

Statement of Environmental Effects

Development Application

5 Burrawang Close, Kingswood - 2747

24 July 2018



PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

Head Office: Suite 404 | Level 4 | 203-233 New South Head Road | Edgecliff NSW 2027

Parramatta Office: Suite 04 | Level 1 | 130 George Street | Parramatta NSW 2150

Tel (02) 9386 7000 | Fax (02) 9386 7001

www.hamptonspropertyservices.com.au

COPYRIGHT

Hamptons Property Services is the owner of the copyright contained in this publication. Other than as permitted by the Copyright Act and as outlined in our terms of engagement, this report may not be reprinted, reproduced or used in any other form, transmitted or copied, by electronic, material or other means, without the prior written permission of Hamptons. Legal action will be taken against breach of copyright.

This report may only be used for the purpose commissioned and unauthorised use is prohibited. Hamptons assumes no responsibility if the document is used for purposes other than those directly associated with its commission.

PROJECT PARTICULARS

Project No.	2018056
Client	Koshy Mathew
Site Address	5 Burrawang Close, Kingswood - 2747
Document Name	Statement of Environmental Effects

Prepared by

Date	Document Name	Authorisation	
		Name/Position	Signature
	Rep001(Draft)	Vai Ah-Ching <i>Planning Adviser</i>	
17 July 2018	Rep003(Final)	Vidhya Ramesh <i>Senior Town Planner</i>	
22 May 2018	Rep002(Draft)	Kristy Hodgkinson <i>Director</i>	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

CONTENTS

1. INTRODUCTION	4
2. THE SITE & ITS LOCALITY	5
3. THE PROPOSED DEVELOPMENT	10
The Proposed Works	11
4. TITLE CERTIFICATE	12
5. ENVIRONMENTAL PLANNING ASSESSMENT.....	14
SEPP 55.....	14
SEPP (BASIX)	14
SREP 20.....	14
The LEP	15
The DCP	17
Likely Impacts of the Development.....	27
Suitability of the Site	27
The Public Interest	27
6. CONCLUSIONS & RECOMMENDATIONS.....	28

TABLES

Table 1: Site Details	5
Table 2: Restriction on the Use of Land.....	12
Table 3: LEP Compliance.....	15
Table 4: DCP Compliance.....	18

FIGURES

Figure 1: Site Location	6
Figure 2: Aerial Location	6
Figure 3: Title certificate.....	7
Figure 4: Context Analysis	8

PHOTOGRAPHS

Photograph 1: Vacant lot at No. 5 Burrawang Close, Kingswood.	9
Photograph 2: Two storey residential buildings along Casuarina Circuit	9
Photograph 3: Public Recreational park opposite the site (West of Burrawang Close)	9

1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Koshy Mathew in relation to the land known as 5 Burrawang Close, Kingswood (the site) to prepare a Statement of Environmental Effects (SEE). This SEE accompanies a development application to Penrith City Council (the Council) for the construction of a principal dwelling and secondary dwelling on the lot. The site is currently vacant and forms a part of the 45 residential lots subdivision released by NSW UrbanGrowth.

The site is in the R2 Low Density Residential zone pursuant to Penrith Environmental Plan 2010 (LEP) and the proposed development is permissible with development consent (Clause 1.6). The proposed uses are defined as:

dwelling house means a building containing only one dwelling.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. Dwelling Houses and Secondary dwellings are a type of residential accommodation¹

The purpose of the application is for residential accommodation and may be accommodated a form that is consistent with the objectives of the zone and suited to the context of the site.

This report provides the following:

- a description of the site and the locality surrounding this;
- a description of the proposed development;
- the proposal's response to the relevant environmental planning controls; and
- conclusions and recommendations relating to the proposal.

We trust that the enclosed information is sufficient for Council's consideration of the matter and look forward to working with Council during assessment of the development application.

¹ **residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following:

- (d) dwelling houses,
- (j) secondary dwellings, ...

but does not include tourist and visitor accommodation or caravan parks.

2. THE SITE & ITS LOCALITY

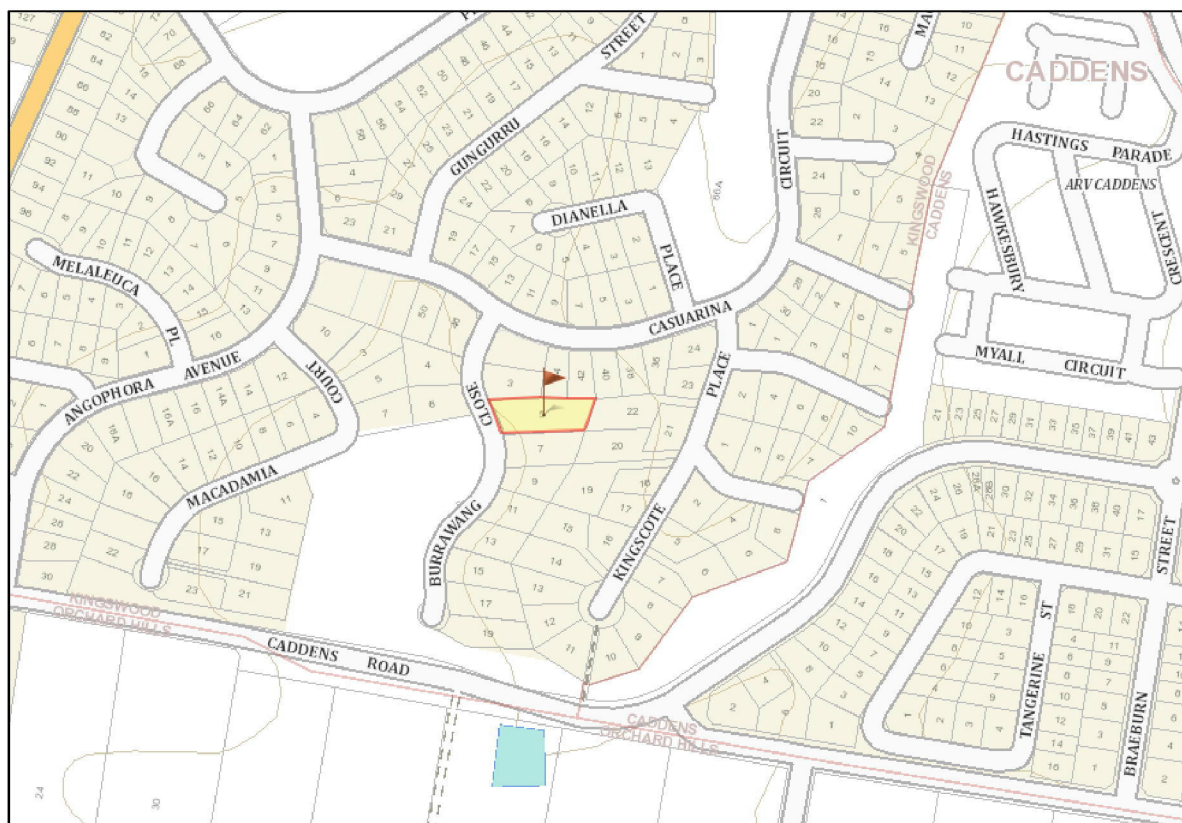
Table 1, below, provides the key information relating to the site.

Table 1: Site Details

Property Address	5 Burrawang Close, Kingswood 2747	
Legal Description	Lot 38 in Deposited Plan 1194171	
Site Area	1,659m ²	
Site Boundaries	North	77.81m
	East	24.0m
	South	60.785m
	West	26.91m (19.04+6.87)
Slope Direction	West to East	
Existing Use	Vacant land	
Critical Habitat	No	
Conservation Area/Environmental Heritage	No	
Coastal Protection	No	
Mine Subsidence	No	
Road Widening or Realignment	No	
Hazard Risk Restriction	No	
Flood Planning	No	
Acquisition	No	
Biodiversity Certified Land	No	
Biobanking Agreements	No	
Bushfire Prone Land	Yes; the land is partly situated in the Vegetation Buffer zone	
Property Vegetation Plan	No	
Contamination	No	

Note. Information above retrieved from Section 10.7(2) Certificate No. 18/02454, dated 14 May 2018.

Figure 1: Site Location



Source: <https://maps.six.nsw.gov.au/>

Figure 2: Aerial Location



Source: <https://maps.six.nsw.gov.au/>

Figure 3: Title certificate

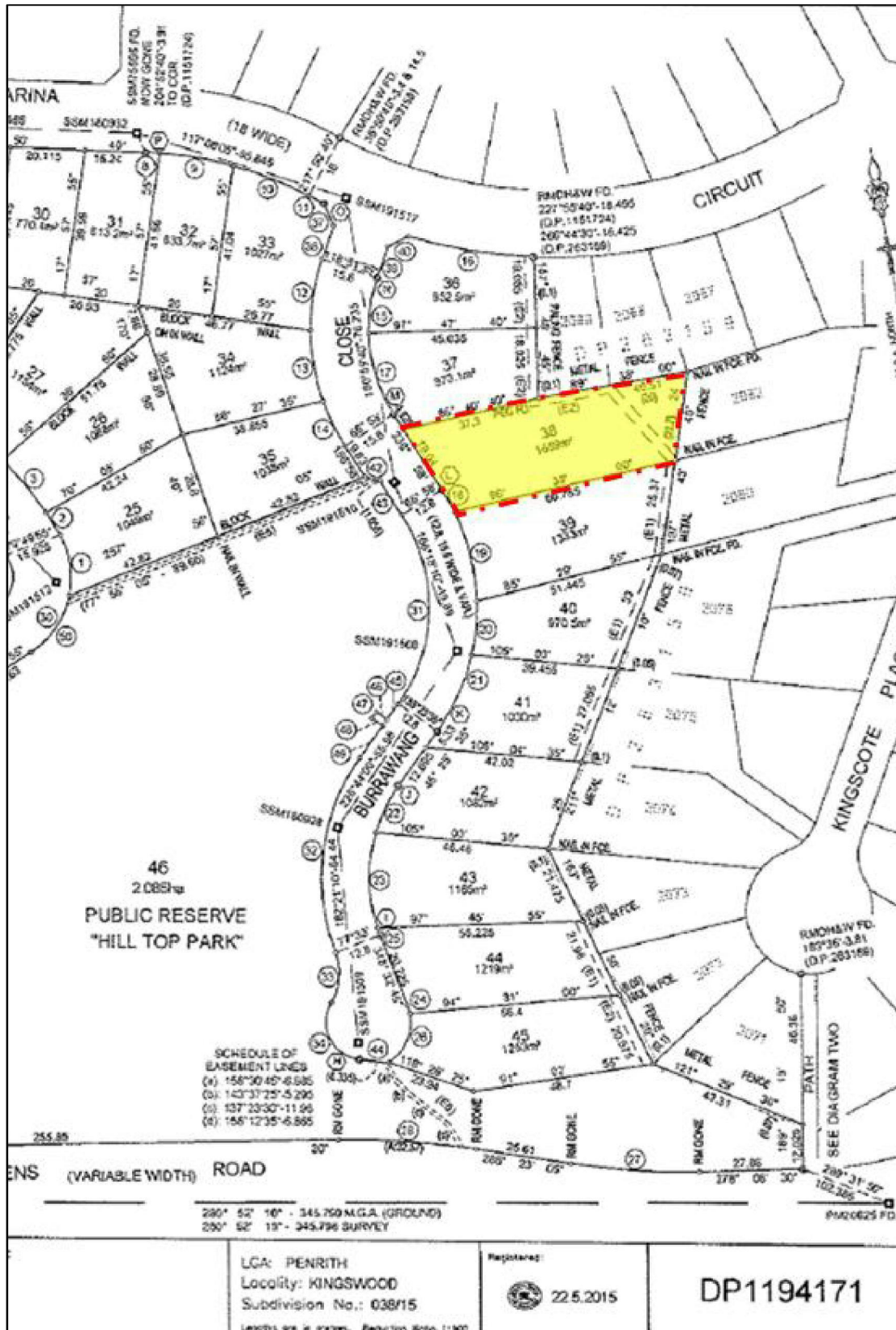
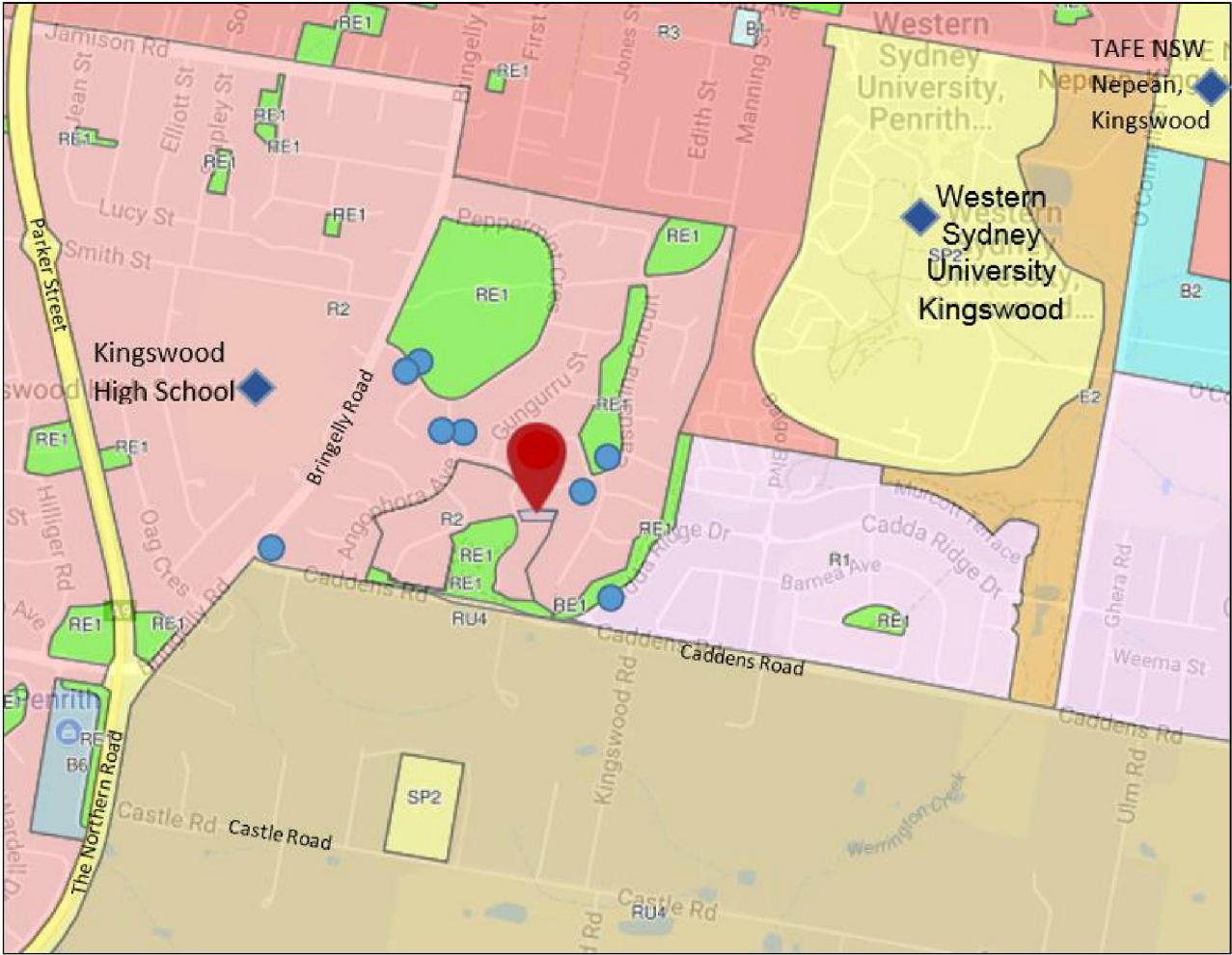


Figure 4: Context Analysis



	Subject site		R1 – General residential
	Bus Stops		R2 – Low density residential
	Educational Institution		R3 – Medium density residential
	B2 – Local Centre		SP2 - Infrastructure
	B6 – Enterprise Corridor		RE1 - Public Recreation

The site is an irregular shaped allotment, with an area of 1659m² on the eastern side of Burrawang Close. The block is vacant, covered with grass and clear of any trees or significant vegetation (Photograph 1).

In terms of the site context, the site is located in an area where there is a more recent assortment of two storey, low density dwellings being constructed as part of a new residential land release area. This is resulting in a variety of dwelling types and architectural forms as incoming purchasers erect new dwellings on individual allotments.

Photograph 1: Vacant lot at No. 5 Burrawang Close, Kingswood.



Photograph 2: Two storey residential buildings along Casuarina Circuit



Photograph 3: Public Recreational park opposite the site (West of Burrawang Close)



In terms of local facilities, the site is located at proximate walking distance to bus stops (located along Bringelly Road) and only a short drive to Kingswood Station (1.6km). Penrith Train Station is located at approximately 3.4km from the site. The site is located near many educational establishments such as Kingswood School, Western Sydney University and TAFE. As shown in Photograph 3, recreational facilities are located in close proximity to the site.

In terms of opportunities, given its size the site has the capacity for greater density and presents a good opportunity for a principal and secondary dwelling, while being of a size and scale that will ensure any future dwellings will not compromise the amenity of neighbouring properties.

The size of future dwellings would result in a small increase in residential population in the locality, consistent with the zoning of the land and appropriate to the context of the site.

3. THE PROPOSED DEVELOPMENT

This application proposes to construct a principal dwelling and secondary dwelling on a vacant land for residential purposes, which is permitted with development consent in the R2 Low Density Residential zone.

In terms of achieving the zone objectives, the proposed development will respond in the following way:

To provide for the housing needs of the community within a low density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.

To enhance the essential character and identity of established residential areas.

To ensure a high level of residential amenity is achieved and maintained.

Given the recent assortment of new developments in the locality, the proposed development is appropriate having regard to the low density residential environment within immediate proximity of the site. The proposal will allow for increased density, while of a domestic scale that is consistent with the dwelling outcomes within the immediate vicinity and desired future character of the locality.

As outlined in Figure 4, the site is located at proximate walking distance to public transport facilities, educational establishments and only a short drive to shops near Kingswood Station and Penrith Central Business District.

The height, bulk and scale of the proposed development seeks to utilize the land in accordance with the zoning provisions and will not result in any unreasonable environmental, nor amenity, impacts on the use of

the site, nor adjoining properties. The design improvements will allow for the provision of a more traditional housing style.

Although the land has a significant cross fall, the levels of the site will allow for a split-level design to ensure the proposal generally follows the contours of the natural ground level and reduces potential privacy concerns with the neighbouring properties. The development is sited sensitively with regard to the topography of the land and landscape setting with the proportion of open space to built form consistent with other developments within the locality. The outcome may mitigate unreasonable environmental or amenity impacts on the site itself and adjoining properties.

The proposed use will therefore be consistent with the zone objectives and is permissible with development consent.

The Proposed Works

The proposed works will involve the construction of a principal dwelling and secondary dwelling as follows:

Principal Dwelling

The dwelling has a primary frontage to the street and vehicular access through the driveway located at the northern side of the site from Burrawang Close.

In terms of internal layout, the ground floor comprises of an entry porch, two living rooms overlooking the street, a prayer room, two ensuite bedrooms with walk-in-robos, laundry, bath, an open plan living, kitchen and dining area, pantry, at the rear fronting the private open space. An enclosed double garage and a carport fronting the garage is proposed. The dwelling can be directly accessed from the garage.

The first floor of the dwelling will include three bedrooms – two bedrooms which consists of walk-in-robe and an ensuite, one bedroom with a communal bathroom, rumpus and media room. Two balconies are provided facing Burrawang Close. Another balcony is proposed facing the rear of the property and is accessed from the hallway.

The proposal also incorporates a small room in sub-floor level for storage purposes.

Secondary Dwelling

The secondary dwelling is located at the rear of the site.

This dwelling is approximately 59.2m² in size and comprises an entry porch, open plan living and dining area, kitchen two bedrooms, a bath and laundry. Pedestrian access to the dwelling is available from the street.

Exterior Treatment

The appearance, materials and finishes of the proposed development are of a high quality traditional design, which shall enhance the streetscape and contribute to the harmonious appearance of housing in the locality.

The proposed works are demonstrated in the architectural plans accompanying the report.

4. TITLE CERTIFICATE

In terms of legal restrictions, the property is burdened by an easement 2.5m wide easement to drain water that benefits Lot 39-42 inclusive. The subject site is also burdened by restriction on the use of the land, in respect of instrument DP 1194171. The specifics of this are discussed below:

Table 2: Restriction on the Use of Land

Terms of Easement	Compliance	Comments
a) No motor vehicle weighing over three tonnes shall be garaged or stored or permitted to remain on any lot burdened	✓	Complies, the proposed development is for the purposes of low density residential dwellings. Therefore, it is expected that heavy motor vehicles will not be stored or garaged in the site during the ongoing use of the site.
b) No main building shall be erected on each lot unless it has a garage. The garage shall have a minimum floor area of 16 square metres and be constructed of the same materials as the main building.	✓	Complies. The proposal comprises of an attached double garage with an area of 35.1m ² . In terms of materials and finishes, it is constructed of the same materials as the principal dwelling.
c) No fence constructed with aluminum sheeting or fiber cement or asbestos cement or fiberglass or any other material of a similar nature shall be erected on a boundary of the burdened lot adjoining a public reserve or a public pathway or street frontage.	✓	The front fence will be constructed of a solid brick wall and will be limited to 600mm in height. The top half of the fence comprises of an open design with horizontal aluminium slates to a height of 600mm. The side fence will be constructed of colorbond metal.
d) No fence shall be erected on each lot burdened to divide it from any adjoining land owned by Landcom without the consent of Landcom or its successors other than purchasers on sale but consent will not be withheld if such fencing is erected without expense to Landcom or its successors and in favour of any person dealing with the purchaser or his assigns such consent shall be deemed to have been given in respect of every	Not applicable	The subject site has been purchased by the client on sale. Notwithstanding, the owner intends to erect the fence in his lot at this own expense.

such fence for the time being erected PROVIDED HOWEVER that this covenant in regard to fencing shall be binding on a purchases his executors and administrators and assigns only during the ownership of the said adjoining lands by Landcom or its successors other than purchasers on sale.		
e) No advertisement hoarding sign or matter shall be displayed or erected on each lot burdened (other than a sign advertising that the said lot is for sale) without the prior consent of Landcom or its successors.	Not applicable	The proposal relates to construction of a principal and secondary dwelling on the site.
This restriction on use shall cease to have effect on the expiry of the period of seven (7) years from the date of registration of the Deposited Plan to which this instrument relates.	✓	This instrument was registered on 22 May 2015 and therefore is still valid.

The proposal therefore achieves the legal requirements of the title certificate.

5. ENVIRONMENTAL PLANNING ASSESSMENT

The proposal is subject to the following requirements:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (BASIX) 2005 (SEPP (BASIX));
- Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (SREP 20);
- the LEP; and
- Penrith Development Control Plan (the DCP).

The proposal is considered below having regard to these requirements.

SEPP 55

Clause 7 requires an applicant to demonstrate whether or not a parcel of land is contaminated. Given the site was approved as a part of the 45 residential lots subdivision approved in 2014 by the Council (Council Ref: DA 14/0186), it is considered that the land is suitable for the proposed residential use with no remediation or further management required.

Therefore, no further consideration is required under SEPP 55.

SEPP (BASIX)

Clause 6 deals with Buildings to which this Policy applies. In this particular case, the proposal involves a BASIX affected development. The relevant BASIX certificate accompanies this application.

SREP 20

SREP 20 aims to protect the environment of the Hawkesbury-Nepean river system by ensuring the impacts of future land uses are considered in a regional context. SREP 20 identifies that the site is located in the South Creek catchment. The site does not fall within any other areas of significance (e.g. wetlands, cultural heritage sites, or national parks and nature reserves).

In terms of the planning considerations the specific policies and recommended strategies that are considered relevant to the proposed development are discussed below:

Total Catchment Management - this policy provides that total catchment management is to be integrated with environmental planning for the catchment. The proposal will not have any adverse environmental impact.

Environmentally Sensitive Areas - this policy provides that the environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of land use changes and through management and remediation of existing uses. The site has not been identified as an environmentally sensitive area.

Water Quality - this policy provides that future development must sustain the goals of primary contact recreation and aquatic ecosystem protection in the river system. The proposed development adopts suitable environmental controls and principles, such as sewerage and stormwater management and erosion and sedimentation controls. The relevant documents accompany this application.

Water Quantity - this policy provides that aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment. The proposed development is developed in accordance with the land capability of the site and do not cause land degradation and will achieve the recommended strategies.

Flora and Fauna - The proposal will not result in a significant adverse environmental impact in relation to flora and fauna.

Urban development - this policy provides that all potential adverse environmental impacts of urban development must be assessed and controlled. The proposal is compatible for the intended use and do not have any adverse environmental impacts.

The proposal thus achieves the requirements of SREP 20.

The LEP

The proposal is consistent with the following Aims (Clause 1.2):

- accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
- minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas, and
- ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

The proposed development, is compatible and maintains the prevailing character of lower density residential areas, whilst also providing for future accommodation needs to service the locality in accordance with these Aims.

Compliance with the relevant LEP controls are addressed below.

Table 3: LEP Compliance

Development Standard	Controls	Comment	Compliance
----------------------	----------	---------	------------

Part 2 Permitted or prohibited development			
2.1 Land use zones	R2 Low Density Residential	Dwelling houses and secondary dwellings are permissible with development consent in the R2 zone.	✓
Part 4 Principal development standards			
4.3 Height of buildings	9m	The maximum height of the proposed development is as follows: Principal Dwelling: 8.985m Secondary Dwelling: 4.725m	✓
4.4 Floor space ratio	0.5:1 The maximum permissible Gross Floor Area (GFA) for the site is 829.5m ²	The maximum FSR of the proposed development is 0.31:1 <u>Breakdown of GFA</u> Principal Dwelling: 463.4m ² Secondary Dwelling: 59.2m ²	✓
Part 5 Miscellaneous provisions			
5.4 Controls relating to miscellaneous permissible uses	If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: (a) 60 square metres, (b) 10% of the total floor area of the principal dwelling.	The secondary dwelling comprises a total area of 59.2m ² and therefore complies.	✓
Part 7 Additional local provisions			
7.1 Earthworks	Development consent is required.	This application seeks Council consent for the excavation of the site as per the attached plans. These works are ancillary to the proposed development. It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact. The proposal results in an appropriate outcome when considering the nature of	✓

		the development, the topography and characteristics of the site and will not adversely affect or disrupt drainage patterns or soil stability in the area.	
7.6 Salinity	Development consent must not be granted to any development unless the consent authority has considered: (a) whether or not the proposed development is likely to have an impact on salinity processes, and (b) whether or not salinity is likely to have an impact on the proposed development, and (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).	The salinity assessment undertaken by Geotech Testing for the previous subdivision reveals soils at the site are generally non to slightly saline. The development will involve some structural works. A soil management plan to mitigate such risks during and after construction accompanies this application.	✓
7.7 Servicing	Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that: (a) the development will be connected to a reticulated water supply, if required by the consent authority, and (b) the development will have adequate facilities for the removal and disposal of sewage, and.. (d) the need for public amenities or public services has been or will be met.	Adequate provisions are made for services for each Lot as a part of the previous subdivision for sewer, water, drainage, electricity, telecommunications and public amenities.	✓

The proposal therefore achieves the requirements of the LEP.

The DCP

The DCP provides detailed guidelines for development in the Council's area, set out in the form of objectives and controls. The site is located in the 'The Knoll' precinct and is subject to the provisions outlined in E8.3 – The Knoll, D2.3 Residential Development & general controls in terms of Transport and Parking (C10),

infrastructure (C13) and waste (C5) are applicable to the proposed development. The following table sets out the compliance, or otherwise, of the proposed development with the relevant provisions of the DCP.

Table 4: DCP Compliance

Planning Provision	Controls	Comment	Compliance
C2 Vegetation Management			
2.3 Bushfire Management	The Single Dwelling Application Kit provides applicants with a streamlined approach to meeting the requirements of the PBP for single dwellings.	The site is partly located within vegetation buffer area. The development has been designed to mitigate the impact of bush fire on life and property. A BAL Assessment report accompanies the application.	✓
C3 Water Management & C13 Infrastructure and Services	All engineering works shall be undertaken in accordance with the provisions of Council's: <ul style="list-style-type: none"> ○ Council's Water Sensitive Urban Design (WSUD) Technical Guidelines ○ Engineering Design Specifications for Civil Works 	The proposal incorporates appropriate setbacks and landscaping, that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. Matters of stormwater are addressed by Advent Consulting Engineers accompanies this application.	✓
C5 Waste Management	<ul style="list-style-type: none"> ○ The kitchen of each dwelling should be designed with sufficient space for the interim storage of organic waste, other recyclable waste and non-recyclable waste and of a sufficient size to hold at least a single day's waste and to enable source separation of garbage, recyclables and compostable materials. ○ The design and location of waste storage areas/facilities should be such that they: <ul style="list-style-type: none"> a) Complement the design of both the development and the 	<p>It is envisaged that no adverse waste material will be generated considering the residential nature of the development. The garbage storage areas are located along the southern boundary with access to cold water. The location of these, is screened from view from any adjoining property or from the street.</p> <p>The dwellings have a waste storage cupboard in the kitchen capable of holding one days waste and will be sufficient to enable separation of recyclable material.</p> <p>The waste/recycling bins collection will be in accordance with the Council's collection arrangements.</p> <p>A Site Waste Minimisation and Management Plan accompanies this application and outlines measures to minimise and manage waste generated</p>	✓

	<p>surrounding streetscape;</p> <p>b) Have access to a cold water supply for the cleaning of bins and the waste storage areas; and</p> <p>c) Not be visually prominent from public areas.</p>	during the demolition, construction, and ongoing use of the site.	
C6 Landscape Design			
6.1.3. Neighbourhood Amenity and Character	All landscape and building designs should be complementary and aim to achieve similar design outcomes. The design of both buildings and landscaping should utilise the same site analysis drawings and concepts. In this way, the site will be developed with a building design and a landscape design that deliver the best possible development solution for the owners and the community.	A site plan outlining details of the landscape areas accompanies the application.	✓
C10 Transport, Access and Parking			
10.5.1 Parking, Access and Driveways	2 spaces per dwelling – stack or tandem parking acceptable	4 parking spaces are provided. The proposal includes a double garage and double carport in front of the garage.	✓
10.5.2. Access and Driveways	<ul style="list-style-type: none"> ○ The entry and exit from the site should provide for appropriate traffic sight distance in both directions. ○ Driveway widths must comply with the relevant Australian Standards 	The driveway provides an unobstructed view of passing pedestrians and vehicles.	✓
E8 Kingswood²			
Part C- The Knoll			

² In the event of any inconsistency between this Section and the rest of this DCP, the requirements of this Section prevail. Therefore, this section has been discussed earlier. Where a specific issue is not addressed in this Section, reference should be made to relevant sections of this DCP.

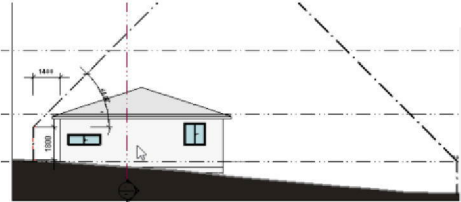
8.3.4 Residential Development			
8.3.4.2 Streetscape, Feature Elements and Roof Design	Primary street façade of a dwelling to incorporate building elements to articulate its presentation to the street.	The principal dwelling incorporates an entry feature in the ground floor and balcony at first floor as well as fenestration to articulate its presentation to the street.	✓
	Eaves to be provided to all roofs with a minimum overhang of 400mm	Eaves are provided to all roofs with an overhang of 450mm	✓
	Roof pitch is to be a maximum of 25 degrees.	The roof pitch of the proposed development is 18 degrees.	✓
	Garages and parking spaces are to be sited behind the front building line of dwelling	The carport is setback at 500mm, from the front building line. The garage is located behind the carport and is setback at 6.5m from the front building line.	✓
8.3.4.3 Dwelling Height, Massing and Siting	<ul style="list-style-type: none"> Maximum height – 2 storeys Maximum external wall height from the natural ground level – 7m At least 3 hours of direct sun between 9am and 3pm onto 50% of principal private open space should be achieved for new dwellings and their adjoining properties 	Complies. The proposed development is two storeys in height and is of an appropriate scale to respond to the natural landscape and street pattern of the precinct. The accompanying shadow diagrams demonstrate compliance with these controls. The proposal has no impact to the adjoining properties.	✓
8.3.4.4 Building Setbacks	<p>The site has a frontage greater than 18m and is subject to the following setbacks:</p> <ul style="list-style-type: none"> Front setback – 6m Side setback – 1.5 Rear setback – 6m 	<p>The proposed setbacks are as follows:</p> <p><u>Principal Dwelling:</u></p> <ul style="list-style-type: none"> Front setback – 6m Side setback (North) – 2.5m Side setback (South) – 4.0m Rear setback – 33m 	✓
8.3.4.5 Development on Sloping Land	<ul style="list-style-type: none"> Maximum cut - 1m Maximum fill - 1m Side boundary retaining walls for development on cross slopes should retain a cut no higher than 1m Excavation works should be at least 1.5m from side and rear boundaries Retaining walls should be setback at least 1m from 	The subject site experiences a cross fall of approximately 3.69m. The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area. The cut and fill are limited to a maximum of 1m.	✓

	any boundary and if possible screened by suitable landscaping.		
8.3.4.6 Studio or Secondary Dwellings	The design of the studio or secondary dwelling should be compatible with the design scheme of the principal dwelling.	The proposed secondary dwelling complements the principal dwelling and relates favourably to its form, design and materials. The design allows for the provision of a traditional housing style and will be consistent with the recent assortment of low density dwellings in the locality.	✓
	Windows and private open spaces should not overlook the private space of any adjacent dwellings.	The proposal is setback from adjoining properties and is sited sensitively with regards to topography. This results in an appropriate outcome that will not adversely affect the residential amenity of adjoining properties.	✓
8.3.4.7 Private Open Space (POS)	<ul style="list-style-type: none"> Minimum of 20% of site area is to be reserved for private open space 50% of the private open space should be exposed to direct sunlight for at least 3 hours between 9am and 3pm. 	<p>The POS area are situated to the rear of the site and shall serve as an extension to the principal living areas of the dwellings.</p> <p>The principal dwelling has a POS area of approximately 350m², in addition to the covered terrace area (27.6m²) for recreational purposes and the secondary dwelling has a POS area of 40m² that is separately provided for the exclusive use of the residents of this dwelling.</p> <p>These areas receive sufficient solar access for year-round use.</p>	✓
8.3.4.8 Site Coverage and Landscaped Area	<ul style="list-style-type: none"> 35% of the site area 	<p>The total landscaped area provided is well above the requirement. Compliance is addressed below: Required: 580.65m² Provided: 1,166 m² (70.2 %)</p> <p>The proposed landscaping minimises the visual impact of the proposed development and provides areas for a prominent level of utility and amenity.</p>	✓
	Garbage bin storage and clothes drying areas are to be concealed from view and shown on site plans.	The location of the garbage bins and clothes drying areas are detailed on the accompanying floor plans. The location of these, to the rear of the property, is screened from view from any adjoining property or from the street.	✓

8.3.4.9 Fencing	<ul style="list-style-type: none"> Maximum height of 1.2m for front fences. The design of front fences is to take reference from, and complement, the architectural style of the dwelling on the site and dwellings on adjacent sites in terms of style, height and materials. Maximum height of 1.8m for side and rear boundary fences. 	The maximum height of the front fence is 1.2m. The front fence is designed to suite the architectural character of the dwelling and will be constructed of a solid brick wall and will be limited to 600mm in height. The top half of the fence comprises of an open design with horizontal aluminium slates to a height of 600mm. The side fence will be limited to a maximum height of 1.8m.	✓
8.3.4.10 Garages and Access	Garages must be sympathetic in architectural character to the dwelling and not visually dominate or adversely impact on the existing built or landscape character of the street.	<p>The proposed development has provisions for double enclosed garage and a car port.</p> <p>The garages and carport have been designed to be incorporated into the overall design of the proposed dwellings and consistent with the character of the immediate locality. In addition, given the width of the building, there are other elements that articulate the façade and downplay the visual dominance of the parking structures, including the introduction of the balcony elements at the first floor over the street front and the adoption of an entry feature element to dwelling.</p>	✓
	Where a carport or garage entry forms part of the front façade of a dwelling, it is to be set back a minimum of 5.5m from the front boundary and at least 1m behind the building façade.	The garages will be recessed as nominated in this control.	✓
	The maximum dimensions for garage doors are to be less than 50% of the front façade, 6m in width and 2.4m in height. Front double garages are only permitted on lots with a frontage width equal to or greater than 12.5m.	The site has a frontage of 19.04m. The proposal incorporates double garage. The garage doors are less than 50% of the front façade and are 5.5m in width and 2.1m in height.	✓

	Minimum internal width between main walls of 5.5m for a double garage	Complies	✓
	Driveways are to be no wider than 4.5m at the front boundary and should be located a minimum of 1.5m from street trees.	Two driveway crossings are proposed. In terms of design, the driveways provide an unobstructed view of passing pedestrians and vehicles.	✓
8.3.5 Environmental and Residential Amenity			
8.3.5.1 Visual and Acoustic Privacy	Habitable room windows should not directly face other habitable room windows or private open space of adjoining dwellings on site or on adjoining sites.	Complies, the property to the North and South of the subject site are currently vacant. The site is setback at sufficient distance to the setback at the rear.	
	Balconies at first floor with side and rear aspects to have a maximum area of 15m ² and a depth of 1.7m to minimise the incidence of overlooking from one dwelling to another.	One balcony is located facing the rear of the property on the first floor. The balcony is 2m in depth, 16m ² in size and is setback at approximately 25m from the secondary dwelling and will not result in opportunity for overlooking. The balcony does not provide a large space for people to interact on. It has simply been provided to allow for additional natural light and air into the rumpus room and will not result in opportunity for overlooking to the neighbouring sites, given the setback distance. Its limited size and intended purpose are therefore appropriate and without adverse consequence to the neighbouring properties.	✗
	Windows of habitable rooms above ground floor level should have sill heights of 1.7m. Windows with sill heights less than 1.7m above floor level should comprise opaque glazing below this level.	Complies. The sill of the media room is 1.7m.	✓
	The internal layout of residential buildings, window openings, the location and design of outdoor living areas	The proposed development will be designed to reduce noise transmission between rooms as they are designed such that the habitable spaces and non-	✓

	and elements (i.e. courtyards, balconies and retaining walls), and building plant should be designed to minimise noise impact and transmission and enhance visual amenity.	habitable spaces are grouped together to ensure that the impacts are suitably mitigated. Furthermore, the site is located in a domestic residential environment. Therefore, no adverse noise concerns are associated with the proposal. In terms of visual privacy, at the ground floor, the relationship between the side boundaries of the site and neighbouring properties is restricted through boundary fencing.	
8.3.5.2 Safety and Surveillance	<ul style="list-style-type: none"> ○ The development should encourage natural and passive surveillance of the street and public domain. ○ Dwelling design should encourage overlooking of primary streets as well as other public or communal areas, including the Hill Top Park. This is to be achieved by siting at least one living room to the front of the dwelling (which has an aspect to a primary street) 	In terms of site and building layout, the dwelling addresses the street and the entrances (pedestrian and vehicular) are visible through design features and allows users to see into the building before entering. The façades are well articulated and has windows in the front elevations. The fences are permeable and maximise natural surveillance from the street to the building and vice versa and minimise opportunities for intruders to hide. These features promote a sense of place and ownership and reduce illegitimate entry to the site.	✓
8.3.5.3 Sustainable Building Design	Design of dwelling to be in accordance with energy and water use targets set out under SEPP BASIX.	A BASIX Certificate accompanies this application.	✓
	<p>Minimum dwelling floor to ceiling heights should be as follows:</p> <ul style="list-style-type: none"> ○ Ground floor habitable rooms of two storey single dwellings – 2.65m; ○ Upper floors and all non-habitable rooms – 2.4m; ○ Single storey dwellings – 2.65m; 	The internal floor to ceiling height of the proposed development is 2.7m.	✓
	Door and window openings and building/dwelling layout are to encourage adequate cross ventilation and solar access.	The placement of openings and the ceiling heights will provide for cross-ventilation and enhance thermal comfort within the dwellings.	✓

	North and west facing windows are to incorporate sunshade awnings/panels or appropriate weather control devices.	All North and West facing windows incorporate deep overhangs as shading devices.	✓
	All dwellings are to incorporate an outdoor clothes line/drying area in a sunny location not visible from a street or public place	For each dwelling, the outdoor space located at the rear of the site will incorporate clothes drying facilities and will receive sufficient solar access.	✓
D2 Residential Development			
2.3 Secondary Dwellings	This section provides specific controls for secondary dwellings in addition to the general controls elsewhere in this DCP. Given that Section E8.3.4.6 does not provide built form controls, the following section is applicable.	Noted.	✓
B. Development Controls			
2.3.1 General	The minimum lot size for a secondary dwelling is 450m ² .	The site has an area of 1659m ² .	✓
	Secondary dwellings shall have a maximum of two bedrooms.	A maximum of two bedrooms is proposed for the secondary dwelling.	✓
	Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site.	Complies. The proposed development complies with the building envelope for the site. 	✓
2.3.2 Site Coverage	<ul style="list-style-type: none"> The erection of a secondary dwelling must not compromise the landscape requirements for the primary dwelling. Landscaped areas should be 50% of the site area 	The total landscaped area provided is 1,166m ² which equates to 70% of the site area.	✓
2.3.3 Siting and Design	<ul style="list-style-type: none"> The minimum side setback for a detached secondary dwelling is 900mm. 	The development is setback at 1.59m from the southern boundary and 12.845m from the northern boundary.	✓

		<ul style="list-style-type: none"> ○ The minimum rear setback for a detached secondary dwelling is 3m. 		
		Allow neighbours adequate access to sunlight and views.	<p>The proposed secondary dwelling is a single storey and will have no impacts in terms views.</p> <p>The accompanying shadow diagrams demonstrate compliance with solar access.</p>	✓
		Provide adequate separation between buildings to protect adjoining buildings from overlooking and loss of amenity	The dwellings are setback at sufficient distances to minimise direct viewing between dwellings. In terms of the relationship between the side boundaries of the site and neighbouring properties is restricted through boundary fencing.	✓
2.3.4	Private Open Space (POS)	<ul style="list-style-type: none"> ○ 24m² of usable private open space. ○ Minimum width – 4m. 	<p>Complies.</p> <p>The secondary dwelling incorporates a principal POS area of 40m², located in front of the dwelling and directly accessible from the living rooms. Additional landscaped area is located to the rear of the dwelling for recreational purposes.</p>	✓
		The living area of the secondary dwelling should connect to the private open space areas.	The private open space will be positioned at the front of the dwelling, accessible from the internal living areas and will assist to provide a greater sense of openness, maximising and opportunities maximised for integrated indoor-outdoor living spaces.	✓
2.3.5	Design and Materials	<ul style="list-style-type: none"> ○ Secondary dwellings must complement and enhance the primary dwelling on site by interpreting and translating any positive characteristics found on site in terms of construction, façade design and materials. ○ Metal or corrugated iron materials should be avoided, with the exceptions of roofs. ○ External building materials and their colours should be 	<p>The proposed secondary dwelling complements the principal dwelling and relates favourably to its form, design and materials. The design allows for the provision of a traditional housing style and will be consistent with the recent assortment of low density dwellings in the locality.</p> <p>Further, the dwelling will be detached and located at the rear of the site and will not be prominent when viewed from the street.</p>	✓

	compatible with the character of the locality		
2.3.6 Facilities	The secondary dwelling should include: a) A kitchen/kitchenette; b) A bathroom; c) A living room; and d) A bedroom.	The internal layout of the dwelling allows for the following: ○ open plan living and dining area ○ kitchen ○ 2 bedrooms ○ bathroom and ○ a laundry	✓
	A common laundry may be provided to service both the principal and secondary dwellings.	Separate laundry rooms are provided for each dwelling. The location of this is nominated in the plans.	✓

The proposal is therefore consistent with the objectives outlined in the DCP.

Likely Impacts of the Development

Having regard to the above assessment, it is considered that the proposal will not result in any adverse impacts due to its implementation. It is consistent with the zone objectives and is permissible in the zone.

It has taken account of neighbouring properties, in terms of their amenity, and will provide a suitable design response to achieve the objectives of the planning controls. The small scale nature of the use will not compromise adjoining properties and is consistent with those on neighbouring sites. Therefore, the proposal is consistent with the dominant uses within the locality.

This being the case, it is not considered that there will be any adverse impacts as a result of the proposed use and works.

Suitability of the Site

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

- it is consistent with the objectives of the R2 Low Density Zone under the LEP 2012;
- the appearance, materials and finishes of the proposed development are that of a high quality traditional design, which shall enhance the streetscape; and
- the proposed development does not have any significant adverse environmental impacts in relation to adjoining properties.

Therefore, the proposed development will not result in any significant adverse environmental impacts.

The Public Interest

The proposed development is well within the public interest, providing a suitable form of residential accommodation that will have limited impact.

6. CONCLUSIONS & RECOMMENDATIONS

Hamptons has been retained by Koshy Mathew in relation to the land known as 5 Burrawang Close, Kingswood. The purpose of this development application is for the construction of a principal dwelling and secondary dwelling on the lot which is currently vacant.

The site is located in the R2 Low Density Residential zone pursuant to the LEP and the proposed use is permissible with development consent from the Council (Clause 1.6).

The proposal is consistent with the zone objectives and will not compromise the desired outcomes under the various planning instruments.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans and the Council's standard conditions of development consent.