

11 Macadamia Court, Kingswood

NSW 2747

Lot 24 DP 1194171

**Statement of Environmental Effects to
accompany a Development Application for
construction of a detached dual occupancy**

November 2017

MRZ Designs



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Executive Summary

Mr Nader Salibi wishes to submit a development application for construction of a dual occupancy (detached) development at 11 Macadamia Court, Kingswood being 1260sqm in area legally described as Lot 24 DP1194171.

In order to appropriately address all the environmental and design issues that apply to the subject site and this development, this Statement of Environmental Effects (SoEE) includes:

- An analysis of the subject site and of the surrounding locality;
- A description of the proposed development;
- An analysis of the proposal against the provisions of the *Penrith Local Environmental Plan (LEP) 2010 and Penrith Development Control Plan (DCP) 2014*;
- Relevant SEPPs and Deemed SEPPs, and other relevant statutory controls that apply to the site;
- Conclusion.

This SoEE is submitted in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* for the purposes of:

- Demonstrating that the environmental impact of the development has been considered; and
- Outlining the steps to be undertaken to protect the environment and to mitigate any potential harm, if necessary.

This SoEE concludes that the proposal is consistent with the objectives and provisions of the Penrith LEP 2010 and DCP 2014 and should receive Council approval.

1. The Site Context

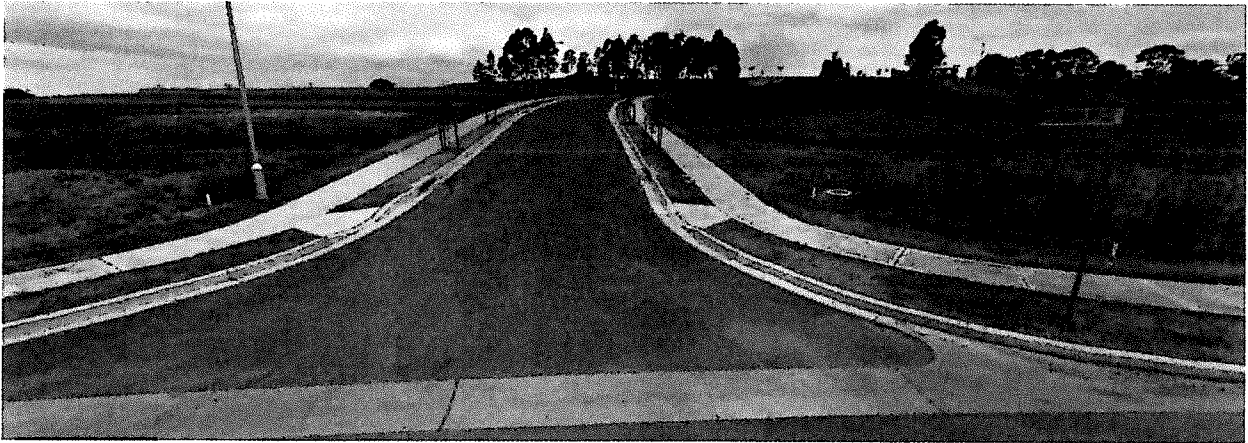
The subject site being legally described as Lot 24 DP1194171 is located within low-density area of Kingwood within the new Caddens Rise development area. The site is 1260sqm in area, located on the southern side of Macadamia Avenue adjoining a large public open space area which rises to the south / southeast towards Caddens Road. Site topography has a steady rise from west to east where the site is currently vacant.



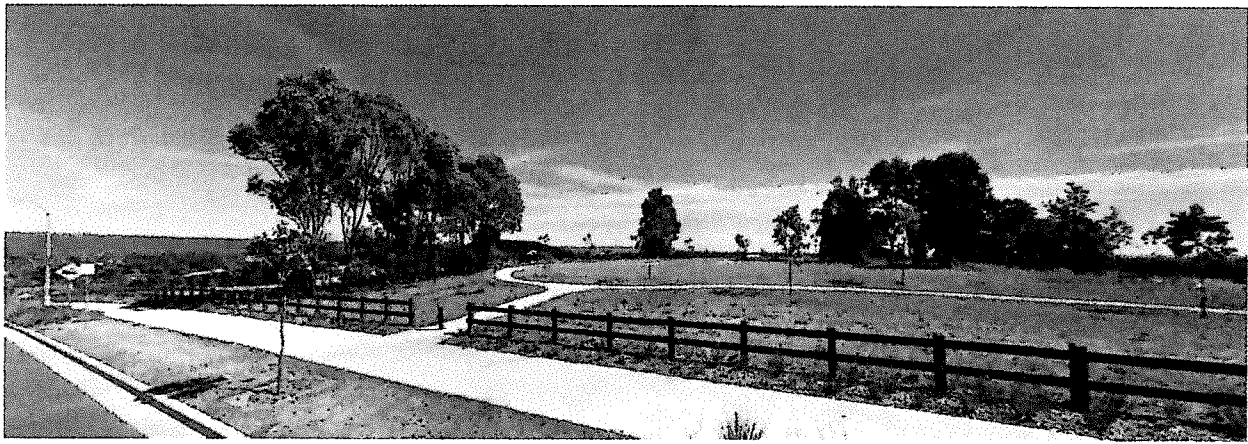
Figure 1 Site Location: Source Sixmaps



Figure 2 Site Aerial showing key features: Source Google



Google Streetview Image – View towards site south at entrance to Macadamia Court



Google Streetview Image – View to rear of the site north across open space area on Caddens Road.

2. The Proposed Development

The proposal involves the construction of a detached dual occupancy development with the following site area parameters:

SITE DETAILS

LOT NUMBER: 24
DP NUMBER: 1194171
SITE AREA: 1260m²

LOT A DWELLING AREA

SITE AREA: 640.11m²
GROUND FLOOR LIVING: 159.82m²
FIRST FLOOR LIVING: 156.24m²
GARAGE: 35.18m²
PORCH: 5.80m²
OUTDOOR LEISURE: 37.74m²
BALCONYS: 17.54m²
PATIO: 8.32m²

TOTAL DWELLING AREA: 420.64m²

LOT B DWELLING AREA

SITE AREA: 620.29m²
GROUND FLOOR LIVING: 135.86m²
FIRST FLOOR LIVING: 114.95m²
GARAGE: 36.67m²
PORCH: 5.55m²
OUTDOOR LEISURES: 31.54m²
BALCONIES: 9.13m²

TOTAL DWELLING AREA: 333.70m²

TOTAL COMBINED AREA: 754.34m²

TOTAL SQUARES: 81.2

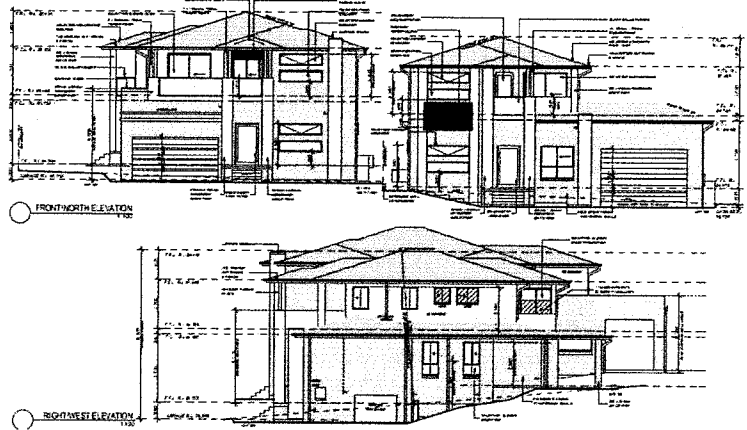


Figure 3 Proposed front and side northwest elevations – not to scale

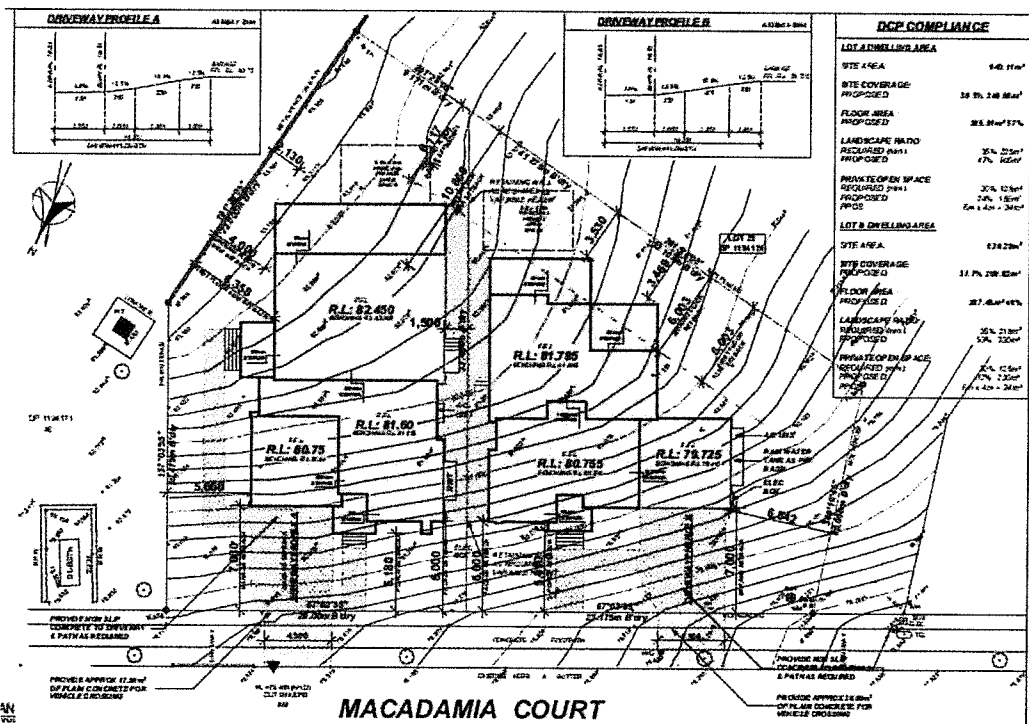


Figure 4 Proposed Site layout and site levels – not to scale

3. Planning Framework Assessment

3.1. Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

3.1.1 Objectives of the Act

The relevant objects of the Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (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 proposal will result in the orderly and economic use of the land.

3.1.2 Integrated Development

Section 91 of the EP&A Act defines that the subject proposal does not trigger integrated development.

3.1.3 Section 79C Assessment

Section 79C of the EP&A Act outlines, the matter for consideration in the determination of a Development Application. The matters for consideration are addressed individually below.

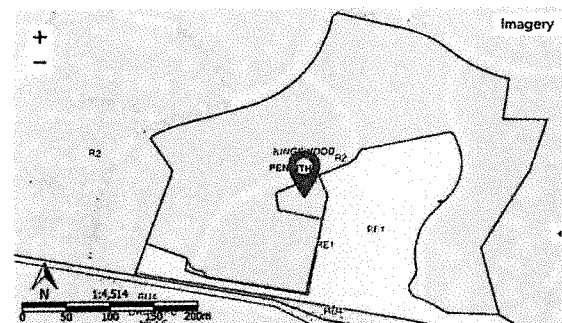
3.2. Penrith Local Environmental Plan 2010

The *Penrith LEP 2010* is the primary environmental planning instrument that applies to this site. The development provisions of the *LEP 2010* for consideration and comment relative to consistency are outlined in the table below.

Site Zoning: R2 – Low Density Residential

The site is zoned R2 Low Density Residential under the Penrith LEP 2010. The proposed development is consistent with the R2 zoning objectives to 'provide for the housing needs of the community within a low density residential environment.'

Figure 5 Penrith LEP Zoning



Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

The subject site lot size is 1260sqm where the Lot Size for Dual Occupancy Development Map indicates a minimum lot size for the site is 750sqm. Accordingly the development complies with the minimum lot size requirements under clause 4.1A. Subdivision is currently not proposed as part of this development.

Clause 4.3 Height of Buildings

The LEP Height of Buildings Map indicates a maximum height for the site of 9.0m. Accordingly the development complies with the maximum height requirements as shown on the submitted elevations.

Clause 4.4 Floor Space Ratio

Clause 4.4 of the LEP indicates a maximum Floor space ratio for dual occupancies in Zone R2 Low Density Residential of 0.5:1. The proposed FSR for the development complies with this requirement.

3.3. Penrith Development Control Plan 2014 D2 Residential Development – Part 2.2 Dual Occupancies

The relevant sections of the DCP have been outlined and assessed against the proposal below.

Development Control Provision:	Statement of compliance:
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2.2 Dual Occupancies

2.2.2 Preferred Configuration for Dual Occupancy Development

B. Controls

- 1) New development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:
 - a) traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens;
 - b) patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community;
 - c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.
- 2) There are several possible types of dual occupancy development:
 - a) attached: as semi-detached pairs fronting the street, or one dwelling set behind another;
 - b) detached: either two dwellings fronting the street, or one dwelling set behind another.
- 3) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves a "green corridor" of trees and shrubs along rear boundaries:
 - a) conserving remnant vegetation;
 - b) providing new shelter and habitat;
 - c) contributing to streetscape; and
 - d) providing a green outlook for dwellings.
- 4) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves Substantial back garden areas:
 - a) adjoining neighbouring back yards;
 - b) surrounded by stepping building forms, predominantly of a single storey.
- 5) In order to reflect patterns of traditional development, the preferred configuration for dual occupancies involves garages integrated with the design of buildings and front gardens:
 - a) allowing living areas and entrances to remain visible from the street;
 - b) maximising the area available for front garden plantings.

Complies - The proposed dual occupancy development reflects and the desired future character of the residential neighbourhood of Kingswood.

2.2.3 Alternative Configuration for Dual Occupancy Development.

C. Controls

- 1) Where dual occupancy development involves two dwellings placed one behind the other a "green corridor" of trees and shrubs along rear boundaries (as shown in figure D2.3):
 - a) conserving remnant vegetation;
 - b) providing new shelter and habitat;
 - c) contributing to streetscape; and
 - d) providing a green outlook for dwellings.

Not relevant – both dual occupancy dwellings face the street.

2) Where dual occupancy development involves two dwellings placed one behind the other buildings should be separated by a corridor of open space to:

- a) lined with shady trees;
- b) as garden courtyards; or
- c) open car-parking courts.

3) Where dual occupancy development involves two dwellings placed one behind the other parking areas are to be concealed from the street to avoid the appearance of "garage architecture".

4) Where dual occupancy development involves two dwellings placed one behind the other verandahs and private garden courts are required to fill the front garden to:

- a) encourages active use by residents;
- b) provides for attractive street-frontages.

2.2.4 Urban form

B. Controls

1) Both dwellings should front the street, and display a traditional orientation with:

- a) a semi-detached configuration, and an individual architectural appearance for each dwelling (that is, non-symmetrical); and
- b) living rooms and entrances facing the street rather than neighbouring properties; and
- c) extensive private gardens to the rear adjacent to neighbouring yards; and
- d) garages integrated within the building façade, ensuring that at least one principal living room and the entry to each dwelling are visible from the street; and
- e) the size of driveways minimised, retaining sufficient area for attractive front gardens.

2) For any dwelling behind the street frontage:

- a) a single storey appearance; and
- b) living rooms, entrances and any dormer windows should face the street and / or the landscaped rear boundary setback; and
- c) private gardens fill the rear setback; and
- d) conceal garages from the street

3) Avoid "gun-barrel" style developments with long buildings, long straight driveways and rows of uniform width garden courtyards:

- a) for attached dwellings, use stepped walls to cast shadows and reduce apparent scale of buildings;
- b) for detached buildings that are set one behind the other, separate each building by an "open space corridor" at least 4m wide running across each site:
 - a combination of garden areas and parking courtyards; or
 - open parking spaces lined by an "avenue" of shady, overhanging trees;

4) "Articulate" all building forms and facades by design measures that cast deep shadows across every elevation:

- a) external walls should not be longer than 5m between distinct corners;
- b) use a variety of roof forms and pitches;
- c) provide windows in every elevation;
- d) use a variety of shady verandahs, awnings and car-ports.

Complies. Each dwelling appears as an individual architecturally designed residence, non-symmetrical to the adjoining dwelling.

The detached dwellings have been designed to show characteristics of traditional suburban development, oriented to face the street, facades stepped and well articulated, and integrated with the shape of surrounding garden areas.

2.2.5 Front and Rear Setbacks

B. Controls

1) Development must be within the development footprint which is determined by the maximum development footprint for your site by:

- a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.
- b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.

Complies – the proposed front setbacks of 6m from the front façade meet the required controls and provide for development of flora and fauna corridors.

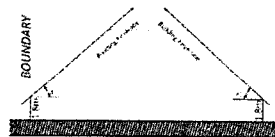
- c) Adopting an average 6m rear setback on irregular shaped allotments; and
- d) Adopting a front setback that matches the neighbourhood character.
- 2) Within the rear boundary setback:
 - a) there shall be no building encroachments either above or below ground (eaves excepted);
 - b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;
 - c) where there are physical encumbrances such as open drains, increase the setback accordingly.
- 3) Determine an appropriate front setback:
 - a) either average the setbacks of
 - b) the immediate neighbours; or
 - c) adopt a 5.5m minimum whichever is the greater dimension;
 - d) and provide extensive landscaping within the front setback area.
- 4) Permissible encroachments within the front setback are:
 - a) verandahs and pergolas only;
 - b) with a maximum 1.5m encroachment.
- 5) Garages and parking spaces are not permissible within the front setback, other than stacked parking or driveways leading to a garage.

Allowable encroachments of the porch are proposed at 5.18m and 5.4m from the front boundary.

2.2.6 Building Envelope and Side Setbacks

B. Controls

- 1) 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, as shown in Figure D2.5. Figure D.2.5: The building envelope is measured from natural ground level perpendicular to the side boundary at any given point along the wall.



Complies – dwelling design fits within the building envelope requirements for the site as shown on the elevations.

R2 Low Density Residential

- 2) The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:
 - a) side boundaries only; and
 - b) existing ground level.
- 3) Only minor encroachments through the building envelope shall be permitted:
 - a) eaves to main roofs;
 - b) chimneys and antennas;
 - c) pergolas.
- 4) Cut and fill and ground floor heights are restricted by the following:
 - a) provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;
 - b) restrict cut-and-fill to a maximum of 500mm;
 - c) provide effective sub-soil drainage.
- 5) Pitches for main roofs are to be in accordance with the following:
 - a) for single-storey dwellings: not greater than 35 degrees, providing for attic rooms;
 - b) for two storey dwellings: not greater than 25 degrees, in order to reduce the visual scale of buildings.
- 6) Setbacks from side boundaries should be varied to articulate walls to side boundaries by the following:
 - a) maximise setbacks (and landscaped area) beside neighbouring cottage backyards;
 - b) Otherwise, a minimum 900 mm setback at ground level for walls no longer than 10m;
 - c) a greater set-back for second storey walls, consistent with the building envelope.

Complies - all cut to fill is limited to provide stepped building platforms to match existing onsite topography.

Side boundary setbacks are consistent with building envelope requirements.

7) Zero setbacks from the side boundary are not permissible except for single garages with an open appearance. In addition these garages are to be no taller than 2.1 m at the boundary.

8) For any dwelling placed behind another fronting the street, attic rooms are permissible subject to:

- a) being within the prescribed building envelope
- b) within a hipped or gabled roof where the maximum roof pitch is 35 degrees
- c) provided that dormer windows do not face side boundaries.

2.2.7 Driveways and Parking Areas

B. Controls

- 1) Provide onsite parking in accordance with parking section of this DCP.
- 2) Garages for attached dwellings should:
 - a) occupy not more than 50% of any street frontage;
 - b) flanked by at least one principal living room that faces the street with secondary windows facing the side boundary for light and ventilation.
- 3) For dwellings located one behind the other, driveways should:
 - a) be separated from dwellings by a landscaped verge at least 1m wide;
 - b) where possible, also separated from boundary fences by a landscaped verge;
 - c) prevent adverse long-term effect upon any vegetation that must be preserved;
 - d) provide for effective and healthy landscaping along all site boundaries;
 - e) drain by gravity to Council's stormwater network.

Complies – double garage provides DCP parking requirements and meets frontage requirements.

2.2.8 Landscaped Area

B. Controls

- 1) Landscaped areas should be:
 - R2: 50% Minimum landscaped area % of the site
- 2) Landscaped areas should provide:
 - a) effective separation between neighbouring dwellings; and
 - b) healthy growth of new trees and shrubs; and
 - c) long-term survival of existing vegetation required by Council to be preserved (both on-site and on neighbouring properties); and
 - d) private courtyards for all dwellings and a green outlook; and
 - e) civic gardens along street frontages.
- 3) Landscaped areas are required to:
 - a) have a minimum width of 2m and serve as functional spaces;
 - b) should include private courtyards measuring a minimum of 30m²;
 - c) may include verandahs or patios that open directly to private courtyards;
 - d) do not include substantially-paved areas such as buildings, driveways and covered garages;
 - e) that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.

47% site area proposed as landscaped space providing for adequate areas of vegetation and separation between neighbouring dwellings.

Landscaped area requirements complied with as shown on site layout plan.

2.2.9 Solar Planning

B. Controls

- 1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:
 - a. Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions;
 - b. Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;
 - c. Demonstrating shadows cast by neighbouring buildings;
 - d. Maximising potential for solar gain by placing windows in all exterior walls

Complies – submitted shadow diagrams indicate all required solar access requirements can be complied with through the proposed dwelling designs.

that are exposed to northern sun;

e. Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;

f. Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings; and

g. In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.

Urban Design Important Details

2.2.10 Significant Landscapes & Townscapes

C. Controls

- 1) Development of sites located in areas of landscape significance are to:
 - a) maintain natural topography and features such as rock outcrops;
 - b) preserve established trees, preferably as blocks or corridors of several trees;
 - c) ensure that long term survival of established trees is not affected by the location of buildings and pavements or construction works;
 - d) incorporate new plantings that reinforce the visual and habitat values;
 - e) use split-level building designs that step up hillside sites; and
 - f) ensure that the lowest floor level is not higher than 1m above natural ground;
 - g) on sloping sites, garages and parking areas may be located at street-level within the front set-back, subject to an "open" design similar to a screened carport;
 - h) in general, new plantings should be species indigenous to the local soil type, reinforcing visual and habitat values
- 2) In neighbourhoods with townscape significance, new development should:
 - a) conserve vegetation that has visual or historical significance;
 - b) adopt the predominant width, height, scale and stepping of floor plans demonstrated by existing buildings;
 - c) adopt roof pitches and forms that match neighbouring buildings;
 - d) minimise the width and area of driveways visible from public frontages, and conceal garages from public frontages (corner sites excepted);
 - e) incorporate simple detailing of building forms and openings, rather than attaching "stuck-on" details to gable ends and verandahs.
- 3) Redevelopment of sites with an existing cottage within a significant landscape or townscape areas are to:
 - a) maintain the existing dwelling wherever possible; and
 - b) locate a new dwelling within the former back-yard;
 - c) emphasise the use of verandahs and awnings around all elevations to reduce the scale of long walls.

Complies – as new development area new plantings will assist with gradual softening of the streetscape and integration of new dwellings into the surrounding Caddens Rise development area.

2.2.11 Corner Sites and Park Frontages

B. Controls

- 1) measure the building envelope relative to the longest common residential boundary; and
- 2) the rear setback and the averaged front setback may be measured relative to the shortest residential boundary;
- 3) minimum setbacks from the secondary street frontage to external walls is to be no less than 3m
- 4) minimum setbacks from the secondary street frontage to garage entrances is to be 5.5m;

Complies – As an allotment adjoining a public park, the traditional principles of orientation and articulation have been applied to both the public frontages.

- 5) minimum setbacks from the secondary street frontage to verandahs is to be 3m;
- 6) living rooms, dwelling entrances and verandahs may face either street frontage;
- 7) garages should have an "open" design (similar to screened carports or verandahs), and should architecturally divide each development into two individual dwellings;
- 8) development should appear as two buildings, with facades to both buildings not longer than 20m facing either street (excluding attached garages of an "open" design);
- 9) dormer windows to attic rooms may face either street frontage, but should not overlook a side boundary,
- 10) the area of driveways visible from the street should be minimised, providing for maximum front garden areas;
- 11) garden areas facing the street should be landscaped as private courtyards attached to dwellings.

2.2.12 Building Design

C. Controls

- 1) Dormer windows apply traditional design practices including:
 - a) capped by hipped or gabled roofs, within the building envelope, and no taller than the ridgeline of the building's principal roof;
 - b) appear predominantly glazed, or open and have a vertical proportion;
 - c) occupy not more than 25% of any roof measured in elevation;
 - d) meet guidelines for privacy and solar planning; and
 - e) dormer face to sit above the roof plane, i.e. not to rise continuous from ground level.
- 2) Development should demonstrate a variety of architectural features:
 - a) to express the street frontage as two individual dwellings: attached features such as balconies and verandahs;
 - b) to down-play the appearance of garages awnings and balconies that overhang garage entries are to be used and the garage shutters used should incorporate windows, or semi-transparent screens of lattice, battens or similar materials;
 - c) to minimise scale and bulk the alignment of walls should be stepped and corners should be overhung by verandahs or awnings, or broken by windows and doors;
 - d) to accentuate articulation of building forms incorporate a variety of windows and doors in all visible walls, use a range of projecting roofs, awnings and verandahs and provide a combination of building materials: painted and face brickwork, and light-weight cladding.

Complies. Each dwelling appears as an individual architecturally designed residence, non-symmetrical to the adjoining dwelling.

The detached dwellings have been designed to show characteristics of traditional suburban development, oriented to face the street, facades stepped and well articulated, and integrated with the shape of surrounding garden areas.

2.2.13 Energy Efficiency

B. Controls

- 1) All new dual occupancy development should employ construction techniques that provide appropriate thermal mass such as:
 - a) ground floor: slab-on-ground;
 - b) walls: masonry internal walls to ground floor are desirable.
- 2) All new dual occupancy development should adopt an appropriate orientation for rooms and windows including:
 - a) living areas - facing within 30 degrees of solar north is desirable;
 - b) windows - at least 50% of glazing facing solar north is desirable, unprotected glazing facing east, west or south shall be avoided and for every habitable room, windows in two external walls are desirable;
- 3) All new dual occupancy development should provide effective shading from summer sun including:
 - a) Overhanging eaves: at least 450mm wide;

Complies – Landscaping and Deep Soil Planting requirements met.

- b) Adjustable exterior shading devices for windows and doors to habitable rooms, and to skylights;
 - c) Pergolas over courtyards.
- 4) All new dual occupancy development should employ effective glazing including:
- a) for any large south-facing window: high performance glass e.g. double glazing in thermal break frames;
 - b) windows and doors facing east, south or west: high performance glass e.g. Double glazing in thermal break frames;
 - c) all windows and external doors: weather-stripping should be used.
- 5) All new dual occupancy development should adopt a configuration for dwellings that promotes cross-ventilation including:
- a) living areas and bedrooms with two external walls for windows;
 - b) particularly important for attic rooms.

2.2.14 Design of Dwellings and Private Courtyards

B. Controls

- 1) A reasonable area of private open space should be provided for each dwelling:
- a) a minimum of 30m²;
 - b) including one area measuring at least 6m by 4m, suitable for outdoor dining; and
 - c) located immediately next to, and level with, living or dining rooms; and
 - d) also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and
 - e) with access direct to the street or a common driveway through a courtyard at least 2m wide; or via a carport with an open design.
- 2) Landscaped areas should maximise the area available for private courtyards and gardens:
- a) the front and rear boundary setbacks should be used for private residential gardens;
 - b) common open space should be restricted to the verges of any shared driveway.

Complies – private open space requirements easily met within proposed site layout achieving high levels of amenity for future residents.

C. Controls

- 1) Rooms within a dual occupancy development should have dimensions and an area that:
- a) can accommodate the range of furniture typically associated with their function; and
 - b) recognise that furnishing options may be restricted by the location of windows and doors;
 - c) acknowledge that access and furnishing options may be restricted by raked attic ceilings;
 - d) provide flexibility to meet the needs of future occupants: for example home business activities and aged residents.

Complies – the internal layout of the dual occupancy meets modern standards and BCA requirements.

2.2.15 Garage Design

B. Controls

- 1) Garage and parking areas should be planned to:
- a) minimise disruption to traditional or established streetscapes by concealing from the street;
 - b) provide flexible accommodation for vehicles, domestic pets, storage, and covered areas for outdoor recreation (as shown in figure D2.6);
 - c) minimise transmission of noise to adjoining dwellings;
 - d) provide secure parking;
 - e) allow for maintenance access to rear garden courtyards; and
 - f) provide for effective and healthy landscaping along verges and boundaries.
 - g) permit all turning movements, full opening of vehicle doors as defined by AS

Complies – the internal access double garages have been designed to serve a variety of purposes, and their appearance contributes to the overall diversity of the building form and design within the street.

2890.6-2009;

- 2) For dwellings that require two spaces:
 - a) provide at least one covered space;
 - b) for dwellings located one behind the other: the second space may be an open court facing the side driveway; or
 - c) for paired dwellings facing the street: the second space may be stacked on the driveway in front of the covered space. Please refer to figure D2.7.
- 3) Garages and parking spaces are not permissible within the front setback

2.2.16 Garden Design

B. Controls

- 1) The rear boundary setback should provide:
 - a) private garden courtyards;
 - b) a corridor of habitat, and a green backdrop that is visible from the street;
 - c) conservation for any existing corridor of mature trees; or
 - d) an interlocking canopy of low to medium-height trees and shrubs;
 - e) predominantly species indigenous to the soils of Penrith City.
- 2) Alongside boundaries, provide:
 - a) small-to medium height canopy trees for sun-shading and privacy separation between dwellings;
 - b) within the verges to any common driveway: hedges fronting windows to any dwelling;
- 3) Alongside boundaries within private courtyards provide:
 - a) feature plantings of ground covers and shrubs growing to fence height at maturity;
 - b) a level area of well-drained turf, or an alternative water-permeable material such as river pebbles.
- 4) Street frontage plantings
 - a) private gardens for street-front dwellings;
 - b) a civic garden frontage appropriate to the established neighbourhood character; and
 - c) mixed species of trees, shrubs, and accent plantings including flowers and ground covers;
 - d) level areas of well-drained turf; and
 - e) along noisy thoroughfares: noise attenuation with an interlocking canopy formed by at least two rows of trees underplanted with dense hedges.

Complies - Gardens will be landscaped according to the function of each area, and will provide a backdrop that is appropriate to each adjacent room.

2.2.17 Paving Design

B. Controls

- 1) Hard paved surfaces should:
 - a) maximise the area available for landscaping and gardens;
 - b) impose no adverse long term effect on any vegetation that Council requires preserved.
- 2) Driveways and associated parking courts should:
 - a) provide an attractive "address" for any dwellings without a direct frontage to the street;
 - b) minimise the area and width of driveways along the street-frontage;
 - c) be overlooked by continuously-occupied rooms such as kitchens and living rooms;
 - d) be divided into panels by bands of contrasting materials or pavers;
 - e) provide barrier-free access continuous from the street to the entrance of each dwelling;
 - f) provide for landscaping as continuous verges along both sides, or as a verge beside dwellings with plantings in pavement cut-outs along a boundary fence;
 - g) incorporate materials and a profile that maximise the potential for direct infiltration of rainfall (other than in areas of recognised high soil salinity);
 - h) collect and channel run off into grated sumps located strategically and

Complies - The proposed driveways and paved areas will be attractive and functional components of development, complementing the designs of garden areas and buildings, and providing effective management for stormwater run-off.

integrated with the design of surface pavement.

3) Courtyard paving should be provided:

- a) at the threshold to each doorway leading from a dwelling: at least 1m wide;
- b) beneath clothes lines;
- c) where outdoor storage of garbage bins is proposed;
- d) in the form of widely spaced pavers, or porous unit paving, maximising direct infiltration of rainfall.

2.2.18 Fences and Retaining Walls

B. Controls

- 1) Be sympathetic to the natural setting and character in form, materials and colour.
- 2) Maximise natural surveillance from the street to the building and from the building to the street.
- 3) Be structurally adequate, in accordance with the Building Code of Australia, and meets the Dividing Fences Act.
- 4) Fences should be no taller than:
 - a) 1.8m generally; and
 - b) 2.4m on sloping sites, including the height of any retaining wall.
- 5) Fences along boundaries forward of the front building alignment:
 - a) should not be taller than 1.2m, or if taller, of see-through construction;
 - b) should not be constructed of metal panels;
 - c) walls of solid construction and taller than 1.2m (such as courtyard walls) should be set back at least 2m from the front boundary (to allow for landscaping) and should not occupy more than 50% of the allotment width.
- 6) Fences along boundaries along driveways and separating existing multi-unit housing, or fronting a public park should be 1m tall, or if taller, of see-through construction;
- 7) Fences along boundaries around private courtyards should minimise cross-viewing and the transmission of noise;
- 8) Fences along boundaries in any location that can be seen from the street or a public park frontage should not be constructed of metal panels;
- 9) Fences along boundaries fronting noisy thoroughfares:
 - a) solid masonry walls are acceptable to a maximum of 1.8m; and
 - b) incorporating corners and planting beds every 5m;
- 10) Where fencing affects easements or stormwater flow paths: consult with Council and the relevant authority.
- 11) Fencing of a "see-through" construction includes:
 - a) panels set into a timber frame or between brick piers; where
 - b) any solid base is not taller than 1m; and
 - c) panels are spaced pickets or palings, or lattice.
- 12) Retaining walls:
 - a) generally should be no taller than 500mm;
 - b) should not cut through roots of any tree required by Council to be preserved;
 - c) should be separated from any associated fence by a planter-bed at least 500mm wide, minimising the apparent overall height of fencing;
 - d) should provide drainage for any associated planter-bed;
 - e) should be separated from any driveway by a landscaped verge at least 500mm wide, to prevent impact damage from vehicles.

Complies – Proposed fences, courtyard walls and boundary retaining walls will be compatible with neighbourhood character, and will be integrated with the design of buildings and garden areas in accordance with the Exempt and Complying SEPP standards.

2.2.19 Visual and Acoustic Privacy and Outlook

B. Controls

- 1) Demonstrate a package of measures that achieves reasonable privacy:
 - a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows;

Complies –

The design of the dwellings will achieve levels of acoustic and visual privacy that are

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| <ul style="list-style-type: none"> b) dormer windows generally to be oriented to face the street or the rear boundary; c) private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise; d) screening measures, including: <ul style="list-style-type: none"> i) offsetting of windows; or ii) oblique orientation for windows; or iii) external screens to windows; or iv) courtyard walls and pergolas; v) note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening; e) rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide; f) bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window; g) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting. h) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings: <ul style="list-style-type: none"> i) are offset by a distance sufficient to limit views between windows; or ii) have sill heights of 1.7 m above floor level; or iii) have fixed obscure glazing in any part of the window below 1.7 m. 2) Demonstrate measures that protect dwellings from external noise sources: <ul style="list-style-type: none"> a) windows to ground-level living rooms screened by landscaped verges at least 2m wide; b) within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms; c) sound resisting construction of separating walls, floors and windows, in accordance with BCA; d) zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones; e) plant and equipment should be effectively screened and located away from sleeping areas; f) along frontages to noisy arterial roads or the rail corridor: <ul style="list-style-type: none"> i) locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices; ii) comply with the requirements of relevant noise and vibration guidelines published by the NSW Government. The NSW Government sets standards in relation to acceptable noise levels for all operations and land uses through the Environment Protection Authority's Environmental Noise Control Manual. These standards apply in all cases. iii) provide a detailed acoustic design report that demonstrates compliance with the above requirements; iv) provide a certificate of compliance at completion of construction; v) under extreme circumstances identified by Council, employ fixed glazing with air-conditioning for street-frontage bedrooms. | <p>reasonable for a residential neighbourhood and minimises overlooking problems through sensitive window placement.</p> |
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2.2.20 Safety and Security

B. Controls

- 1) Encourage a sense of community:
 - a) dwelling entrances, the window to at least one continuously-occupied room and private courtyards should face the street and/or a common driveway;
 - b) fences should be designed to facilitate glimpses or filtered views from dwellings and private courts to the street and to driveways.
- 2) Ensure that at least one continuously-occupied room in each dwelling (a

Complies – the proposed design achieves a high level of passive security around the dwellings and with surrounding dwellings.

kitchen or living room) overlooks:

- a) the front street;
 - b) driveways and garage forecourts.
- 3) Prevent concealment of intruders by:
- a) uniform lighting levels across common areas such as driveways;
 - b) planning which does not provide hidden recesses;
 - c) along common pathways: selection of appropriate plant species according to height and density.

2.2.21 Accessibility and Adaptability

B. Controls

- 1) Demonstrate that planning and design measures do not prevent access by people with disabilities:
- a) access pathways should slope gently and evenly, with a non-slip finish and no steps between the street frontage and principal building entrances;
 - b) stair nosings should have a distinctive colour and texture;
 - c) dwellings should have:
 - i) dimensions consistent with AS 1428.1-1998-Design for access and mobility.
 - ii) hallways at least 1m wide.
 - iii) circulation areas in bathrooms at least 1m wide.
- 2) Demonstrate that dwellings have been designed to meet the needs of an ageing population:
- a) incorporate design measures which are appropriate to people with disabilities; and
 - b) employ lever-type door handles and traditional cruciform tap-handles; and
 - c) provide for future low-cost modifications to bathrooms:
 - i) future removal of hobs from shower recesses;
 - ii) provision for future attachment of grab-rails to walls.
 - d) provide for future low-cost modifications to kitchens including replacement of underbench shelves with drawers & attachment of grab-rails.
 - e) provide appropriate levels and location of lighting.

Complies – design of the dwellings has had regard for AS 1428.1-1998-Design for access and mobility.

2.2.22 Storage and Services

B. Controls

- 1) Provide storage for household items:
- a) at least 10m³ per dwelling; either
 - b) as cupboard space within the dwelling in addition to wardrobes; or
 - c) within a lockable garage, not encroaching upon the parking space; or
 - d) in weather-proof lockers that are not visible from the street.
- 2) Letter boxes should be provided according to Australia Post specifications:
- a) adjacent to the front boundary;
 - b) located conveniently for residents entering the site (by car or on foot);
 - c) integrated with the design of landscaped areas, fences and buildings.
- 3) Demonstrate that dwellings have been designed to accommodate home-based telecommunications facilities and information technologies by allowing for:
- a) additional telephone lines and outlets;
 - b) additional electrical outlets;
 - c) satellite or cable-based reception.

Complies – each dwelling has been designed with reasonable private storage space and waste management areas/facilities.

3.4. SEPPs and Deemed SEPPs

All SEPPs, deemed SEPPs (REPPs), and s117 Directions have been perused for relevance.

4. Environmental Impact Assessment

This section considers the impacts of the proposed development on the site. As is detailed below, it is clear that the proposal will have minimal impact on the receiving environment and the site is considered to be appropriate for the development.

4.1. Visual Impact

It is considered that the proposed dual occupancy development will not generate any adverse impacts. The development will facilitate the construction of two new modern architecturally designed dwellings in accordance with the provisions of the DCP. The site is also not within a visually significant area. Overall, it is considered that the proposal is suitable from a visual impact perspective and will result in a modern addition to the streetscape of Macadamia Court.

4.2. Noise, Odour and Amenity

It is considered that the proposal will not generate any adverse impacts that cannot be mitigated by conditions of consent including limiting demolition times, dust, sediment control etc.

4.3. Flora and Fauna

There are no onsite trees to retain and the site redevelopment will allow for replanting of new vegetation and landscaping of suitable native species. Accordingly, there will be no adverse impacts on flora and fauna.

4.4. Bushfire

The site has been identified as not being affected by bushfire.

4.5. Access, Traffic and Car Parking

All access, traffic and carparking provisions can comply with the DCP provisions. All road crossing works will be managed via appropriate conditions of consent. Impacts from the additional traffic movements of are anticipated with development of the new residential allotment and area considered to be acceptable given the low-density nature of the surrounding streets.

4.6. Flooding

The site is not affected flood risk.

4.7. Waste Management

A Site Waste Minimisation and Management Plan has been submitted with the application and will be subject to standard conditions of consent.

4.8. Site Suitability

The subject site is considered suitable for the development application for the following reasons:

- The site's area is sufficient to allow the proposed dual occupancy development to meet the minimum lot area requirements under the LEP.

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- The site is appropriately zoned for the proposed land use and constitutes a reasonable and anticipated form of new development with no adverse impacts on adjoining residents or the surrounding residential area.
 - The proposal does not generate adverse environmental impacts as indicated above.

With reference to the above, the subject site is considered suitable for the application.

4.9. Servicing

Electricity, telecommunications and water are already available to the site.

4.10. Aboriginal & European Archaeology and Contamination

There are no items of environmental heritage located on the site nor is the subject land located adjacent to any items of heritage. Consequently, the proposal will have no heritage impacts. No part of the site contains a heritage item and is not located within a heritage conservation area.

The site of the proposed development has not historically been used for any purpose that could have potentially led to contamination.

4.11. Social and Economic Impact

Overall, the proposal is consistent with the established residential character of the site and the surrounding area. In addition, the proposed subdivision will result in sustainable growth of the residential area of Kingswood by introducing new dwelling occupants into the community fabric supporting local schools, businesses and facilities. Also, employment opportunities will be generated during the construction stages of the future dwelling and the instalment of appropriate infrastructure.

4.12. The Public Interest

The proposed dual occupancy development is permissible with consent, will not result in detrimental environmental impacts, and will support the vitality of the local residential community. Therefore, it would be in the public interest to support the proposal.

5. Conclusion/Summary

This Statement of Environmental Effects demonstrates that the proposed attached dual occupancy development at 11 Macadamia Court, Kingswood is appropriate and suitable development, being consistent with the R2 Residential zone objectives and other planning provisions. It is considered that the proposed residential development is designed in such a way as to make a positive contribution to the locality.

This report has identified all key issues associated with the proposal and demonstrated that it can be adjusted appropriately.

The proposal is considered acceptable and can be approved because of the following:

- The site is appropriately zoned R2 Low Density Residential where dual occupancies are permitted with consent.
- The site is of sufficient land area to meet the minimum 750sqm lot size for dual occupancies.
- The proposal complies objectives and standards of with the Penrith Local Environmental Plan 2010
- The proposal is consistent with the requirements of the Penrith Development Control Plan 2014;
- The proposal does not generate adverse environmental impacts and does not generate any negative amenity impacts for adjoining dwellings;
- There is no potential for flood risk and bushfire on the site.

This SoEE establishes that the proposal is consistent with the zone objectives, is compatible with the surrounding area, and satisfies all relevant planning and environmental considerations to enable Council to grant approval for the development.

Section 96 Application

A new section 96 lodgement has been added to the existing proposal. The client has modified the following

- Front windows amended to vertical windows
- Rear Sliding door has been changed it to a sliding stacker door and increased to 6.40m wide.
- Balcony added to rear of dwelling A to upper living area.
- Concrete roof added in lie of the colobond roofing to Dwelling A.

With the following amendments there is no detrimental effects to the neighbouring properties and the changes are helping enhance the existing dwelling.