

Thursday 3rd December 2021

Ref: 1367 Env

## STATEMENT OF ENVIRONMENTAL EFFECTS

**Address** 82-84 Stafford St Kingswood**Proposed:** Multi Unit Housing Development R3 Townhouses  
SEPP 2009 Affordable Rental Housing

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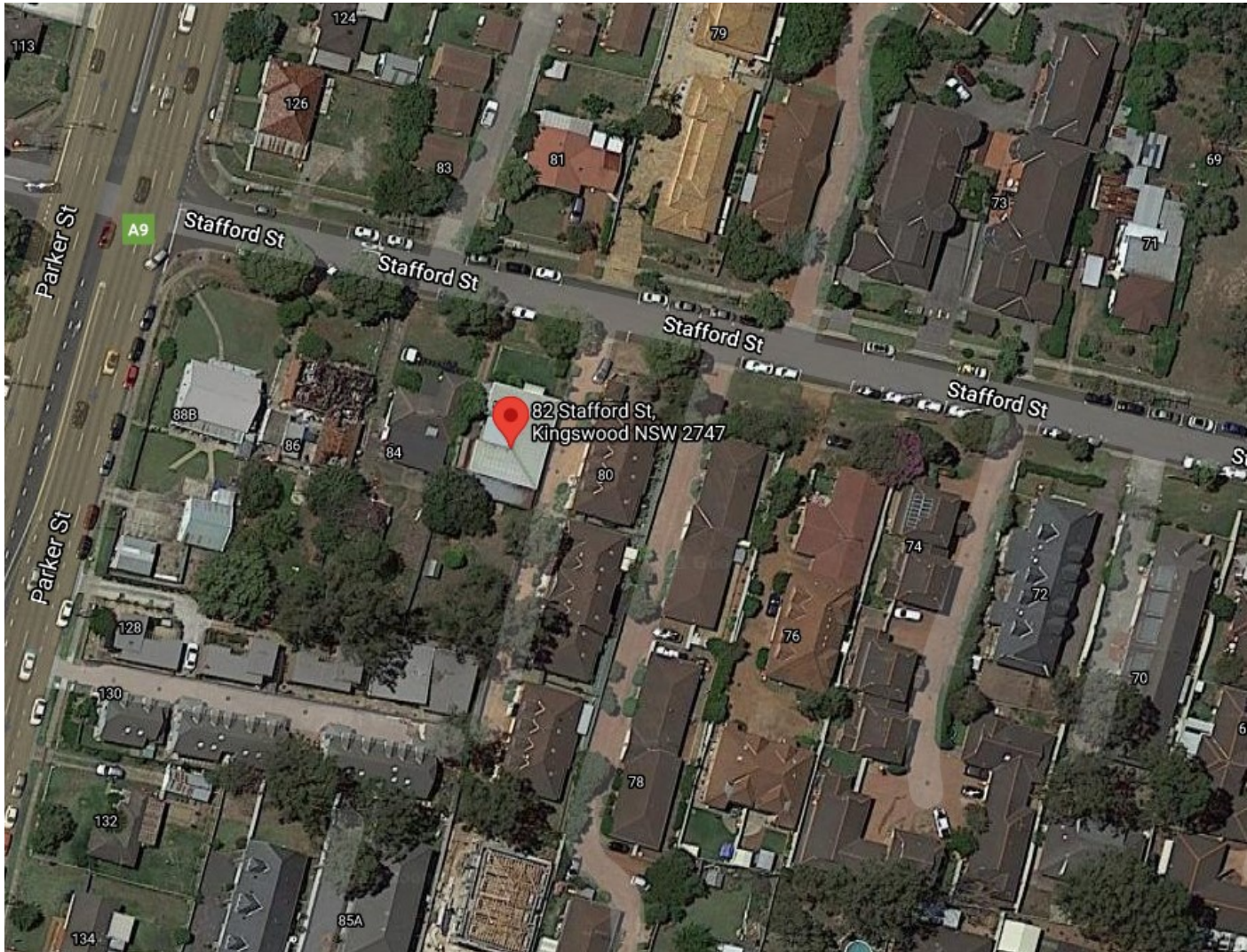
### THE SITE

The site is rectangular shaped approx. 33.4m x 53.0m with an area of 1745.2m<sup>2</sup> on the southern side of Stafford St, Kingswood. Upon the site are situated 2 single storey dwellings, garages, and sheds which will be demolished. Adjoining to the west is a single storey dwelling and to the east is a multi unit development. The site slopes slightly to the front of the property and there are several smaller trees to be removed to allow the development of the double width site. The area is one of transition with many new Townhouse developments replacing older single dwellings. The site is within 400m of a compliant bus route and is classed as accessible in SEPP 2009.



The Site: 82-84 Stafford St Kingswood





Site Aerial: 82-84 Stafford St Kingswood

## STATUTORY SITUATION

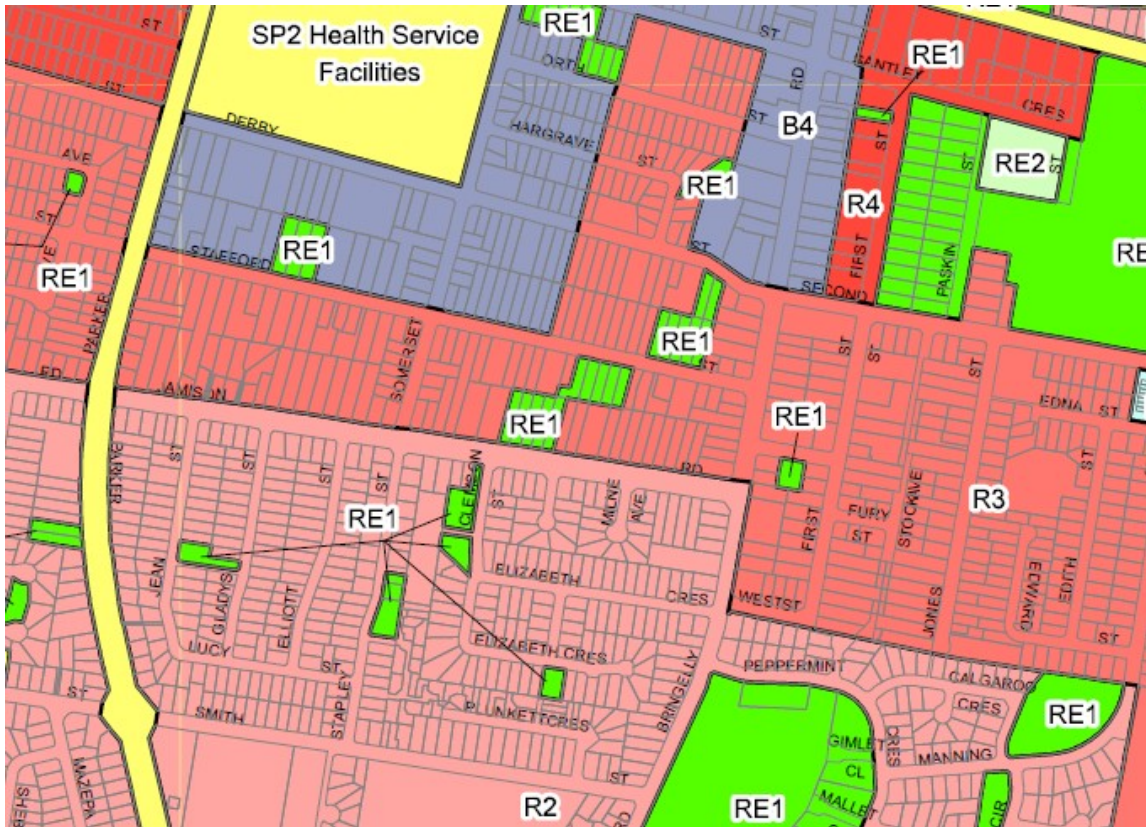
The site is zoned R3 Residential (Medium Density Residential) in Penrith Local Environmental Plan 2010. 2 Storey Multi Unit Developments are allowed under this zoning with consent subject to compliance with the provisions of the plan.

The Site has height limit of 8.5m and is adjacent the B3 Mixed Use zone with 12 m height limit on north side of Stafford St.

The site is also subject to Penrith DCP 2014 Part D2 Section 2.4 Multi Dwelling Housing.

The Proposal is in accordance with SEPP 2009 Affordable Rental Housing with distance to complying bus service less than 400m.





R3 Zone Map



HOB Map 013 I 8.5M



## THE PROPOSAL

The proposal is for the construction of 8x4 bedroom and 2x 3bedroom 2 and 3 storey brick and weatherboard townhouse dwellings with metal roofs under the requirements of SEPP 2009 Affordable Rental Housing. The units typically have living areas, kitchen, laundry, wc and garage on the ground floor with bedrooms bathroom and ensuite on the first and second floors.

The units are accessed from a common driveway in the centre of the site with dwelling courtyards located on the sides of the site.

The dwellings are separated into groups of two and three units with tandem garages, single garages and ground level visitor parking spaces.

The buildings show characteristics of traditional suburban development: dwellings oriented to face the street, building forms stepped and articulated, and integrated with the shape of surrounding garden areas.

The proposed dwellings are behind the street frontage and adopt principles from the DCP, including

- Living rooms facing the street and a landscaped rear boundary setback; and
- Private gardens fill the rear setback area.

The development will have a decorative concrete driveway with meandering landscape areas and

- Buildings in blocks of double and triple dwellings 16.6m and 20.00m maximum in length on ground floor with max first floor length of 13.4m. The alignment of buildings and their external walls are stepped at convenient positions to provide visual relief articulation and mitigate the length of the units.
- Two "open space corridors" 4.9m and 5.4m wide are located in the centre of the site to provide a substantial break in the building mass and provide 3 visitor parking spaces.
- Windows are provided in each elevation.

The proposal complies with SEPP 2009, LEP and DCP requirements as follows:

- |  |          |
|--|----------|
| 1. Landscape area: 38.8%,                          | complies |
| 2. Rear setback: 6.0m two story, 4.0m single story | complies |
| 3. Minimum courtyard dimensions 25m <sup>2</sup> , | complies |
| 4. Solar access to living areas of all units.      | complies |
| 5. Solar access to courtyards of all units.        | complies |
| 6. Front Setback: 6.0m                             | complies |

The dwellings have metal roofing with heights less than 8.5 m and are well below the envelope control in accordance with the LEP.

There are no impacts on the height or R3 envelope control.

## VEHICULAR ACCESS / TRAFFIC

Access to the dwellings will be via a common driveway in the centre side of the site allowing entry or exit in a forward direction. In accordance with SEPP 2009 a total of 15 spaces are provided on site for the dwellings. Parking to each unit is provided via the use of tandem and single garages. The SEPP does not require any visitor parking, however 3 visitor spaces has been able to be provided as open parking spaces to provide the total required parking numbers.

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



## **PRIVACY AND FENCING**

Privacy to the adjoining dwellings will be maintained by the use of 1.8m high fencing. Units 1 and 10 at the front of the site will feature a 1.8m high horizontal metal slat front courtyard wall.

## **SERVICES**

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

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

OSD is required.

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

## **STATUTORY ASSESSMENT**

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

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

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

The following Relevant Environmental Planning Instruments apply.

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

b) Penrith Local Environmental Plan 2010 Urban Land.

c) Penrith Development Control Plan 2014.

Discussion on the relevant criteria, resolution of issues and a statement in respect thereof follows.

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

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

b) Penrith Local Environmental Plan 2010.

## **Zone R3 Medium Density Residential**

### **1 Objectives of zone**

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.



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

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

Clause 4.1A Minimum Lot sizes for Dual Occupancies and Multi Unit Housing  
Columns 1,2,3 specify site controls for multi-unit housing, thus:

R3 Zone	Standard Lot
	Minimum Area: 800m <sup>2</sup>
	Minimum Lot Width 15m

The proposal complies with these requirements.

R3 Zone	Maximum Height	8.5m
	Minimum Landscaped Area	N/A over ridden by SEPP controls

The proposal complies with the minimum landscaped area and the envelope and height controls.

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

Sub Clause (2.4.9) requires 3 hours minimum direct sun to windows of living areas between 9am and 3pm on June 21 and will not reduce direct sun on windows of neighbouring living areas to less than 3 hours 9am to 3pm June 21.

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

79C(1) a) ii) Any Draft Environmental Planning Instrument that is or has been placed on public exhibition.

No Draft documents relating to this development are on public exhibition.

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

The following Development Control Plans apply.

#### **i) Penrith City Council Development Control Plan 2014.**

### **Part 2.4 Multi Dwelling Housing**

#### **2.4.2 Urban Form**

The proposal complies with the objectives of the clause with characteristics of traditional suburban development, front dwelling oriented to the street, building forms articulated and integrated with surrounding garden areas. Buildings with stepped in upper levels with larger ground floor footprint



- 2.4.5 The dwelling setbacks reflect the character of surrounding areas.
- 2.4.6 Building Envelope and Side Setbacks  
Proposal compliance with side setbacks of 8 units at minimum 2.0m and units 5,6 have a small encroachment of the garages at 1.5m from side boundary. The DCP cl 2.4.6 B) 8) allows garages to be at zero setback to side boundaries so we are in compliance with this. In addition the 1.5m setback is only 1 per side and at the rear of the site so very little impact if any.
- 2.4.7 Parking and driveways are provided in accordance with this clause and in accordance with AS.2890.
- 2.4.8 Landscaped areas N/A SEPP 2009
- 2.4.9 Solar planning N/A. SEPP 2009
- 2.4.11 Common Site and Park Frontages  
N/A
- 2.4.12 Building Design  
The proposal presents a 2 and 3 storey attached dwellings with a variety of facade materials and finishes.
- 2.4.13 Energy Efficiency  
Proposal is supported by ABSA Certificate (BASIX) to indicate its measure of energy efficiency.
- 2.4.14 Dwelling Design and Private Courtyards  
The proposal complies with this clause as previously indicated with minimum 25m<sup>2</sup> of courtyard .
- 2.4.15 Garage Design  
Garages are designed to AS 2890.1 as required by the clause.
- 2.4.16 Garden Design  
Gardens are designed by the Landscape Architect in compliance with this clause.
- 2.4.17 Paving Design  
Paved areas are minimised to maximise landscape / permeable areas.
- 2.4.18 Fence and Retaining Walls  
Fences are in compatible materials with neighbourhood. Retaining walls are masonry as required by Council.
- 2.4.19 Visual and Acoustic Privacy  
Construction is insulated brick veneer and insulated stud walls which aids in acoustic separation.
- 2.4.20 Safety and Security  
All units have living areas overlooking the street and / or access driveway and also rear



courtyards.

#### 2.4.21 Accessibility and Adaptability

All units are accessed at ground level and are able to be adapted in the future for disabled usage.

#### 2.4.22 Storage and Services

All units have wardrobes and storage cupboards in accordance with this clause. In addition 3 m<sup>3</sup> storage is provided per unit under the stairs. All services, post boxes, electrical meters and TV and telecommunication facilities are provided in accordance with this clause.

### SEPP 2009 Compliance

Division 1 In-fill affordable housing

#### 10 Development to Which Division Applies

- (1) This Division applies to residential development if—
  - (a) the development is permitted with consent under another environmental planning instrument, and
  - (b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the *Heritage Act 1977*, and
  - (c) the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%, and
  - (d) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and
  - (e) for development on other land—all or part of the development is within 400 metres walking distance of land within Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to those zones.

**The proposal complies with all these requirements.**

**Penrith LEP 2010 permits multi-unit development.**

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

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

Please see bus route timetable and distance map.

#### 13 Floor Space Ratios

- (1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.
- (2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on



which the development is to occur, plus:

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

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

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

Where:

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

$Y = AH \div 100$

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

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

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

#### **14 Standards That Cannot Be Used To Refuse Consent**

(1) Site and solar access requirements

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

(a) (Repealed)

(b) Site area

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

**The site is greater than 450m<sup>2</sup> – 1745m<sup>2</sup>**

(c) Landscaped area

If:

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

**37.8% of the site is landscaped.**

(d) Deep soil zones

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

(i) There is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and

(ii) Each area forming part of the deep soil zone has a minimum dimension of 3 metres, and

(iii) If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area

**In excess of 15% of the site is deep soil zone.-24.05 %**

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

(e) Solar access

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

**Complies. All units receive 3 hours solar access.**



(2) General

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

(a) Parking

If:

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

**Complies. 15 Spaces reqd, proposal has 15 spaces**

**Complies**

(b) Dwelling size

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

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

**Complies**

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

## **15 Design Requirements**

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

### **Seniors Living Policy Compliance as Applicable**

#### **1) Context**

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

**The scale and height of the buildings is complimentary to adjoining multi unit development and is much lower than 12m height limit zoned across road.**

#### **2) Site Planning and Design**

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

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

#### **3) Streetscape Impacts**

**The proposal has minimal adverse impact on streetscape and increases building quality. It provides suitable breaks in visual massing of buildings and provides 2nd and 3<sup>rd</sup> storey within relevant R3 zone height and envelope controls.**



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

#### **4) Impacts on Neighbours**

**Proposed buildings maintain existing street alignment and locate rear yards adjacent to rear neighbours. The proposal has upper level bedroom windows facing side neighbours but separated by driveways or with obscure glazing 1700 high.**

#### **5) Internal Site Amenity**

**Dwellings have distinct identifiable and safe access.**

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

**Private open space min 15m<sup>2</sup> with min dimension of 3.0m. Proposal complies.**

#### **16A Character of Local Area**

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

**The proposal complies with this with a variety of building styles and heights existing and proposed.**

#### **17 Must Be Used For Affordable Housing for 10 Years**

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

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

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

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

(b) A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919 that will ensure that the requirements of paragraph (a) are met.

**It is intended that the development will be so managed for purposes of Affordable Housing Two dwellings, units 2,9, are nominated for this use.**

#### **18 Subdivision**

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

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

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

The proposal will have minimal impact on natural and unit environment and will have



positive social and economic impact in the area.

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

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

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

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

79C(1) e) The Public Interest.

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

## SUMMARY

The physical characteristics of the buildings will blend unobtrusively into an area of diverse established housing and multi-unit developments.

Siting of the new buildings will have no adverse effect on the adjoining properties with regard to overshadowing and privacy.

There are no important existing trees to be removed.

Generous landscaping will be provided with the use of native shrubs and small trees.

The development will have little impact on the existing and likely future amenity of the neighbourhood.