



# Statement of Environmental Effects

Construction of 27 New Dwellings (26 with Studios) and Torrens Title Subdivision

1 Charlotte Street, Jordan Springs

October 2017

Benaiah



## Statement of Environmental Effects

Statement of Environmental Effects prepared by:

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### Land and Proposal Details

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Subject Site: Lot 14, DP 1195110, 1 Charlotte Street, Jordan Springs  
Proposal: Construction of 27 New Dwellings (26 with Studios) and Torrens Title Subdivision



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**Warwick Stimson** MPlA CPP  
Director



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# 1 Project Summary

The following table summarises the proposed development.

Project Element	Summary of Project
Project Site Area	6,949.8sqm
Site Description	Lot 14 DP 1195110, 1 Charlotte Street, Jordan Springs, NSW 2747
Proposed Development	<p>Construction of 27, three storey dwellings</p> <p>Construction of 26 one bedroom studio units above garages</p> <p>Associated Torrens Title subdivision to create 27 lots (total of 5,218.88sqm), two residual lots (799.3sqm and 931.62sqm) and access road</p> <p>Associated cut and fill</p> <p>Associated landscaping</p>
Waste Management	Council collection via roadside pick up
Capital Investment	\$7,979,050.00

## 2 Introduction

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### 2.1 Project Overview

Stimson & Baker Planning has been engaged by Benaiah to prepare a Statement of Environmental Effects in relation to a proposed construction of 27 new dwellings on the property known as 1 Charlotte St, Jordan Springs.

The proposed development includes the necessary earthworks (cut and fill) and the construction of the dwellings, 26 of which will also include a one-bedroom studio above the garage. Torrens title subdivision is proposed, and this will also create two residual lots for future development.

The site is zoned *Urban Zone* under *Sydney Regional Environmental Plan No 30 – St Marys* with the proposal, defined as ‘housing’, being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained.

Furthermore, it is noted that the site and works proposed is within 40m of a mapped watercourse. Accordingly, this application will need to be referred to the NSW Office of Water for comment and General Terms of Approval to be issued prior to consent being granted.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council’s LEP and DCP, and Section 79C(1) of the EPA Act.

### 2.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.
- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

## 2.3 History of the Application

### 2.3.1 Pre-Lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held with the relevant officers at Penrith Council on 17 August 2017 where a range of issues was discussed. Whilst it was considered that the proposal could be supported, this Statement of Environmental Effects and accompanying information addresses the technical and planning compliance issues raised in that meeting and in summary include:

Key Issue	Requirement for Consideration
<b>PLANNING REQUIREMENTS</b>	
<i>Integrated development</i> The application is integrated with the Office of Water under the Water Management Act given the proposed development is within 40 metres of a mapped watercourse.	Noted.
<i>Urban Design</i>	<p>In terms of design, the most appropriate configuration is proposed in the submitted plans. Dwellings present onto major thoroughfares and areas of open space, in turn providing excellent passive surveillance. The proposed access road accommodates vehicle entry to each dwelling, however benefits from the placement of studio apartments above garages – again providing passive surveillance, and through the use of a mix of materials and finishes, a varied and articulated streetscape presentation.</p> <p>Because of the alignment of the site, the development configuration is the most appropriate and efficient and this creates north-south aligned properties. Dwelling on the southern side of the access road benefit with private open space presenting to the north, while dwelling on the northern side of the access road allow light into main living areas.</p> <p>The access road layout and intersection placement has been finalised based on Council's advice and provides for an appropriate and safe level of access to and through the development.</p>
<b>ENGINEERING REQUIREMENTS</b>	
	<p>Stormwater design has been completed that is consistent with Council's requirements for subdivision.</p> <p>Additionally, traffic arrangements are proposed that consider appropriate lines of connectivity and potential surrounding land uses. A Traffic Impact Assessment accompanies the application.</p> <p>Some earthworks are proposed that provide for some cut and fill across the site. These are detailed in the engineering plans.</p> <p>The subdivision of the development will take into account Council's subdivision requirements and guidelines.</p>
<b>BUILDING REQUIREMENTS</b>	
	A BCA report accompanies the application as requested.
<b>WASTE REQUIREMENTS</b>	
	Adequate space has been allocated for bin storage and collection. Appropriate road widths are proposed to allow for waste collection by Council.

## 2.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentaion	Prepared by
Survey	8squared
Architectural Drawings	8squared
Engineering/Stormwater Plans	Orion Consulting Engineers
Landscape Plan	Aspect
BCA Report	BCA Vision

## 2.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Water Management Act 2000*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (no 2 - 1997)*
- *Sydney Regional Environmental Plan (SREP) No.30 – St Marys*
- *State Environmental Planning Policy. No 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Western Precinct Plan and Development Control Strategy*

## 2.6 Consent Authority

The consent authority for this application is Penrith City Council.



### 3 The Site and Surrounds

The subject site is located on the south-eastern corner of Charlotte Street (bounds the site to the west) and Cullen Avenue (bounds the site to the north). Orientated in an east-west direction, the site is some 6,949.8sqm in area and is legally described as Lot 14, DP 1195110.



Figure 1 Site Context

Jordan Springs continue to be developed and the locality is characterised by mainly residential development. A large body of water is situated to the south of the site providing exceptional amenity opportunities to both residents of the proposed development and the wider community. The topography in the locality is generally flat and the site is cleared of any notable vegetation.



Figure 2 Subject site



## 4 Project Description

### 4.1 Overview

This application seeks consent for the necessary earthworks (cut and fill) and the construction of 27 dwellings, 26 of which will also include a one-bedroom studio above the garage. Torrens title subdivision is proposed, and this will also create two residual lots for future development.

Proposed works are within the vicinity of a mapped watercourse and so the proposal is considered to be 'integrated' development and so General Terms of Approval are required from the NSW Office of Water prior to consent being issued.

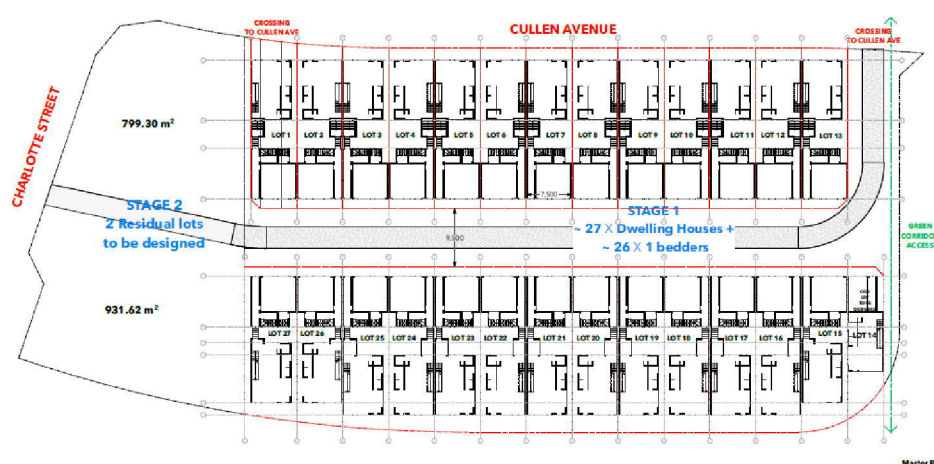


Figure 3 Site Master Plan

### 4.2 Built Form

That application seeks consent for the construction of 27 dwellings, and associated garages. Twenty-six of the dwellings also include the construction of a one-bedroom studio above. Each dwelling generally incorporates the following:

- Three storey built form in a terrace-style streetscape presentation.
- Ground floor generally incorporating combined kitchen, dining, lounge area, laundry, powder room, garage and bin storage. A landscaped courtyard is also at this level.
- First floor generally incorporating media room, three bedrooms, bathroom and balcony for the dwelling, and combined kitchen, dining and living area, bathroom, laundry and bedroom for the studio unit. A balcony is provided for both the studio unit, as well as the media room within the dwelling.
- Second floor incorporating main bedroom and ensuite, as well as a large outdoor open space area. At this level, an additional roof top terrace is accessible from the studio unit.
- Rooftop terraces are proposed to provide additional levels of private open space and amenity.

Generally, all dwellings have zero side setbacks.

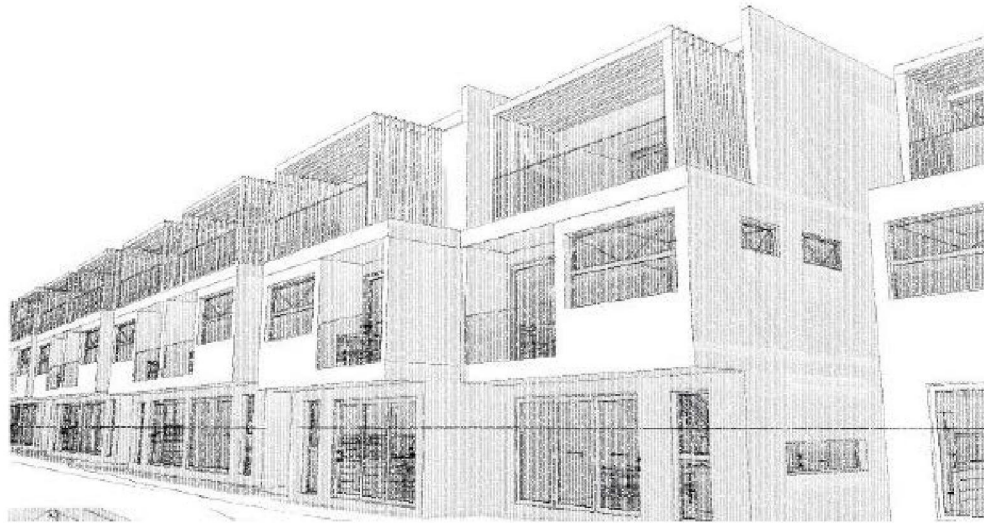


Figure 4 Architectural perspective of proposed built form

### 4.3 Subdivision

Torrens title subdivision of each lot is proposed, as well as a lot to create the access road, and two residual lots.

Lot sizes containing the dwellings range from 137.37sqm through to 214.61sqm. The proposed residual lots measure some 799.30sqm and 931.62sqm in area.

### 4.4 Vehicular and Traffic Elements

For each dwelling a double garage is proposed, accessible from the access laneway at the rear of each lot. The laneway pavement is within a 9.5m wide carriageway. Intersections between the laneway and both Cullen Avenue and Charlotte Street are also detailed in the accompanying engineering plans and these respond to the comments provided in the pre-DA meeting.

### 4.5 Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes for each dwelling. Each dwelling is provided with a rear courtyard and various balconies are also accessible for each dwelling. A roof top terrace is proposed as part of each studio apartment and dwelling providing additional level of amenity beyond the standard controls.



Matters relating to solar access on the site were discussed at length at the pre-DA meeting. It was acknowledged that the alignment and configuration of this lot constrain the development outcome options for each dwelling. The resultant north-south orientated dwellings, on both the northern and southern sides of the central access laneway, is really the most appropriate and efficient design for the development. Consequently, full compliance is difficult to achieve in respect of solar access to the south facing courtyards. Previous proposals within Jordan Springs have been considered by the architect and Council has accepted for sites such as this one, any potential alternative building typology would not achieve significant gains in solar access.

Notwithstanding, efforts have been made to maximise solar access to private open space where possible, and the design of the dwellings is such that solar access is promoted into the living and bedroom areas of each dwelling.

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Further information is accompanying to this report regarding the stormwater management on the site. MUSIC modelling has been carried out and accompanies the application.



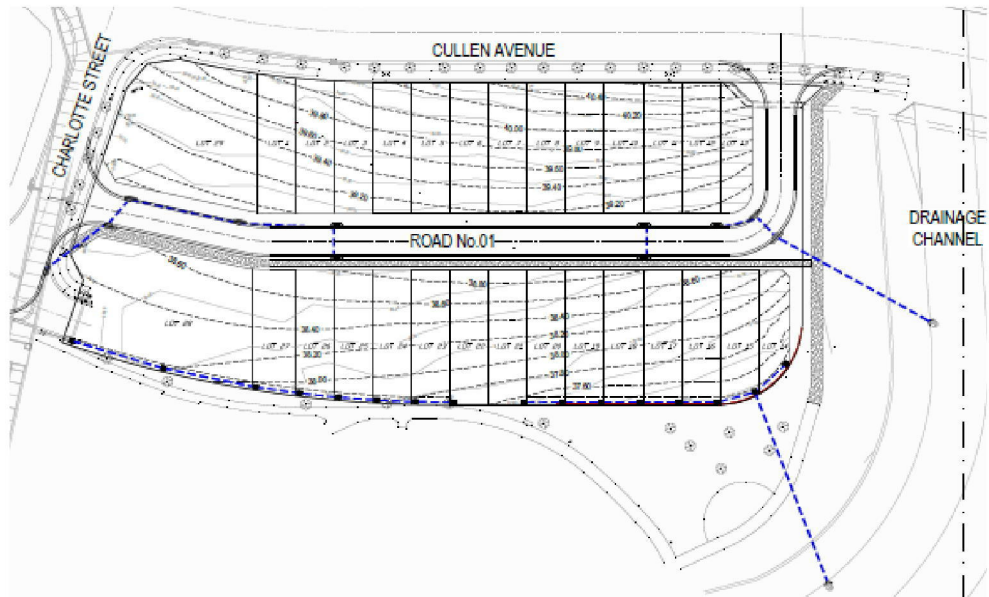


Figure 6 Proposed drainage plan

## 4.8 Utilities

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority at construction stage.

## 4.9 Civil Works

Some minor civil engineering works are required, and these are detailed in the accompanying plans. A small amount of cut and fill is indicated below. The project would see some 1,218cu.m introduced on to the site.

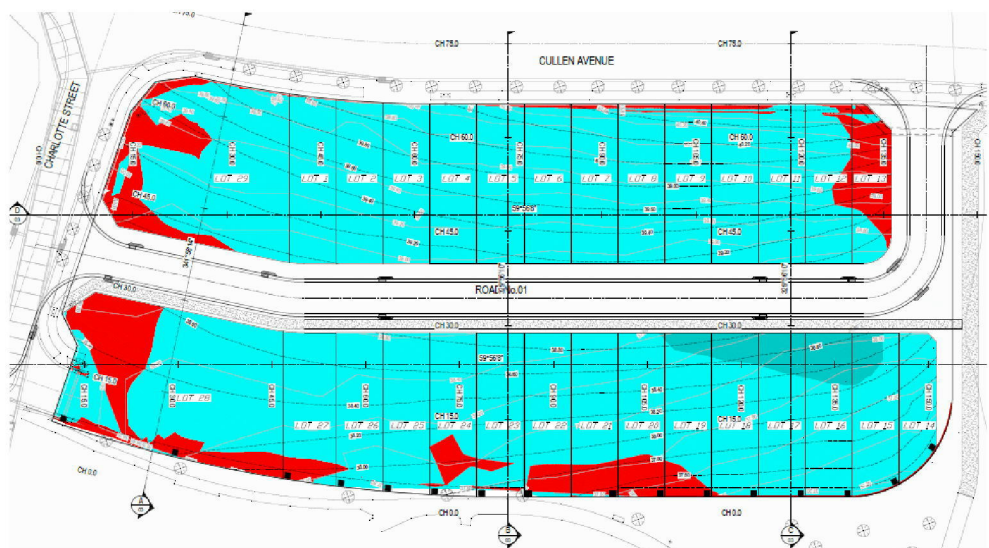


Figure 7 Extent of cut and fill

#### **4.10 Waste Management Strategy**

Council's residential waste collection services will be utilised within the development. The proponent has attempted to respond to the concerns and issues raised in the pre-DA meeting. In this regard, an appropriate width laneway is provided at the rear of dwellings to facilitate collection, and suitable on-site space is provided for the storage of bins on each lot.

#### **4.11 Contamination**

Matters relating to potential site contamination were addressed at the original rezoning stage of the wider Jordan Springs estate. No contamination is expected on the site.

#### **4.12 National Construction Code Compliance**

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

#### **4.13 Staging**

As indicated in the Site Master Plan, this application proposed 'deferring' approval of development on two residual lots to the western end of the subject site. Development on these lots would be subject to separate applications.

#### **4.14 Accessibility**

The proposed development will be able to satisfy the relevant Access Standards applicable to residential development. Since the proposal is not of a commercial nature, a stand-alone access report is not considered necessary.



## 5 Statutory Context

### 5.1 Summary Table

The following table summarised the range of other statutory considerations relating to this proposed development.

Regulatory Requirements	Considerations
Water Management Act 2000	The application is considered to be integrated development and as such, concurrence will be required to be obtained from the EPA prior to any determination.
SREP No. 20	Protection of the Hawkesbury Nepean River system from potential impacts of urban development.
SREP No. 30	Primary planning instrument for the subject locality.
SEPP 55	Requires the consent authority to consider the potential for land contamination on a subject site.
SEPP (BASIX) 2004	Energy efficient controls that apply to development of dwellings.
Western Precinct Plan and Development Control Strategy	Contains finer grain development controls for development in the locality.

### 5.2 Water Management Act 2000

The proposed development is considered to be a *scheduled activity* as identified in Schedule 1 of the POEO Act. This arises because of the storage of materials on site and their blending to form the finished product.

Accordingly, the proposal is considered to be *integrated development* and so concurrence will need to be obtained from the EPA by Council prior to determining the application.

### 5.3 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

### 5.4 Sydney Regional Environmental Plan No 30 – St Marys

The SREP is the primary planning instrument for the Jordan Springs locality. In this regard the proposed development has been considered against its provisions and the following is submitted:

- The site is zoned *Urban* under the SREP with the proposal being permissible with consent.
- The objectives of the zone are as follows:

- (a) *to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and*
- (b) *to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and*
- (c) *to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and*
- (d) *to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and*
- (e) *to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and*
- (f) *to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.*

The proposed development is consistent with the objectives of the zone in that:

- The proposal is for residential uses.
- No conflicting non-residential uses are proposed.
- The proposal is of a density considered appropriate for this location within the estate.
- The proposal will not result in any negative impacts on biodiversity or conservation characteristics of the locality.

The proposal is considered to be consistent with the SREP.

## 5.5 SEPP 55 – Remediation of Land

Under Clause 7(1)(A) the consent authority must not consent to a development application unless consideration has been given to whether the land is contaminated. Matters relating to potential contamination were addressed to the satisfaction of consent authorities at the time of rezoning the wider ADI site. There is no contamination expected on the subject site and accordingly it is considered that the SEPP has been satisfied.

## 5.6 SEPP (BASIX) 2004

A BASIX certificate has been prepared for each dwelling proposed and accompanies the application. The SEPP is considered to have been satisfied.

## 5.7 Western Precinct Plan and Development Control Strategy

The Western Precinct Plan and Development Control Strategy are the primary development controls relating to the precinct. The proposed development has been considered against the provisions as follows.

Standard	Permitted	Proposed	Comment
<b>Allotment Size</b>	125-300sqm	137.37 to 214.61sqm	Complies
<b>Typical frontage</b>	5-10m	5-10m	Complies
<b>Typical Depth</b>	25-30m	25.5m-27m	Complies
<b>Setbacks</b>			
Primary			
Building frontage	3m	1.5m-5.5m	Refer to discussion below.
Garage frontage	5.5m	1.0m	
Articulation setback	2m	1.5m	
Secondary (Lot 13)			
Building frontage	1.5m	0.9m	
Garage frontage	2.5m	0.9m	
Garage side		0.9m	
Articulation setback	1m	0.9m	
Side			
Internal	0m	0m-0.9m	
Rear			
Building (Ground)	3m	2.0m-2.8m	
Garage (rear loaded)	0.9m	1.0m	
<b>Open Space</b>			
Private	15%	16-27sqm	Refer to discussion below.
Min Width	3m		
<b>Height</b>			
Max height-storeys	2(3)	3	The proposed dwellings are of a scale that are consistent with nearby and adjoining development. Refer to discussion below.
<b>Parking</b>	1-2 spaces	2 spaces	Complies

### Discussion on DCP compliance

As discussed in the pre-lodgement meeting, the site presents a unique opportunity but is also constrained through its orientation and the resultant, limited potential building typologies. The development proposed represents a diverse offering to the residential product within Jordan Springs, providing a different housing product, situated between the more common detached product and the unit market. The proposed terrace style housing has been successfully developed in other areas of Penrith particularly within the Thornton estate at North Penrith.

The result is that full and strict compliance with the development controls is not achieved. However, general amenity has been maximised. We submit the product proposed provides a superior outcome on the site – one that provides a site-specific response to the orientation challenges that have been identified. As such, a merit based consideration of the development is warranted.

In support of the proposed development, it is considered that;

- Private open space to each dwelling has been maximised and positioned in the best possible location.

- Setbacks are considered to be acceptable in the context of this locality. The development proposed utilises the site frontages (including that towards the lake) whilst providing rear lane vehicular access.
- The built form proposed is of a scale and bulk that would sit comfortably within the locality.
- Private open space is maximised, particularly through the provision of roof top terracing above the dwellings and studio-apartments.

The proposed development is also considered to be consistent with the provisions of these development controls and the related design criteria. We submit Council is able to support the development as proposed on this basis.

## 6 Section 79C Assessment

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An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

### 6.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

### 6.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

### 6.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant planning controls has been considered earlier in this report.

### 6.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

### 6.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

### 6.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

#### 6.6.1 Flora and Fauna

There are no significant examples of flora or fauna that will impact on the proposal or the development of the site.



### 6.6.2 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting. The required MUSIC modelling has also been provided as part of the application.

### 6.6.3 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

### 6.6.4 Traffic Generation and Parking

The proposed development does not propose an unacceptable level of development in respect of traffic generation or parking. Parking is provided in accordance with the planning controls applicable to the precinct. Proposed intersections were discussed in the pre-DA and have been designed accordingly.

### 6.6.5 Noise Impacts

Whilst there will be some noise associated with the construction of the development, longer term there is not expected to be any noise impacts above and beyond what might normally be associated with a residential environment. No unacceptable impacts are expected.

### 6.6.6 Heritage Issues

There are no heritage issues arising out of the proposed development or the site that are relevant. No unacceptable impacts are expected in this regard.

### 6.6.7 Visual Impact

The proposed development is designed with a high level of architectural merit that is representative of a contemporary residential development. The scale and density proposed is consistent with Council's expectations for the Jordan Springs locality and this specific location. Once constructed, its visual impact will be of human scale from the public domain given the setbacks and the central location of the built form.

### 6.6.8 Services

The site is appropriately serviced to allow for the proposed development.

### 6.6.9 Social and Economic

There are no negative economic or social impacts considered relevant to the proposal.

### 6.6.10 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the “*Crime Prevention and Assessment of Development Application Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979*” published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

#### **Surveillance**

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Positioning of studio apartments above garages and fronting the laneway at the rear.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points from around the development.

#### **Access Control**

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to each dwelling will be managed by residents.

### ***Territorial Reinforcement***

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

### **6.6.11 Waste Management**

Appropriate waste management measures are proposed that are consistent with Council's requirements and those arrangements in place for similarly designed residential developments.

## **6.7 Section 79C(1)(c) – The Suitability of the Site**

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed development would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

## **6.8 Section 79C(1)(d) – Any Submission Made**

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

## **6.9 Section 79C(1)(e) – The Public Interest**

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

## 7 Conclusion and Recommendation

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The proposed development has been assessed against the requirements of the SREP and Development Controls applicable to the site and is considered to represent a form of development that is acceptable.

The proposed dwellings would not result in any unacceptable impact on the locality and future development of the residual lots would be the subject of separate applications. The proposed road has been designed to accommodate resident vehicles and Council's garbage collection service. The design of the development, particularly the studio apartments above each garage will provide a high level of passive surveillance, but also make a significant contribution to the diversity of housing in the precinct.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.