(d) Deep soil zones

if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:

- (i) There is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and
- (ii) Each area forming part of the deep soil zone has a minimum dimension of 3 metres, and
- (iii) If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area

In excess of 15% of the site is deep soil zone.

2/3 of deep soil zone in the rear of site.

(e) Solar access

If living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

Complies. 100% solar access.

(2) General

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) Parking

If:

- (ii) In any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms.

Complies. 8 Spaces required and provided

(b) Dwelling size

If each dwelling has a gross floor area of at least:

- (i) 35 square metres in the case of a bedsitter or studio, or
- (ii) 50 square metres in the case of a dwelling having 1 bedroom, or
- (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or
- (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.

Complies

(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).

15 Design Requirements

(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.

Seniors Living Policy Compliance as Applicable

1) Context

The development maintains the existing front garden theme and contributes to the streetscape character.

The scale and height of the buildings is complimentary to adjoining single and 2 storey development.

2) Site Planning and Design

The site planning of the proposal maximises dwelling with street frontage and minimises impact on adjoining properties. This also maximises best practice solar orientation of units and/or garden areas.

The proposal provides substantial deep soil zones and minimises physical and visual dominance of car parking, garaging and vehicle circulation.

3) Streetscape Impacts

The proposal has minimal adverse impact on streetscape and increases building quality. It provides suitable breaks in visual massing of buildings and provides 2nd storey within relevant R3 zone height and envelope controls.

Front garden areas are suitably landscaped and provide improved streetscape appeal.

4) Impacts on Neighbours

Proposed buildings maintain existing street alignment and locate rear yards adjacent to rear neighbours. The proposal has upper level bedroom windows facing north side neighbours but have upward facing louvres to provide privacy and the windows on the south side face neighbour's driveway so don't require further privacy screening.

5) Internal Site Amenity

The proposal provides usable private and communal open space for the residents. Dwellings have distinct identifiable and safe access.

The proposal provides attractive external landscaped areas and private courtyard areas to all units.

Private open space min 15m² with min dimension of 3.0m. Proposal complies.

16A Character of Local Area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

The proposal complies with this.

17 Must Be Used For Affordable Housing for 10 Years

(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:

(a) For 10 years from the date of the issue of the occupation certificate:

(i) The dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

(ii) All accommodation that is used for affordable housing will be managed by a registered community housing provider, and

(b) A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of

the Conveyancing Act 1919 that will ensure that the requirements of paragraph (a) are met.
It is intended that the development will be so managed for purposes of Affordable Housing One dwelling, unit 5, is nominated for this use.

18 Subdivision

Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.

It is intended to Strata Subdivide the development on completion under a separate Development Application.

SEPP 55 Remediation of land

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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
 - (a) land that is within an investigation area,
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land:
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The site is currently occupied by 1 dwelling with residential usage with no evidence of illegal fill or dumping. Therefore it is considered that the site does not contain contaminated material, however if during construction works, evidence of contaminated material is discovered, then works are to stop until said material is removed correctly in accordance with relevant Work

Health and Safety Act Code of Practice.

There is currently no requirement for remediation works to be carried out and therefore clauses 2,3,4 of the above section do not apply.

79C(1) b) The likely impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

The proposal will have minimal impact on natural and unit environment and will have positive social and economic impact in the area.

79C(1) c) The Suitability of the Site for the Development.

The site appears to be quite suitable for the proposed development since it is appropriately zoned and serviced and the proposal satisfies the objectives of the zone.

79C(1) 1) d) Any submissions made in accordance with this Act or the Regulations.

There are no known submissions to be addressed in respect of the application at this time.

79C(1) e) The Public Interest.

SUMMARY

It is considered that the proposal is consistent with the zoning and control principles established by the State and Council, is sustainable development, provides appropriate opportunities for control and regulation for this type of usage and on balance is consistent with the wider public interest.

The development therefore will have positive impact on the existing and likely future amenity of the neighbourhood and is worthy of Councils' support.