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STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED APARTMENTS – 96-98 LETHBRIDGE ST + 42-46 EVANS ST, PENRITH

DECEMBER 2020

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1.0 INTRODUCTION

Cityscape Planning + Projects has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site.

The SEE describes the proposed development and subject site and undertakes and assessment of the proposal against the *EP& A Act* 1979, SEPP 65 (Design Quality of Residential Apartments) as well as the aims, objectives and development provisions of all other relevant environmental planning instruments including Penrith Local Environmental Plan 2010 and its Development Control Plan (DCP).

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council, including attendance at an Urban Design Review Panel.

The project team that has contributed to the compilation of the Development Application is identified below:

Report Plan	Consultant
Survey	ATS Land & Engineering Surveyors
Architectural Plan	Urban Link
Heritage	Weir Phillips – Heritage and Planning
Town Planning	Cityscape Planning + Projects
Tree Survey and Report	About Trees – Urban Tree & Bushland Management
Acoustic Report	Acoustic Works
Geotech Investigations Report	JC Geotechnics

Landscape Concept Plan	NBRS Architecture Landscape
Quantity Surveyor	Construction Consultatns
Traffic	Varga Traffic Planning
Stormwater	SGC Consulting Engineers
Flood Study	SGC Consulting Engineers
BASIX	Outsourced Ideas
Accessibility	Access Link Consulting
Waste Management	Dickens Solutions

2.0 THE SUBJECT SITE

The subject site is a large irregular shaped parcel located on both the southern side of Lethbridge St.

It is known as 96-98 Lethbridge St and 42-46 Evans St, but is comprised of eight (8) lots with the following real property description:

Lot: 6	**DP:** 519556
Lot: 71	**DP:** 810706
Lot: 72	**DP:** 810706
Lot: 1	**DP:** 18848
Lot: 2	**DP:** 18848
Lot: A	**DP:** 376772
Lot: X	**DP:** 389668
Lot: 18B	**DP:** 407961

The location of the site is shown at Figure 1 whilst the sites cadastral arrangements and an aerial photo of the site are shown at Figures 2-3.

FIGURE 1: **LOCATION OF SITE**

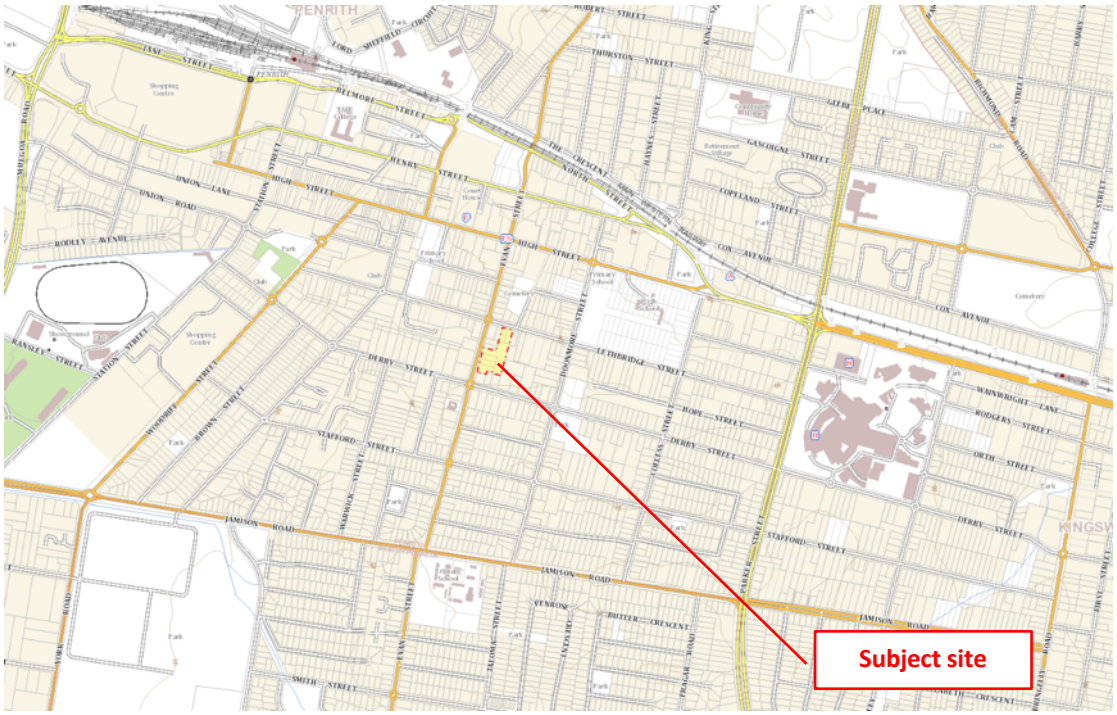


FIGURE 2: **SITE CADASTRAL BOUNDARIES**

FIGURE 3: **AERIAL PHOTO OF SITE**

3.0 SITE ANALYSIS

3.1 SITE DIMENSIONS

The site is a large rectangular shaped parcel of land with a total area of area of 6860m^2. It has a frontage of and 31.09m 56.845m to Lethbridge St and Evan St respectively.

3.2 NATURAL ENVIRONMENT

The site is located within an urban environment that has been highly modified over many decades of urban development. Therefore, neither the site nor the local environs accommodated any items of natural or ecological significance. However, the site does experience local flooding and an overland flow path as well as numerous stands of mature vegetation in its central and southern sections.

Figures 4 and 5 provides imagery of these key environmental features including existing mature trees located in the central sections of the site and the overland flow path that creates local flooding in the central section of the site. The source of this local flooding is the formal concrete drainage channel line that intersects the site at its eastern boundary. An image of that channel is also provided at Figure 5.

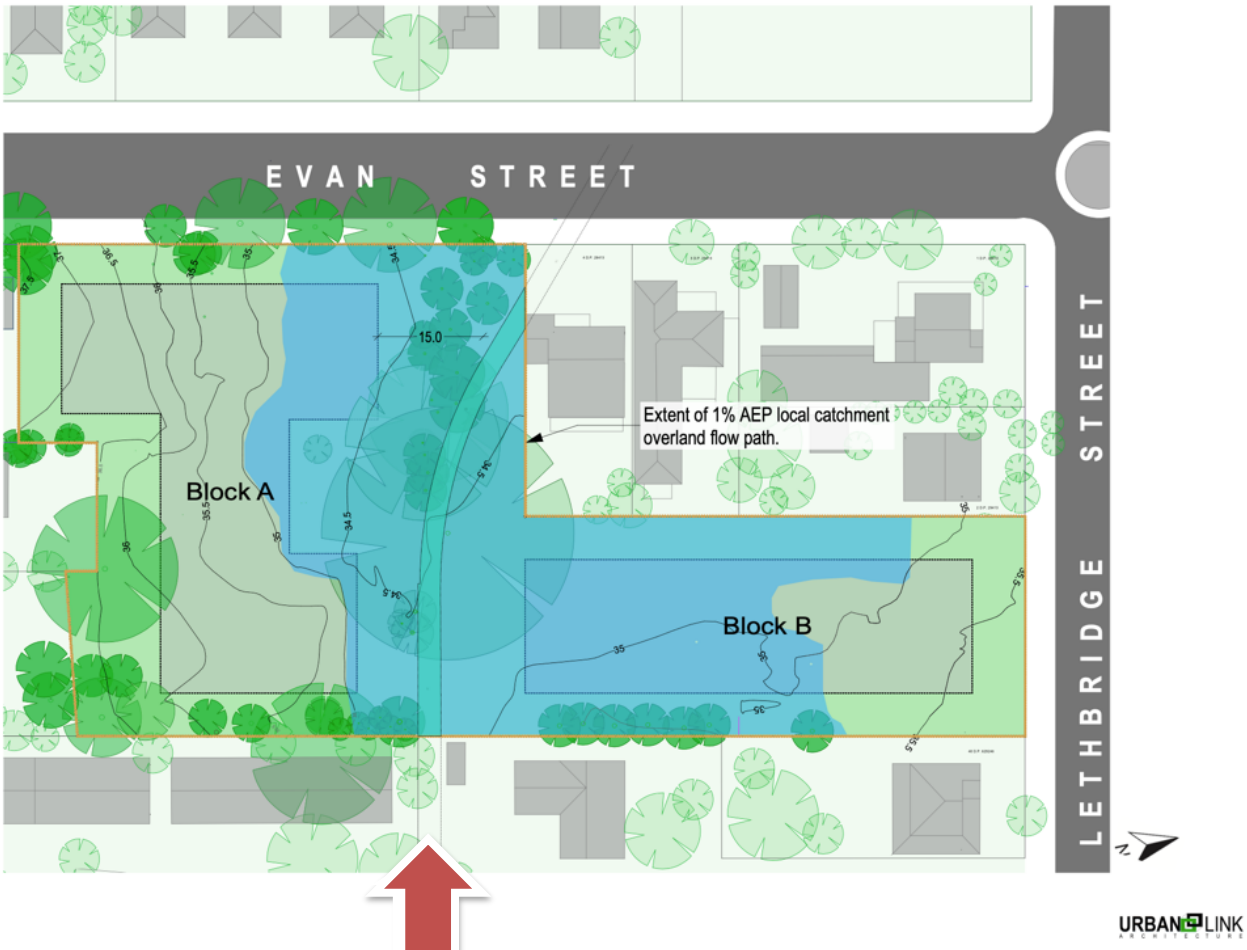
The site also has a fall of approx. 3m and 0.9m from its southern and northern extent respectively to the overland flow path that runs through the central section of the site. Contours and spot levels are plans are shown on the accompanying site and survey plans.

FIGURE 4: **EXISTING TREES**

Green spine area in vacant section of land located off Evan St

Vacant section of site located on Lot 71 located off Evan St

FIGURE 5: **LOCAL FLOODING**



3.3 BUILT ENVIRONMENT

The site sits within an urban environment that is characterised by a mix of low and medium density scaled residential development. However, it also is located in close proximity to the Penrith Central Business District (CBD) Penrith High School and Nepean Hospital which also inform the local character values of the area.

The western side of Evans St has almost fully been developed for apartment type development, with images of that development provided at Figure 6. The area is also currently going through urban renewal and as such experiencing significant changes to the urban environment and built forms, with several apartments being either built or approved in the immediate area.

A future context plan is provided at Figure 7 and demonstrates the potential for LEP compliant building envelopes to emergence as part of new apartment development in the vicinity of the site.

3.4 HERITAGE

The subject site is not identified as any items of accommodating items but is located adjoining to, or within the vicinity of, a number of heritage items including a Victorian period cottage located to the immediate south of the site and St Stephens Church Cemetery located further to the north of the site.

The relationship of the site to those heritage items is demonstrated Figure 8.

FIGURE 6: **EXISTING APARTMENTS ON WESTERN SIDE OF EVAN ST – OPPOSITE SUBJECT SITE**

FIGURE 7: **FUTURE URBAN CHARACTER**

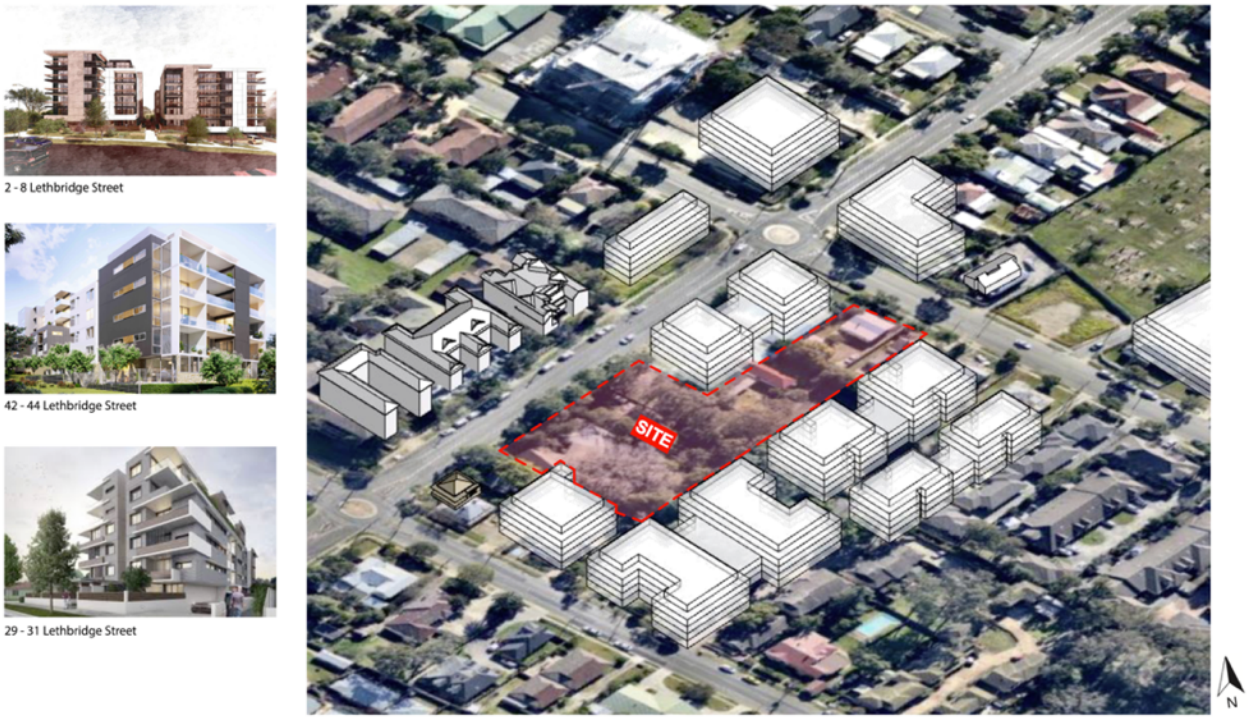


FIGURE 8: **RELATIONSHIP OF HERITAGE ITEMS TO SITE**

URBAN LINK

3.5 EXISTING DEVELOPMENT

The site currently accommodates five (5) small, single storey dwellings that have frontages to Evans St and Lethbridge St. The site also accommodates a tennis court and several smaller outbuilding and sheds. The location of those outbuildings and sheds is demonstrated in the aerial photo at Figure 3 and accompanying survey plan. Figure 9 provides images of those dwellings.

The site also possesses an easement in its central section that facilitates the drainage of stormwater across the site from east to west. This easement is generally aligned with the overland flow path.

3.6 ADJACENT DEVELOPMENT

The site is located adjacent to a mix of cottages, medium density scaled townhouse and higher density apartments, together with residential based commercial and health service facilities.

The western side of Evans St, is fully developed with apartments as represented at Figure 6 and 7. The dwellings immediately adjacent to the subject site are typically single cottages (see Figures 11), although lands the immediate east of the site provide 1-2 storey scaled townhouses and there are other numerous townhouse developments located to the east of the site. A representation of the massing and scale of building in the local area is provided at Figure 10.

Importantly, many of the cottages located on Derby St have a long-term occupation and use as commercial or health services facilities.

FIGURE 9: **EXISTING DWELLINGS ON SITE**

42 Evans St

44 Evans St

46 Evans St

96 Lethbridge St

98 Lethbridge St

FIGURE 10: **MASSING ANALYSIS OF LOCAL AREA**

Typical Single Storey Mass

Typical Two Storey Mass

Typical Multi Residential Mass

Number of Storeys

URBANLINK

157 Derby St

82 Lethbridge St

FIGURE 11: **ADJACENT DEVELOPMENT**

100 Lethbridge St

94 Lethbridge St

36 Evans St

38 Evans St

161 Derby St

159 Derby St

3.7 TRANSPORT AND CONNECTIVITY

The site enjoys good access to the metropolitan rail network being located approximately 950m form Penrith Rail Station.

The sites location with good proximity to Jamison St, Parker St and Great Western Highway also presents an excellent opportunity to access the regional road network and the local bus services. Accordingly, the area is considered to have excellent access to public transport services.

The sites dual frontage to Lethbridge St and Evan St ensure it provides good opportunity to provide safe and convenient vehicle access to the site itself. A representation of that local transport network is provided at Figure 12.

FIGURE 12: **LOCAL TRANSPORT NETWORK**

4.0 DEVELOPMENT PROPOSAL

4.1 OVERVIEW

The development application seeks council consent to the demolition of all existing structures on the site and construction of two separate buildings that provide 5 and 6 storey residential flat buildings and two basement levels. The development will have an estimated cost of $45.98 Million. An elevated perspective of the development is provided at Figure 13.

FIGURE 13: **PHOTOMONTAGE OF DEVELOPMENT PROPOSAL**

Elevated perspective view from north west

4.2 DETAILED DESCRIPTION

4.2.1 BUILDING FORM AND ENVELOPES

The development provides two separate built forms with footprints configurations that responds to the subject sites shape and natural and built environmental constraints.

Building A

The southern building provides is a more irregular building footprint that responds to the irregular shaped site boundary and provides a generous setback to the central areas section of the site and areas collocated with overland flows and significant trees. This building provides 6 storeys of apartments and two basement levels of parking and associated facilities.

Building B

The northern building (Building B) provided a generally rectangular shaped building with a narrower shape that runs on lengthy north-south axis. This building provides 5 level of apartment located over two basements of parking and associated facilities.

Both buildings provide a combined Gross Floor Area of 12,959m^2.

The basement areas provide vehicle parking, bicycle parking, plant rooms, lifts, storage and waste management facilities

4.2.2 APARTMENT YIELD AND MIX

The development delivers a total of 133 units with Building A and Building B providing 87 and 46 units respectively.

The development provides a diverse mix of apartment sizes and bedroom configurations, with the proportions represented below:

1 bedroom = 11%
2 bedroom = 68%
3 bedroom = 21%

The unit mix across both building is represented in Table 1 below:

TABLE 1: APARTMENT MIX

	BUILDING A				BUILDING B			
LEVEL	1Bed	2Bed	3Bed	Cars	1Bed	2Bed	3Bed	Cars
Basement 2				72				43
Basement 1				68				19
Ground	5	10	1		1	5	3	
Level 1	2	11	3			7	3	
Level 2	2	11	3			7	3	
Level 3	2	11	3			7	3	
Level 4	2	10	2			4	3	
Level 5	0	7	2					
Total	13	60	14	140	1	30	15	62
	87				**46**			

4.2.3 LANDSCAPE AND OPEN SPACES

The landscape plan seeks to retain significant amount of the existing tree canopy cover including a green spine that runs through the central sections of the site. This green spine is a central organising element of the entire development. The landscape plan also proposes significant new mature planting that will strengthen the character of the place and provide high amenity and visual quality to the streetscape and site itself. Figure 14 provides a representation of that landscape plan at ground level.

FIGURE 14: **LANDSCAPE CONCEPT PLAN**

The landscape plan seeks to provide a series of outdoor spaces throughout the development that are interconnected via meandering pathways. The outdoor spaces provide a broad range of experiences from active play involving basketball hoops, BBQ and communal gardens to small seating nooks that provides areas for respite.

The development provides five (5) separate Communal Open Spaces (COS) that combine to represent 42 % of the site. These are as follows:

CENTRAL COMMUNAL SPACE

The central communal open space will integrate the essence of the urban backyard with spaces provided for play, health and social interaction. Communal outdoor spaces with BBQ facilities and kitchen gardens will be central to the landscape for social gathering.

Play areas such as a playground and sensory gardens will harness opportunities for natural play amongst existing trees, with seating nooks and an outdoor library creating a sense of respite among the trees.

Open lawn areas and fitness zone will provide spaces for exercise and kick-about with fitness stations and basketball hoop; all of which capturing the sense of community.

SOUTH CORNER COMMUNAL SPACE

Located at the south eastern corner of the site the South Corner COS, provides a secluded communal area, that offers a quiet space with communal outdoor dining, lawn area and seating nooks.

EASTERN COMMUNAL SPACE

Continuing the urban backyard and extending off the central communal space, the eastern communal space provides an outdoor communal dining area with BBQ facilities adjacent to lawn areas that offers opportunities for lawn games or kick-about games as well as an off-leash dog area.

BUILDING A - LEVEL 4 COMMUNAL OPEN SPACE

Level 4 communal terrace will provide spaces that harness community living. It will feature BBQ facilities and a communal dining area with kitchen gardens; sheltered to help mitigate weather elements such as sun and wind.

Raised and layered planting frame the terrace and integrated with bench seating will provide spaces for individual respite and relaxation.

A lawn area is also provided for gathering and passive recreation such a Yoga and Tai Chi.

BUILDING A - LEVEL 5 COMMUNAL TERRACE

Level 5 communal terrace will provide spaces that create opportunities for both individual respite and social interaction. The terrace will feature BBQ facilities and a communal dining table framed by a pergola structure to help mitigate weather elements such as sun and wind.
Raised and layered planting will encapsulate seating areas such as bench seating and table settings providing spaces that are amongst a lush green and gardenesque setting.

The development provides 35% of the site as deep soil planting to the southern, western and eastern setback areas as well as the central open space spine. It also provides three areas of fill over the slab. These are located as follows:

- Within the U-shaped COS for Building A – 156m^2
- Eastern COS between Buildings A and B – 99m^2
- Western setback to Building B – 532m^2

4.2.3 VEHICLE ACCESS, PARKING AND MANOEUVRING

The development provides 211 off-street parking spaces in a new multi-level basement car parking area.

Vehicular access to the off-street car parking facilities is proposed to be provided via a vehicular access driveway located at the western end of the Lethbridge Street site frontage, vehicular egress from the off-street car parking facilities is proposed to be provided via a vehicular egress driveway located at the southern end of the Evan Street site frontage.

The basements are connected at Level 02 and therefore allows access to and from both Evans and Lethbridge St for the entire development at that level.

The proposed development makes provision for a total of 34 bicycle parking spaces located in a dedicated bicycle storage room on basement level 01.

4.2.4 STORMWATER AND DRAINAGE

The development is accompanied by a concept stormwater management plan that harvests, detains and treats all stormwaters through the use of rainwater tanks, On Site Detention (OSD) tanks a pipe and pit system prior to discharge to an existing drainage easement that leaves the site at the Evan St frontage.

The stormwater management plan also includes a treatment train approach to deliver Water Sensitive Urban Design (WSUD) outcomes that demonstrate an improved local water quality impact together with a sediment and erosion control plan that will be implemented through the construction phase of development.

4.2.5 WASTE MANAGEMENT

All waste services will be provided by Penrith City Council's waste collection contractor, using a 9.7 metres long rear loading collection vehicle.

Waste collection for the proposed development is expected to be undertaken by Council's waste contractor. A dedicated waste truck servicing area is proposed at the end of the basement entry ramp via Lethbridge St, which will be equipped with a truck turntable to facilitate these 9.7m trucks to turn around on site to be able to always enter and exit the site in a forward direction.

Basement level 02 provides area also accommodates waste bin storage rooms, together will a bulky store storage and a room for the waste bin tug device.

In order to assist and facilitate this process, the Building Manager / Caretaker will be responsible for presenting waste bins for servicing and returning them to the designated bin rooms and waste storage areas after collection.

4.3 PRE-LODGEMENT CONSULTATION

The applicant has participated at two Urban Design Panel (UDP) meetings. Key issues that have emerged from those meeting include:

- Need for additional contextual analysis, particularly with regard to:
    - relationship to heritage items
    - local flood constraints issues
    - retention of the existing trees and boundary setback resolution
    - local streetscape analysis
- Further arboricultural assessment required with regard to tree retention
- Non-compliance with building heights will need to make a case based on the tree retention and enhanced landscape outcome.
- Site flooding and drainage issues in the central section of the site.
- Connections to basement across both buildings is a positive impact but needs to be considered in the context of waste, stormwater management and tree retention matters.

The inputs from these UDP meetings have been used evolve and refine the development proposal and the resolved outcome is now represented in the development proposal that as identified in this Sections 4.2 of this report.

5.0 STATUTORY SITUATION

5.1 OVERVIEW

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy No. 55
- State Environmental Planning Policy No. 65
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- SREP No.20 Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

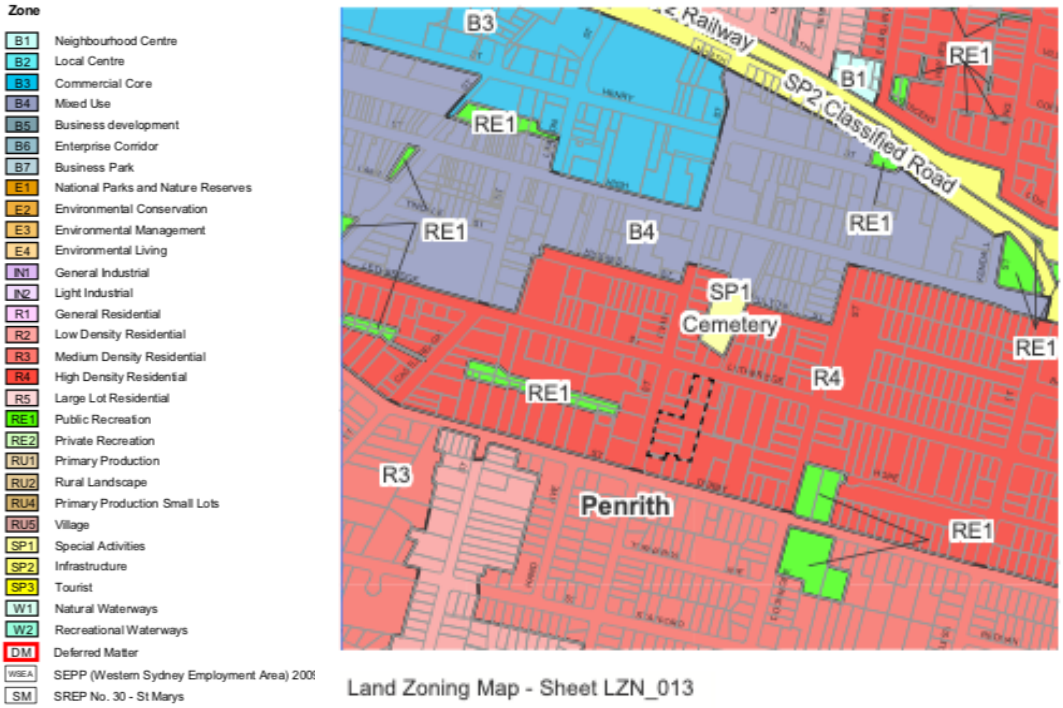
5.2 ZONING + PERMISSIBILITY

The site is zoned **R4 High Density Residential** pursuant to Penrith LEP 2010. An extract of the relevant zoning plan is provided at Figure 15. The land use table to this zone identifies 'residential accommodation' as a permissible land uses in the zone.

The following definition from the dictionary to the LEP is relevant and provided overpage. This definition is entirely consistent with those provided in the development proposal outlined at Section 4.0 of this report.

Accordingly, it can be determined that the development is a permissible land use and development in the zone.

FIG 15: **EXTRACT OF LEP ZONING PLAN**



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

(a) attached dwellings,

(b) boarding houses,

(c) dual occupancies,

(d) dwelling houses,

(e) group homes,

(f) hostels,

(g) multi dwelling housing,

(h) residential flat buildings,

(i) rural workers' dwellings,

(j) secondary dwellings,

(k) semi-detached dwellings,

(l) seniors housing,

(m) shop top housing,

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

6.0 PLANNING ASSESSMENT

6.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

6.1.1 SREP 20 – HAWKESBURY NEPEAN RIVER

Sydney Regional Environmental Plan No 20 (SREP 20) is in place to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development seeks to manage all waste-waters in a suitable manner and is therefore is not in conflict with this objective.

It is considered that any other risks relating to the protection of the Hawkesbury-Nepean River system would be considered and addressed through the implementation of any conditions of consent relating to the production process, and erosion and sediment control, and stormwater runoff mitigation.

6.1.2 SEPP 55 - REMEDIATION OF LAND

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

There is no record that the subject site is contaminated. The site has been used for residential purposes for many decades as. This previous and current land use does not raise any potential for site contamination. Further, the development does not propose any change of land use.

Accordingly, the development is not considered to cause any inconsistency with the aims or provisions of this Planning Policy.

6.1.3 SEPP 2004 – BASIX

BASIX seeks to ensure that new residential dwelling design meets the NSW Government's targets of up to 40% reduction in water consumption and a 35% reduction in greenhouse gas emissions, compared with the average home. The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

A holistic approach to building sustainability has underpinned the design of the development. As such a range of measures outlined in the accompanying BASIX report reveal that the development will achieve and in some cases the required water and energy reduction targets.

6.1.5 PENRITH LEP 2010

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.3 ZONE OBJECTIVES AND LAND USE TABLE

Zone R4 High Density Residential

1 Objectives of zone

- ***To provide for the housing needs of the community within a high density residential environment.***
- ***To provide a variety of housing types within a high density residential environment.***
- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***
- ***To ensure that a high level of residential amenity is achieved and maintained.***
- ***To encourage the provision of affordable housing.***
- ***To ensure that development reflects the desired future character and dwelling densities of the area.***

COMMENT:

The proposed development provides for the community's housing needs in an emerging high-density residential environment. It does through providing a mix of bedroom and apartment styles and arrangements inclusive of smaller units that will provides diverse and affordable housing options within the building.

A high level of residential amenity is provided for in the design of the proposal through the provision of high architectural design, private courtyards, terraces and balconies and large communal open spaces.

Further detailed assessment of this is provided in subsequent sections of this report.

Accordingly, the development is considered to be consistent with the relevant zone objectives.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.3 Height of buildings

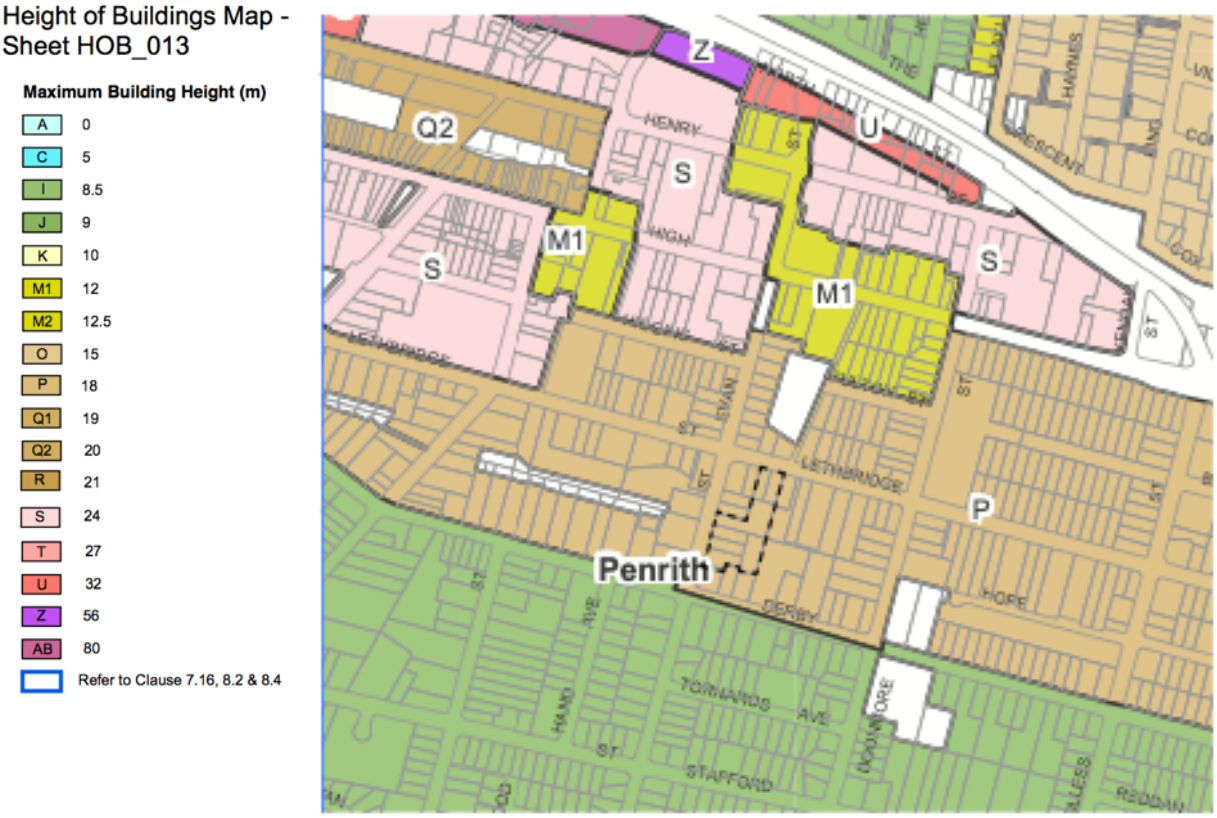
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

An extract of the LEP map is provided at Figure 16 and demonstrates that the LEP provides a maximum building height of 18m.

The development provides a maximum building height of 20.93m at the western most lift overrun of Building A and therefore fails to comply with the relevant development standard.

Clause 4.6 of the LEP allows a variation to development standard and a formal submission pursuant to this clause accompanies the development application and this report.

FIG 16: **EXTRACT OF BUILDING HEIGHT MAP**



Height of Buildings Map - Sheet HOB_013

4.4 Floor space ratio

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The LEP does not provide a maximum Floor Space Ratio (FSR) control for the subject site. Nevertheless, the development provides an FSR of 1.89 which is considered to represents an appropriate quantum of GFA for a high-density residential zone and ensures that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The development does not comply with the height of building development standard. Accordingly, a request to vary that development standard has been prepared and accompanies this Development Application.

PART 5 MISCELLANEOUS PROVISIONS

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows—

(a) to conserve the environmental heritage of Penrith,

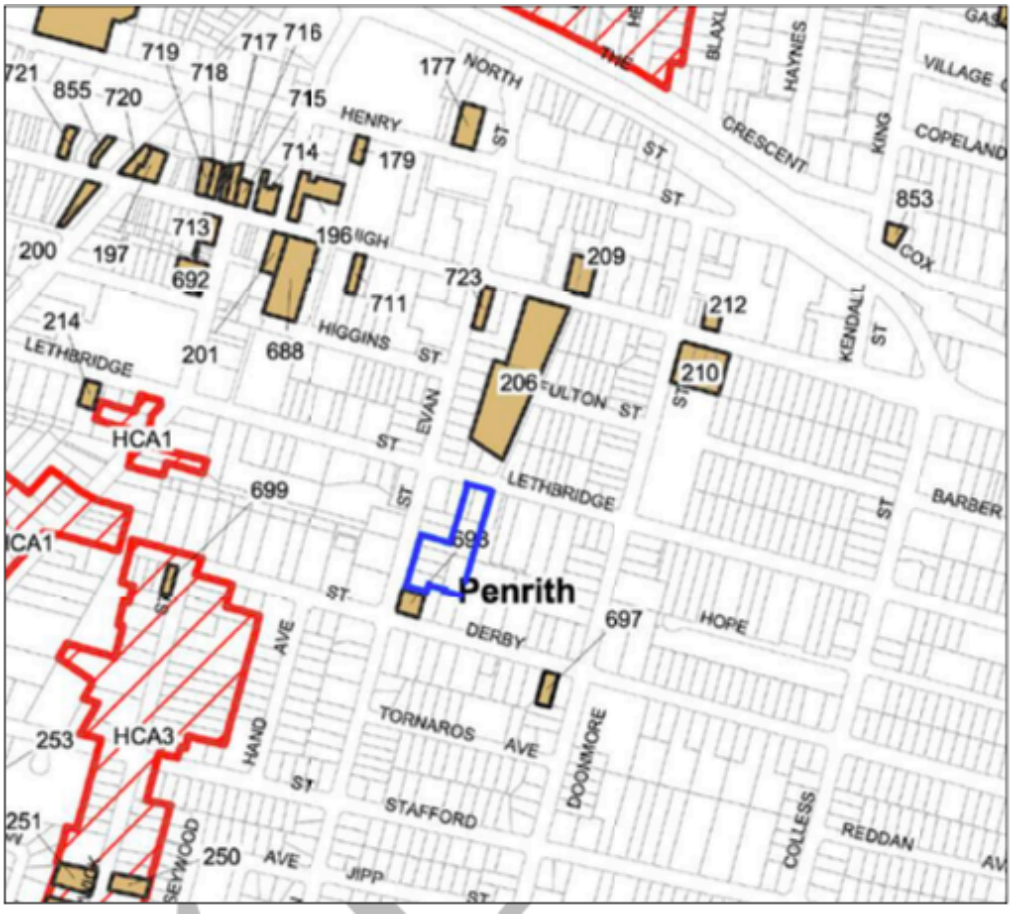
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites,

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The site is not listed as accommodating any items of heritage significance but the relevant LEP mand Schedule 5 of the LEP show that the site is located in close proximity to several heritage items including a Victorian period cottage located to the immediate south of the site and St Stephens Church Cemetery located further to the north of the site. An extract of the relevant LEP map is provided at Figure 17.

FIG 17: EXTRACT OF HERITAGE MAP



The State Heritage Inventory listing sheet provides the following Statement of Significance for these sites:

> ***Victorian Cottage I698***
>
> *A very good example of a Victorian style of residence that displays a high level of intactness of original detail and retains key features of its remnant garden setting. The dwelling exemplifies the range of building styles from the 1880's to the 1960's in Warwick Street Conservation Area.'*
>
> ***St. Stephen's Anglican Church, Hall and Cemetery - 206***
>
> *This Church is significant because of its excellent representation of early colonial buildings in the Gothic style. It is the 16th oldest surviving Church in NSW and has provided a place for continuous worship since 1839. The Church is a recognised landmark in the Penrith area. The graveyard has historic importance as the oldest cemetery in Penrith township and is of aesthetic significance for demonstrating a wide range of monument types, styles and materials and retains evidence for formal landscaped scheme.*

A detailed Heritage Impact Assessment has examined the impact of the development proposal on these items and concludes that the proposal is permissible on the site and fulfills Council's desired future character for the surrounding area. The impacts of the proposal on the setting of the adjoining Victorian period cottage at No. 163 Derby Street are managed by providing a setback from the common boundary that allows the retention of existing mature trees that contribute to the setting of the cottage and provides for the planting of new trees. The ground floor of the new building closest to the item lies below the level of the

cottage and the upper floors are setback. The elevation addressing the heritage item uses a limited material palette and is well articulated. The retention of mature canopy trees across the subject site and the planting of new ones means that the building will sit within the tree canopy. The existing view corridors towards this item at street level are retained. The public will still be able to view and appreciate this item as a Late Victorian period cottage set on a suburban allotment.

The proposal will have no impact upon the ability to understand the historic and social significance of the St. Stephen Church site as a mid-nineteenth century Church and cemetery. The proposed works will not impact on significant view corridors towards the Church site from the public domain. The proposed works will be visible in the middle distance from within the Church site. Buildings of this massing and scale will increasingly form part of the setting of the Church site. The impact is manageable because mature trees are retained on the site; the proposed new buildings, which are well designed and articulated, will lie within the tree canopy visible from the Church.

Accordingly, the development is not considered to cause any inconsistency with this LEP clause.

PART 6 URBAN RELEASE AREAS

Not relevant to the subject site or its development.

PART 7 ADDITIONAL LOCAL PROVISIONS

PROVISION	COMMENT
7.1Earthworks	Significant earthworks are required for the two basement levels. A geotechnical report has

	been prepared and identifies a series of recommendations that if implanted will ensure that the proposal will not have a detrimental effect on neighbouring properties or the local environment during the construction phase.
7.2 Flood planning	Advice from Penrith City Council indicates that the site is affected by 1% Annual Exceedence Probability (AEP) overland flooding. A detailed investigation on the flooding behaviour has been undertaken for the proposed development. Utilising the existing TUFLOW model received from Council, the study has determined the flood behaviour for the 1% AEP design storm. The primary flood characteristics reported for the design events considered include depths, levels and velocities. The study looked into the impact of the proposed development on the overland flooding behaviour and its impact on the flood levels both upstream and downstream. The study analyses the impacts of the development and demonstrates that: 1. The proposed residential development does not have any adverse impacts on the flooding elsewhere in the floodplain. This can be seen in the flood impact map (difference between post and pre

	site conditions) which shows that the proposed development does not increase the flood levels and hazards elsewhere in the floodplain. This indicates that there is no change in the flood conveyance and no loss in flood storage; 2. The proposed habitable areas are raised at or above the Flood Planning Level (FPL) of 36.0 AHD. 3. There is no risk of basement carparks being flooded as the entry of to the basement levels from both Evan Street and Lethbridge Street are free from flooding. 4. The fencing around the perimeter of the site will have 300mm bottom part as permeable to allow the conveyance of overland flows; The flood study therefore concludes the proposed buildings footprints do not displace the floodwaters in such a manner as to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.
7.4 Sustainable development	The proposal has given consideration to the sustainable development principles referred to in this clause. Key outcomes form the development that demonstrate sustainability are: • Retention of significant proportion fo

existing mature trees and their canopy cover which provides ecological values and reduces adverse impact from the urban heat island effect, which in turns reduces energy demands across the site.

- Orientation of dwellings in a manner that allows for excellent solar access to apartments and thereby reduces energy demands.
- A compliant BASIX Assessment Report accompanies the development.
- The stormwater plan integrates Water Sensitive Urban Design outcomes that demonstrate an improved local water quality impact.
- Site responsive design that raises the buildings above or at the FPL and buildings footprints and do not displace the floodwaters in such a manner as to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.
- A waste Management Plan that demonstrates sustainable measures including avoid, reduce and reuse principles.

7.6 Salinity	The proposal is unlikely to have an impact on the salinity processes or salinity likely to impact the development. There is no known salinity on the site.
7.7 Servicing	The site enjoys access to a full suite of urban services and utilities that are currently connected to the site, including water, sewer, telecommunication and energy. Upgrades may be required to accommodate the use and this will be confirmed with the relevant agencies prior to construction. Existing infrastructure within the area is considered sufficient to service the proposal in addition to contributions payable for local open space and district facilities.

6.1.6 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

This Policy aims to improve the design quality of residential flat development in New South Wales by identifying design quality principles as a means of evaluating the merit of residential elements of the proposed development.

To support the aims of the SEPP it introduces 9 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

A design verification statement has been prepared by the relevant architectural firm and accompanies the Development Application. This clearly enunciates the design rationale that has underpinned the development proposal and demonstrates that the identified design principles have been embodied in the development proposal.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in 1-3 bedroom housing choice and stock in the area.

An Apartment Design Guide (ADG) has also been adopted as part of SEPP 65 and represents a tool to assist planning and design of apartment developments. Accordingly, an assessment of the development against the objectives and design criteria identified by the ADG also accompanies the development application and form part of the architectural plan set. However, an overview and discussion of the key numeric criteria is provided at Table 1.

TABLE 1: KEY NUMERIC DESIGN CRITERIA COMPLIANCE

DESIGN CRITERIA		REQUIRED	PROVIDED
3D-1	**Communal Open Space**	25%	The site has a toral area of 6860m^2 and is therefore required to provide 1715m^2 of Communal Open Spaces (COS). The development includes five (5) separate COS areas which provide a total of 2892m^2 which represents 42.2% and therefore well exceeds the ADG design requirement and demonstrates that the development provides an excellent COS and landscape response for the site. The COS areas are described as follows:

CENTRAL COMMUNAL SPACE

The central communal open space will integrate the essence of the urban backyard with spaces provided for play, health and social interaction. Communal outdoor spaces with BBQ facilities and kitchen gardens will be central to the landscape for social gathering.

Play areas such as a playground and sensory gardens will harness opportunities for natural play amongst existing trees, with seating nooks and an outdoor library creating a sense of respite among the trees.

Open lawn areas and fitness zone will provide spaces for exercise and kick-about with fitness stations and basketball hoop; all of which capturing the sense of community.

SOUTH CORNER COMMUNAL SPACE

Located at the south eastern corner of the site the South Corner COS, provides a secluded communal area, that offers a quiet space with communal outdoor dining, lawn area and seating nooks.

EASTERN COMMUNAL SPACE

Continuing the urban backyard and extending off the central communal space, the eastern communal space provides an outdoor communal dining area with BBQ facilities adjacent to lawn areas that offers opportunities for lawn games or kick-about games as well as an off-leash dog area.

BUILDING A - LEVEL 4 COMMUNAL OPEN SPACE

Level 4 communal terrace will provide spaces that harness community living. It will feature BBQ facilities and a communal dining area with kitchen gardens; sheltered to help mitigate weather elements such as sun and wind.

Raised and layered planting frame the terrace and integrated with bench seating will provide spaces for individual respite and relaxation.

A lawn area is also provided for gathering and passive recreation such a Yoga and Tai Chi.

BUILDING A - LEVEL 5 COMMUNAL TERRACE

Level 5 communal terrace will provide spaces that create opportunities for both individual respite and social interaction. The terrace will feature BBQ facilities and a communal dining

			table framed by a pergola structure to help mitigate weather elements such as sun and wind. Raised and layered planting will encapsulate seating areas such as bench seating and table settings providing spaces that are amongst a lush green and gardenesque setting.
3D-1	**Communal Open Space**	50% Direct sunlight to principle part of COS for 2 hours in mid-winter periods.	The 'Central' COS area represents the primary COS for the site. This COS will receive full solar access in mid-winter periods between 12-3PM. Other COS area including the 'Eastern' and 'Level 5' COS will receive excellent solar access for several hours throughout mid-winter and afternoon and morning periods respectively.
3E-1	**Deep Soil Landscape**	The site has an area of 6860m^2, therefore requires 480.2m^2 (7%) of deep soil area with a minimum dimension of 6m	The development provides 2404m^2 (35%) of deep soil landscape area which well exceeds the minimum required by the ADG. These deep soil area spaces are intentionally provided at the most critical locations on the site, being the central green spine area, lengthy eastern boundary, frontage to Evan St and shared boundary with the adjoining heritage item. These important spaces will provide highly visible landscaping at those locations which will provides screening of the built forms and an attractive streetscape presentation together with high amenity COS areas. All the identified deep soil areas provide a minimum dimension of 6m and generally well exceed that dimension.
3F-1	**Building Separation**	**<u>Buildings within the Site</u> (= double the ADG requirement)**	
	Up to 4 storeys:	• **12m** between habitable rooms/ balconies	• 18m between Building A and B • 17.980m in the U shape of Building A
		• **6m** between non-habitable rooms	• NA to Building A and B • 17.980m in the U shape of Building A
	5-8 Storeys	• **18m** between habitable rooms/ balconies	• 18m between Building A and B • 17.980m in the U shape of Building A
		• **9m** between non-habitable rooms	• NA between Building A and B • NA to U shape of Building A
	Building Separation	**<u>Side and rear boundaries</u>**	
	Up to 4 storeys:	• **6m** between habitable rooms/ balconies	<u>Building A:</u> • 6.0m to south • 15.715m to north • 6.0m to east

		Building B: • 6.0m to west • 6.005m to east
	• **3m** between non-habitable rooms	Building A: • 6.0m to south • NA to north • 6.0m to east Building B: • 6.0m to west • 6.005m to east
5-8 Storeys	• **9m** between habitable rooms/ balconies	Building A: • 9.0m to south • 15.715m to north • 14.965m to east Building B: • 9.0m to west • 9.0m to east
	• **4.5m** between non-habitable rooms	Building A: • 9.0m to south • NA to north • 14.965m to east Building B: • NA to west • NA to east
		General Comments The above assessment reveals that the development generally complies with the ADG requirements for all building setbacks within the site and outside the site boundaries. Indeed, the development generally provides much larger than required setbacks to the southern boundary and between Building A and B and Building A and the northern boundary as part of a site responsive design approach that: • Provides strong visual curtilages to the adjacent heritage item • Allows for retention of existing mature trees at the southern boundary and within the central green spine • Provide for overland flow through the central section of the site • Provide excellent solar access and visual amenity internal to the site

			The only non-compliances relate to a 20mm non-compliance between the habitable rooms in the U shape to levels 5-6 of Building A. The scale of this non-compliance is so minor that it will be illegible in the urban environment and will have limited adverse impact upon privacy and amenity of the four apartments that impacts. Nevertheless, the full-length vertical privacy screen shave been included at strategic locations on those relevant balconies to restrict direct overlooking and ensure suitable levels of privacy are maintained. Accordingly, when the minor non-compliance is considered in the context of the generous setbacks provides then it can be concluded that adequate building separation distances are provided to achieve reasonable levels of external and internal visual privacy and therefore that objective 3F-1 of the ADG's is achieved.
4A-1	**Solar access to living rooms and POS**	Minimum 70% of apartments achieves 2-hour in mid-winter Maximum of 15% of apartments receive no direct sunlight	A total of 93 (70%) apartments achieve the 2 hours or more solar access requirement, which therefore achieves the relevant Design Criteria. Only 17 (13%) of the apartments will receive no direct sunlight between 9AM-3PM. This also achieves the relevant Design Criteria. Compliance with both of these Design Criteria is demonstrated as part of the accompanying plans that forms part of the plan sets.
4B-3	**Natural ventilation**	Minimum 60% of apartments No cross over apartments have a depth of greater than 18m	81 (61%) of apartments will achieve the cross-ventilation requirement through the predominant use of numerous corner and dual aspect apartments as part of the floor planning. The use of ventilated skylights is also used for apartments at level 5 in Building A and level 4 of Building B. No cross over apartments proposed.
4D-1	**Minimum apartment size:** **Studio** **1 bedroom** **2 bedroom** **3 bedroom**	 35m^2 50m^2 70m^2 90m^2	The development provides the following minimum apartment sizes: NA 50m^2 72m^2 98m^2

			All minimum apartment sizes are achieved, with the remaining apartments well exceeding the minimum size.
4E-1	**Minimum private open space and balconies** **Ground floor/podium** **Studio** **1 bedroom** **2 bedroom** **3+ bedroom**	 $15m^2$ $4m^2$ $8m^2$ $10m^2$ $12m^2$	The development provides the following minimum POS and balcony areas: The development provides 25 units with balconies/terraces at the ground floor level that range from 15-$30m^2$. This achieves, and in most cases, well exceeds the Design Guide requirement. NA $8m^2$ $10m^2$ $14m^2$
4G-1	**Minimum storage areas:** **Studio** **1 bedroom** **2 bedroom** **3+ bedroom**	 $4m^2$ $6m^2$ $8m^2$ $10m^2$	The development provides the following minimum storage areas for internal and external areas: NA ($3m^2$ + $3m^2$) = $6m^2$ $4m^2$ + $4m^2$) = $10m^2$ ($5m^2$ + $5m^2$) = $10m^2$
4Q-1	**Universal Design - Livable Housing Guidelines**	20% - Silver Level universal design	27 apartments or 20%

6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have released a Draft SEPP (Environment) that seeks to protect and manage our natural environment. This Draft SEPP applies to the subject site.

However, the Draft SEPP does not necessarily seek to introduce new planning controls but rather simply seeks to consolidate several SEPP's including SREP 20 – Hawkesbury Nepean.

Accordingly, the development proposes no inconsistency with that Draft SEPP. There are no other known Draft Planning Instruments relevant to the site or its development.

6.3 THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN

PENRITH DCP 2014

An assessment against the relevant sections of the DCP is provided below:

C1: SITE PLANNING AND DESIGN PRINCIPLES
Detailed site and contextual analysis plans accompany the application. The design methodology was discussed and resolved with the Council at its Urban Design Review Panel. No fundamental objection was raised to the proposed design approach and it is considered that the development provides a suitable site responsive design. A Crime Prevention Through Environmental Design (CPTED) assessment is provided at section 6.7.2 of the report and demonstrates that the development incorporates design elements that reduce the likelihood of crime being committed both on site and within its vicinity.
C2: VEGETATION MANAGEMENT

The site currently provides a generous tree and canopy coverage represented as 121 trees and the design principles that underpin the development have sought to retain as much of that vegetation as possible to retain the local streetscape character and landscape values that those trees provide.

However, arboricultural assessment has informed the design and demonstrated that many of the tree have poor health, and structural conditions etc and therefore have limited retention value.

Further, select tree removal is required to accommodate proposed built forms, basements and stormwater management infrastructure.

The development proposes to remove 89 trees across the site. All other remaining trees will be retained as an integrated as part of the development (See Figure 18) and the arborist assessment has demonstrated that Tree Protection Zones and even scaffolding buffers will allow for that retention even during the construction phase of development.

A Landscape Concept Plan also accompanies the application and provides for a mix of planting that will replace the vegetation removed as well as providing new plantings that will provide an integrated vegetation management response across the whole site.

C3. WATER MANAGEMENT

Advice from Penrith City Council indicates that the site is affected by 1% (AEP) overland flooding.

In response the proposed habitable areas are raised at or above the Flood Planning Level (FPL) and flood modelling demonstrates that the proposed buildings footprints

do not displace the floodwaters in such a manner to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.

A stormwater management plan has been prepared and this provides satisfactory outcomes for the management of both stormwater quality and volumes generated by the development.

The management plan also demonstrates achievement of WSUD outcomes required by Council.

C4 LAND MANAGEMENT

Standard construction measures shall be implemented to ensure the site is protected from erosion and sedimentation during that stage of development.

An erosion and sedimentation control plan is provided as part of the development application.

The site presents no current or historical use that presents potential for contamination.

C5.WASTE MANAGEMENT

The development is accompanied by a waste management plan that has three key objectives, as follows:

- **Ensure waste is managed to reduce the amount of waste and recyclables to land fill** by assisting residents to segregate appropriate materials that can be recycled; displaying signage to remind and encourage

recycling practices; and through placement of recycling and waste bins in the retail precinct to reinforce these messages.

- **Recover, reuse and recycle** generated waste wherever possible.
- **Compliance** with all relevant codes and policies.

The development provides facilities that will provide clean and well segregated waste materials. These facilities include waste chutes, compactors, storage rooms, and a turntable that provides suitable access for waste collection vehicles**.**

C6. LANDSCAPE DESIGN

A detailed Landscape Concept Plan accompanies this application. The provisions of SEPP 65 have been considered in respect of the landscaping proposed.

The landscape plan seeks to retain significant amount of the existing tree canopy cover including a green spine that runs through the central sections of the site. This green spine is a central organising element of the entire development. The landscape plan also proposes significant new mature planting that will strengthen the character of the place and provide high amenity and visual quality to the streetscape and site itself.

C7. CULTURE AND HERITAGE

The site is not listed as accommodating any items of heritage significance but the relevant LEP mand Schedule 5 of the LEP show that the site is located in close proximity to several heritage items including a Victorian period cottage located to the immediate south of the site and St Stephens Church Cemetery located further to the north of the site.

A detailed Heritage Impact Assessment has examined the impact of the development proposal on these items and concludes that the proposal is permissible on the site and fulfills Council's desired future character for the surrounding area and will have no significantly adverse impact upon the heritage conservation values of those items.

C10. TRANSPORT ACCESS AND PARKING

TRAFFIC GENERATION

The site enjoys good access to the metropolitan rail network being located approximately 950m form Penrith Rail Station.

The sites location with good proximity to Jamison St, Parker St and Great Western Highway also presents an excellent opportunity to access the regional road network and the local bus services. Accordingly, the area is considered to have excellent access to public transport services.

It is likely that the proposed development will result in a nett increase in the traffic generation potential of the site of approximately 21 vph during the AM peak hour, and 15 vph during the PM peak hour as set out below:

Projected Nett Increase in Peak Hour Traffic Generation Potential of the Site as a Consequence of the Development Proposal

	AM	PM
Projected Future Traffic Generation Potential	25.3 vph	20.0 vph -
Less Existing Traffic Generation Potential:	-4.8 vph	-5.0 vph
NETT INCREASE IN TRAFFIC GENERATION POTENTIAL	**20.5 vph**	**15.0 vph**

That projected nett increase in traffic activity as a consequence of the development proposal is minimal, consistent with the zoning objectives of the site, and will clearly not have any unacceptable traffic implications in terms of road network capacity.

Car Parking Requirements

Application of the above car parking rates to the 133 residential apartments outlined in the development proposal yields a minimum off-street car parking requirement of 166 resident spaces, 27 visitor spaces, 3 service spaces and 3 carwash bays, as set out below:

Residents (133 apartments):	161 spaces
Visitors:	27 spaces
Service Vehicle:	3 spaces
Carwash Bay	3 spaces
TOTAL:	**194 spaces**

The proposed development makes provision for a total of 211 off-street car parking spaces including 27 visitor spaces, 3 service spaces and 3 car wash bays in a multi-level basement car parking area which are to be allocated in accordance with DCP car parking rates, thereby satisfying Council's car parking code requirements.

Parking Layout

The geometric design layout of the proposed car parking facilities has been designed to generally comply with the relevant requirements specified in the Standards Australia publication Parking Facilities Part 1 - Off-Street Car Parking AS2890.1:2004 and Parking Facilities Part 6 - Off-Street Parking for People with Disabilities AS2890.6:2009 in respect of parking bay dimensions, aisle & driveway widths, ramp grades & grade transitions, and overhead clearances.

Bicycle Parking

Application of the above bicycle parking requirements to the 133 residential apartments outlined in the development proposal yields a minimum off-street bicycle parking code requirement of 27 resident spaces and 7 visitor spaces.
The proposed development makes provision for a total of 34 bicycle parking spaces located in a dedicated bicycle storage room on basement level 1, thereby satisfying Council's bicycle parking code requirements.

Loading / Servicing Provisions

The proposed new residential apartment building is expected to be serviced by Council's waste contractor using a 9.7 metres long rigid truck.
A dedicated servicing area is proposed at the end of the basement entry ramp, which will be equipped with a truck turntable to facilitate these 9.7m trucks to turn around on site to be able to always enter and exit the site in a forward direction, as demonstrated by the attached *swept turning path* diagrams.

The geometric design layout of the proposed service area has been designed to comply with the relevant requirements specified in the Standards Australia publication *Parking Facilities Part 2 - Off-Street Commercial Vehicle Facilities AS2890.2* in respect of loading dock dimensions and service area requirements for a 9.7m long rigid truck.

C12. NOISE AND VIBRATION

The development is not exposed to any significant noise sources such as major road or railways and does not generate any significant new noise sources. However, increased activity on site will generate potential noise impacts to adjoining and nearby residents from car movements, communal open space areas, and use of mechanical plant and equipment.

An acoustic report has been prepared and indicates that noise at those receiver locations is predicted to comply with all relevant noise criteria subject to the implementation of recommendations including:

- Limit use of COS areas to 7AM-10PM on weekdays and 8AM-10PM to weekends.
- A 1.39m solid balustrade to be provided to the COS at level 4 and 5.
- Waste collection occur within specified hours
- On site mechanical plant comply with identified criteria

Short term noise impacts will also be generated throughout the construction phase however, any significantly adverse impacts can be managed as part of the preparation and implementation of a construction noise management plan.

C13. INFRASTRUCTURE AND SERVICES

The site is located in an established urban area and as such enjoys access to full suite of urban infrastructure and services including, water, energy utilities, telecommunication.

D2 RESIDENTIAL DEVELOPMENT

2.5 Residential Flat Buildings

DCP Control	Required	Provided	Comment
2.5.3 Minimum lot width in R4 zone	20m	56.84m to Evan St and 31.09m Lethbridge St.	Complies
2.5.5 Landscaped Area in R4 zone	35%	46.4%	The development provides substantial landscaping across the site that well exceeds the required landscaped area.

			This includes 2404m^2 (35%) of deep soil landscape area which significantly exceeds the SEPP 65 ADG requirement and a further 787m^2 of landscaping over the slab in three locations.
2.5.6 Front and Rear Setbacks			
Rear setback	6m	Minimum 6m to the south and minimum 6m to the eastern boundary	The site has an irregular shape which makes identification of rear and side boundaries difficult. Nevertheless, the development provides 6m setbacks to all boundaries that could be interpreted to be a rear setback.
Front setback	5.5m or average of immediate neighbours (whichever is the greater)	8.79m minimum setback to Lethbridge St.	The site has an irregular shape which makes identification of primary and secondary setback difficult. Typically for a corner lot the narrower frontage represents the front setback and the longer setbacks is determined to represented the secondary setback. This same methodology is referenced at Section DCP D2 - 2.5.11(2)-(3). In this context, the two adjoining dwellings at the Lethbridge St frontage have a front setback of approx. 6.4m and 6.2m (average = 6.3m). The proposed minimum setback of 8.79m therefore well achieves this DCP control.
Secondary setback	5.5m	5.5m to Evan St.	Three of the existing dwellings in the Evan St streetscape (including one of the dwellings on the subject site) provide front setbacks of 4m, 4.5 and 5m. The arborist report demonstrates that the proposed 5.5m setback to Evan St will allow for retention for street trees even with a 1.5m scaffolding buffer zone. The propose 5.5m setback to Evan St therefore represents a compliant and suitable response for the subject site.

6.4 IMPACT ON NATURAL ENVIRONMENT

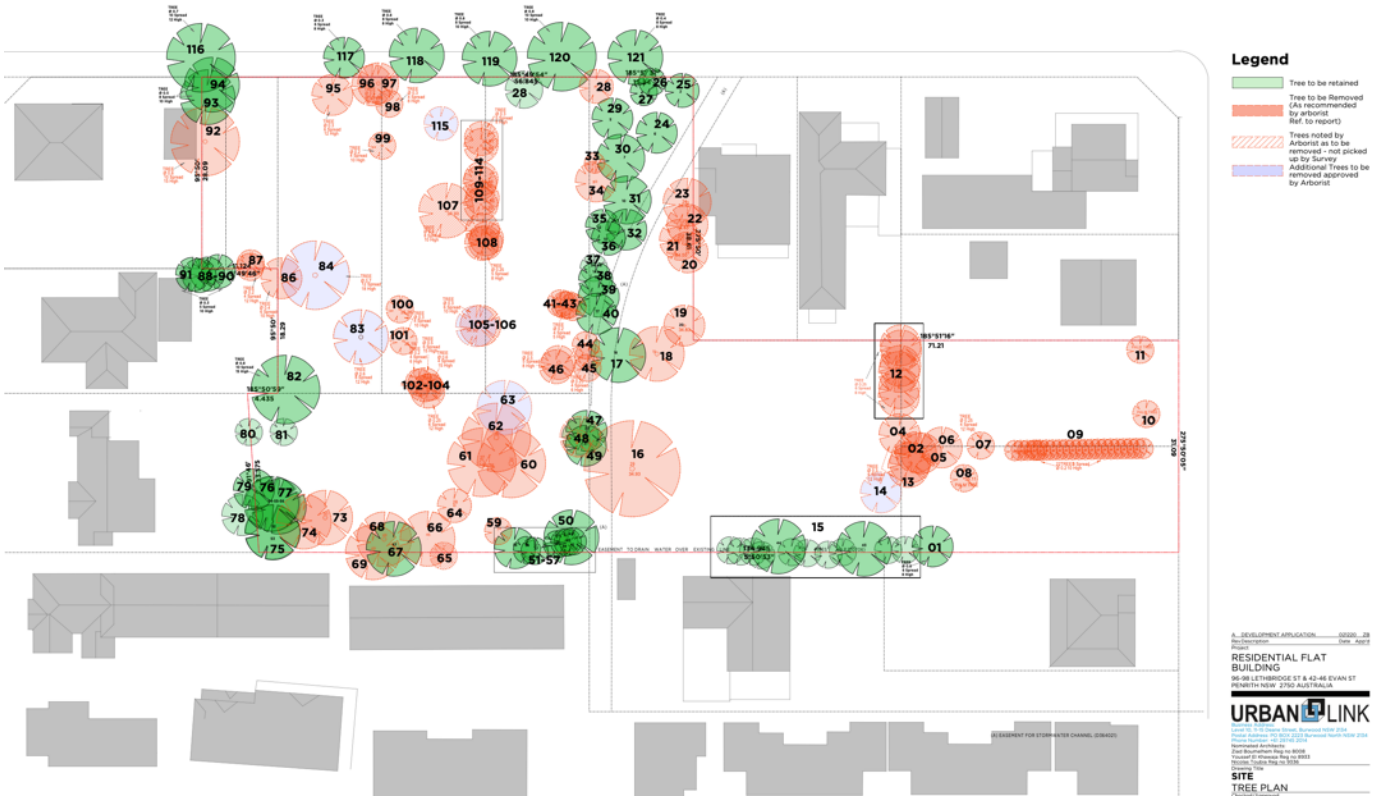
6.4.1 FLORA AND FAUNA

The subject site represents a large parcel of land within an established urban area and as such has experienced significant site works as part of previous development over many decades. Accordingly, it accommodates limited natural or ecological values.

However, it does accommodate stands of mature and established trees located particularly in its central and southern section together with other garden type vegetation extending across other sections of the site. A trees survey has identified 121 trees on site and immediately adjacent boundaries.

An arborist report has identified which trees are able to be retained on site, however further tree removal is required because of poor structure or longer-term health. The development therefore results in the removal of 89 trees.

FIG 18: TREES FOR REMOVAL + RETENTION



Despite the proposed tree removal, the development actually seeks to retain over many of the larger and more important trees and therefore retains 40% of the tree canopy and the development allows for tree protection zones that will ensure the development does not adversely impact upon those retained threes during the construction and post construction phase of the development. In addition, the development will provide extensive new tree plantings that will provide shade throughout open spaces and therefore mitigating the site urban heat island effect.

6.4.2 WATER MANAGEMENT

The development provides a site responsive design that raises the building above or at the FPL and buildings footprints that do not displace the floodwaters in such a manner to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.

It is also accompanied by a detailed stormwater plan that manages all waste-waters in a manner consistent with Council policies and controls inclusive of WSUD outcomes.

This ensures no adverse impact is caused to local or broader water quality.

6.4.3 SOIL MANAGEMENT

Refer to Section 6.1.2 for the SEPP 55 assessment with regard to potential soil contamination.

Further, an Erosion and Sedimentation Control Plan accompanies the development application and ensures the development provides appropriate soil management and sedimentation control.

6.4.4 NOISE & VIBRATION

The development is not exposed to any significant noise sources such as major road or railways and does not generate any significant new noise sources. However, increased activity on site will generate potential noise impacts to adjoining and nearby residents from car movements, communal open space areas, and use of mechanical plant and equipment.

An acoustic report has been prepared and indicates that noise at those receiver locations is predicted to comply with all relevant noise criteria subject to the implementation of recommendations including:

- Limit use of COS areas to 7AM-10PM on weekdays and 8AM-10PM to weekends.
- A 1.39m solid balustrade to be provided to the COS at level 4 and 5.
- Waste collection occur within specified hours
- On site mechanical plant comply with identified criteria

Short term noise impacts will also be generated throughout the construction phase however, any significantly adverse impacts can be managed as part of the preparation and implementation of a construction noise management plan.

6.4.5 AIR AND MICROCLIMATE

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material

tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions.

The retention of large elements of the existing tree canopy and provision of new plantings will also greatly assists mitigate adverse impacts from the urban heat effect and therefore maintains a suitable microclimatic response.

6.4.6 SUSTAINABILITY

Sustainability has been a fundamental objective of the entire design process.

The proposal has given consideration to the sustainable development principles referred to in this clause. Key outcomes form the development that demonstrate sustainability are:

- Retention of significant proportion of existing mature trees and their canopy cover which provides ecological values and reduces adverse impact from the urban heat island effect, which in turns reduces energy demands across the site.
- Orientation of dwellings in a manner that allows for excellent solar access to apartments and thereby reduces energy demands.
- A compliant BASIX Assessment Report accompanies the development.
- The stormwater plan integrates Water Sensitive Urban Design outcomes that demonstrate an improved local water quality impact.

- Site responsive design that raises buildings above or at the FPL and provides buildings footprints does not displace the floodwaters in such a manner as to impact on the flooding behaviour in terms of loss of flood storage, increase in velocity and risk.

- A waste Management Plan that demonstrates sustainable measures including avoid, reduce and reuse principles.

These outcomes demonstrate that the development will present an ecological footprint of a far lesser scale than traditional housing, more commonly provided for within the LGA.

6.5 IMPACT ON BUILT ENVIRONMENT

6.5.1 LOCAL CHARACTER

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its proximity to the Penrith CBD, transport links, Nepean Hospital and therefore integrate transport and land use outcomes.

Accordingly, the site sits within a precinct that is undergoing significant change as demonstrated by the numerous emerging apartment development in the local area.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The proposed development of the site has been undertaken with due consideration of the future development of the neighbouring properties. As discussed above, the proposed development 'shares' the obligations as specified in SEPP 65 and the ADG with regard to building separation and ensuring neighbouring properties have the opportunity to achieve solar access and privacy.

In particular, the development adopts a site responsive layout which deliberately seek to the following:

- splits the proposed built form in two building footprints in response to overland flows and existing located trees in the central area of the site
- Provide generally four storeys at side boundaries and with a recessed upper fifth storey
- Increased setbacks to upper floor area of the heritage item located to the south of the site
- Creation of a green spine through the central section of the site to provide COS and excellent amenity for residents
- Creation of curved edges to the buildings to create an 'organic' built form
- Additional curved recesses provided to building facades to create building articulation and highlight building entries
- Provide significant additional COS areas beyond required t provide high quality amenity and to reflect and capture the prevailing local landscape character of the site.

These design responses ensure that the development proposal represents a suitable development option of the site, which is consistent with the desired future character of the precincts high density residential zoning.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The subject site sits with an area that has experienced previous urban renewal and is planned to go through further change and growth. As such the immediate locality comprises a mix of residential developments, including apartment buildings up to 5 storeys in height. Many of the adjoining and properties are yet to be developed to their full potential, however numerous nearby sites have apartment development that has either been approved or is currently under construction. The development is therefore representative of both the desired future and future character of the area.

The sites configuration also allows for assembling much of the building volume deep into the site where it sits behind existing built forms and has a more limited visual presence in that streetscape. This is demonstrated by the elevated perspective image provided at Figure 19.

Despite that site configuration, the site still has a direct interface with two streets and the development provides the following design response to each of those as follows:

- The Lethbridge Street interface will provide a generous minimum setback of 8.79m metres mitigating the developments sense of scale from the existing street. This generous setback

allows for integration into the existing surrounding 'front yard' landscape, creating a green arrival for residents and visitors. Low planting and trees maintain views and vistas between the street and ground level terraces providing a sense of privacy and safety while creating opportunities for community/neighbour interaction as the local front yards in the areas have traditionally fostered.

- The Evan Street interface will celebrate the existing mature street trees and Evan Street's existing green setting. With a generous setback of 5.5 metres that allows for retention of existing street trees and trees within the site. The developments street presence will harness the idea of the green arrival, integrating low shrub and terraced planting with small open lawn areas celebrating the suburban front yard and harnessing opportunities for community and neighbour interaction while providing privacy and safety at street level.

FIGURE 18: ELEVATED PERSPECTIVE FROM THE SOUTH

6.5.2 BUILDING ENVELOPE

The built form itself provides site planning, massing and building modulation that responds to both the key natural assets of the site and its interface with two local streets.

The splitting of the development into two built forms also assists in breaking up the mass and volume of the built form across the site as well as providing additional amenity through solar access and natural light penetration to future residents.

The use of basement car parking with separate vehicle access and entry at the perimeters of the site reduces the visibility of these features and also allows for significant landscaping areas (46.4%) of the site.

The design is sensitive to maintaining the amenity of current and future neighbouring developments by providing a built form which enables suitable building separation, and placement of habitable rooms and windows and private open spaces in areas that will limit opportunities for adverse visual privacy caused by overlooking. The building separation is compliant with the ADG's and particularly with the side and rear boundaries where the potential for adverse impacts of are the greatest.

The landscaping plan also seeks to maximise opportunities for large canopy trees throughout the site to screen the building and reduce the visual scale of the building envelope.

6.5.3 DESIGN AND AESTHETICS

The proposal provides a contemporary built form, which is appropriate in terms of bulk, density and scale in the desired local context. This is

achieved by providing a residential development which responds and reflects recent approval on adjacent and nearby sites.

The built forms incorporate a mixture of architecture detailing which creates an interesting and attractive relationship with the surrounding streetscape and proposed landscaping.

The development proposal relates to the street by retaining numerous existing street tress and supplementing these with significant new plantings. It also provides a direct interface and pedestrian access to both Evans St and Lethbridge St as well as large ground floor terraces that will activate those street edges.

This design and appearance of both buildings is also enhanced by the use of varying façade elements across all sections including variations in height of solid and transparent elements and corresponding variations in colour and materials as identified in the accompanying schedule of external finishes.

6.5.4 SOLAR ACCESS

The site has an irregular shape including a lengthy north south axis and broad east-west axis which provides good opportunity to afford excellent solar access to the development and its built forms and COS.

The development responds to this orientation by providing the largest built form (building A) in a manner that is orientated directly to the north with deep balconies as well as providing internal living areas located directly adjacent to those private open space.

The smaller building (Building B) although located in front of the larger building provides a generous setback that ensure excellent solar access sis maintained and then utilises that space to provide the main

COS with excellent solar access throughout the year therefore affording excellent amenity to residents of the site.

Building B is orientated to the north-east which ensures that it provides a good solar access outcome.

In total, 70% of all apartments will achieve the 2 hours or more solar access between 9AM-3PM in mid-winter.

6.5.5 OVERSHADOWING

Shadow diagrams accompany the proposed development and demonstrate that the development results in signfiant additional overshadowing due to the increased scale of the development compared to the existing single storey dwellings located on the subject site.

As shown on the shadow diagrams on June 21 the buildings will primarily cast shadows over the dwellings and rear yard POS areas of the immediately adjacent dwellings as follows:

- Derby and Evan St in the morning
- Derby St in morning and midday
- Derby St and Lethbridge St in the afternoon

Nevertheless, these adjacent dwellings In Evan St and Lethbridge St will still receive good solar access in the midday to lunch and morning to lunch periods respectively. Accordingly, for these adjacent dwellings in Evan and Lethbridge St the proposal does not result in any unacceptable or significantly adverse overshadowing impacts.

However, the overshadowing to the adjacent Derby St dwellings is more problematic because those dwellings are located to the immediate south of the subject site, and the non-compliance with the building height exacerbates the extent of overshadowing throughout the day.

In this regard, the shadow diagrams demonstrate the extent of additional shadowing arising as a consequence of the non-compliant building height and that this results in increased shadowing in the rear yards of these adjacent sites in Derby St (see Figure 20). Importantly, the additional overshadowing caused by the non-compliant building height has inconsequential impacts to adjacent development in Lethbridge and Evans St.

However, each of those Derby St sites have a long-term historical use (over several decades) and indeed are currently operating as health professional facilities with their rear yard areas fully occupied by formal car parking areas. This is demonstrated at Figure 21. Therefore, despite the increased overshadowing, these sites will not experience any loss of solar amenity.

Accordingly, it can be concluded that development will not cause any adverse overshadowing impacts to existing adjacent development and certainly nothing beyond what would have been contemplated by Council when it introduced the high-density residential zone development with a 18m maximum height.

FIGURE 20: INCREASED SHADOWS AS A CONSEQUENCE OF VARIATION OF HEIGHT OF BUILDING STANDARD

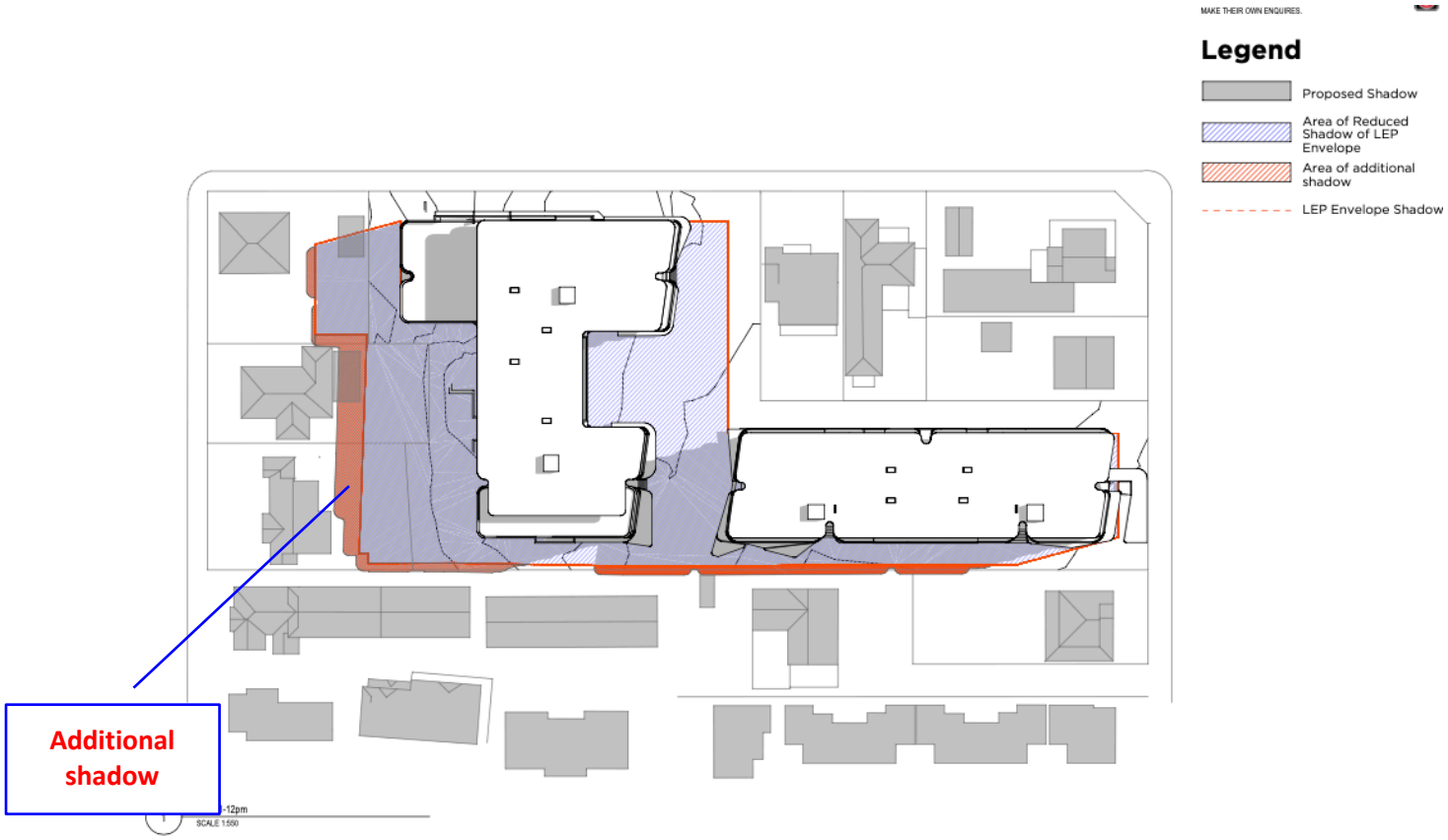


FIGURE 21: PARKING AREAS IN REAR YARD OF LOTS TO THE SOUTH OF THE SUBJECT SITE

163 Derby St

161 Derby St

159 Derby St

6.6 ECONOMIC IMPACT

The development will confirm the sites roles as part of the important Nepean health and education precinct and therefore assist realise the economic advantages that precinct will bring to the region.

The proposal is considered to have only positive impacts on the local economy through the creation of new employment opportunities during both the construction stage of the development.

6.7 SOCIAL IMPACT

6.7.1 HOUSING CHOICE

The development seeks to provide new diverse and affording housing opportunities by providing 1,2 and 3 bedroom units in a housing typology that is currently not widely available within the LGA.

6.7.2 CRIME AND SAFETY

Crime Prevention through Environmental Design (CPTED) is a recognised model, which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. The proposal has been designed to take into consideration these principles as follows:

Surveillance: *This principle provides that crime targets can be reduced by effective surveillance, both natural and technical.*

The scale of the development together with dwelling orientation will ensure that development provides passive surveillance opportunities to the street and its new public domain areas.

The layout of the development also provides a meandering path that links all movement paths and COS areas through the site and affords lines of sight between public and private spaces, which will be maintained during the night by a suitable lighting scheme.

Access Control: *This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.*

Whilst the site is very large, its configuration is such that it provides a relatively limited interface with both Evan St and particularly Lethbridge St.
This narrow interface allows for just limited and key pedestrian entry points into the site that will provide effective access control.
points into the site.

A series of meandering pathways throughout the site connects the key entry points and guide users to and from building entries and through interconnected communal spaces at ground level.

Secure access to all lobby areas, lifts and car park will be provided by the use of proximity cards and card readers. These cards and the car reader system will be able to provide differing access for individual users and will also be sensitive to different access and security regimes at different times throughout the day and over weekend and holiday periods.

Territorial Reinforcement: *This principle provides that the 'ownership' of spaces increases the likelihood of safety of that space as well-used places reduce opportunities for crime and increase risk to criminals.*

There is a clear delineation between the public street and footpath verge, and private areas through the use of both fencing and landscaping. This provides an access barrier and therefore security to the site and reinforces the distinction between the public and private domain. This is best represented by the streetscape interface cross section provided at Figure 22.

Space Management: *This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.*

The development proposes to be supported by a detailed Strata Management Scheme that provides a management regime that allows for the on-going maintenance of lighting, and security systems and will also provide for the swift removal of graffiti etc.

FIGURE 22: LETHBRIDGE ST GROUND LEVEL INTERFACE

6.7.3 ACCESSIBILITY

Penrith Council requires the provision of 10% Adaptable units and therefore the development proposes 14 (10.5%) Adaptable units and 14 accessible parking spaces.

In addition, 20 units or 27% will be provided as *Livable Housing Silver Level.*

The development complies with the requirements of Access Code of Disability (Access to Premises-Building) Standards 2010, the Disability Access relevant sections of Building Code of Australia 2016, and the requirements of SEPP 65 related to Objective 4Q1 - Livable Housing and the essential criteria of AS4299-Adaptable Housing.

6.8 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The subject site has limited exposure to local flooding and is not exposed, bushfire, contamination or any other known hazard and enjoys access to a full suite of urban services and utilities.

It is a large and under-developed parcel of land within close proximity to major transport nodes, including Penrith CBD and the Nepean District Hospital and adjoining health precinct.

The site has recently been up-zoned in recognition of its potential to create a valuable new urban renewal opportunity that capitalises on its ability to integrate transport and land use outcomes.

It is therefore considered that the subject site is ideally suited to the proposed development.

6.9 THE PUBLIC INTEREST

The redevelopment of the site provides an important urban renewal opportunity that will provide the following public interest benefits:

- Site responsive design
- Retention of existing trees
- Conservation of local heritage items
- Diverse housing
- Affordable housing
- Accessible housing
- Integration of land use and transport
- Contributions payable for improvement to local infrastructure and facilities

The benefits provided by the proposed development outweigh any potential negative impacts and is therefore in the public interest.

7.0 CONCLUSION

The application seeks council consent to the redevelopment of the site for a new apartment development.

The development proposal responds to both state and local planning strategies inclusive of the metropolitan strategy, by integrating transport and land use outcomes.

The report provides an assessment against the relevant planning framework and demonstrates general consistency with the aims, objectives and provisions of that framework inclusive of Penrith LEP 2010, its DCP and the SEPP 65 Apartment Design Guide.

A request to vary a development standard is provided in response to a building height non-compliance and demonstrates that strict compliance with the standard is unnecessary and unreasonable in the circumstances of the case.

The development, will cause no significantly adverse environmental impact, provides a positive impact upon the built environment and makes an efficient and economic use of existing land and infrastructure.

As such it is considered there is good reason for Council to approve the subject Development Application.