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*Innovation in Urban Planning & Development*

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**STATEMENT OF ENVIRONMENTAL EFFECTS  
IN SUPPORT OF A DEVELOPMENT APPLICATION  
THAT SEEKS APPROVAL TO MIXED USE  
DEVELOPMENT (COMMERCIAL AND RESIDENTIAL)  
LOTS 11 & 45 DP's 1013730 & 1027688  
(344) HIGH STREET  
PENRITH**

## **1.0 INTRODUCTION**

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This Statement of Environmental Effects has been prepared in support of a development application that seeks approval for the erection of two buildings; one facing High Street which will consist of two retail/commercial levels and five residential levels (15 dwellings).

The second building which will rely for access from John Gram Place, will consist of 1 level of parking (ground) and six residential levels (24 dwellings).

It is proposed that the development provide 4x1 bed units, 28x2 bed units and 7x3 bed units. Of those units, 8 will be adaptable and they will achieve all the Liveable Housing Guidelines Silver Level Universal Design features.

The plans at Appendix I) show, amongst other things, how the proposed development will compliment and relate to both the adjoining heritage items.

The High Street building will maintain a similar height plane to the John Cram building while also providing a glassed pedestrian/café adjacent to the heritage item. This glassed flexible use area will provide pedestrian access to a courtyard where buildings A & B will connect.

The curved façade on building B will be extremely sympathetic to the circular façade of St Nicholas Church.

The proposed mixed development respond strongly to both the existing and intended urban context and contribute to the overall perception of a vibrant, lively and safe streetscape. Attention to form, massing and façade detail, ensures that the buildings are a positive statement adjacent to the heritage items, whilst maintaining the desired street wall along High Street, and increased pedestrian activation in the precinct.

The mix of apartments ensures that a diversity of dwelling type is available to encourage occupation by a wide cross section of the community, and with its proximity to public transport and being in the heart of Penrith City, the units are well positioned, offering a range of lifestyle options.

## 2.0 BACKGROUND

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The proposed development was the subject of an assessment by the Urban Design Review Panel in March 2015 and its response appears as Appendix II).

The advice from the Panel included amongst other things, the following:

*The standard of documentation is exemplary and demonstrates a design solution, which would complement heritage values of John Cram Place and the adjoining church and at the same time would be able to achieve a height and density of surrounding areas in Penrith CBD.*

*Detailed aspects of the development concept provide a foundation for architectural design, which would be appropriate in terms of scale relationship to the heritage items.*

*In terms of urban design quality the concept provided a positive starting point for discussions regarding technical town planning and non-compliant building height/floor space.*

Subsequently, the proposal was considered at a Pre-Lodgement meeting (September 2015).

The outcomes from that meeting appear as Appendix III). The key response to the Pre-Lodgement meeting was as follows:

- *The application shall address the requirements of Clause 8.4 Design Excellence. In this regard, development that triggers any of the following must not be granted unless an architectural design competition has been held in relation to the development:*
  - *Development in respect of a building that is, or will be, greater than 24 metres or 6 storeys (or both) in height,*
  - *Development that has a capital value of more than \$1,000,000 on a key site identified on the key sites map,*
  - *Development for which the applicant has chosen to have an architectural design competition.*

*It appears that the development may trigger an architectural design competition and as such you may wish to consider adjusting the proposed design or alternatively you will need to seek an architectural design competition waiver from the NSW Government Architect's Office.*

*Further, your attention is drawn to Clause 8.4 (5), which states: Development consent may not be granted for the erection or alteration of a building to which the clause applies that has a floor space ratio of up to 10% greater than that allowed by Clause 4.4 or a height of up to 10% greater than that allowed by Clause 4.3, unless:*

- a) *The design of the building or alteration is the result of an architectural design competition, and*
- b) *The concurrence of the Director-General has been obtained to the development application.*

*It is noted that both the development is seeking a variation to both the height of building and FSR controls.*

- *The development shall address and demonstrate compliance with the relevant provisions contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). In this regard, the application shall be accompanied by the following documentation:*

- *Design verification statement from a suitably qualified designer,*
- *Written statement detailing the proposal's compliance with the SEPP 65 design quality principles, and*
- *Compliance table detailing each apartments compliance (or otherwise) with the controls contained in the Apartment Design Guide.*

*The site and building design shall address, and respond to, the advice provided by Council's Urban Design Review Panel (refer to Council's letter dated 27 March 2015, Ref. No. UDRP15/0005).*

As a consequence of that advice, the proposal was referred to the NSW Government Architect, having regard to the provision of the LEP (Clause 8.4 (3)).

A copy of that referral and the response appear as Appendix IV) and the key element of the response was as follows:

*In light of the above I consider it suitable to waive the design competition requirement in this instance. In granting this exemption, and in acknowledgement of precedent and the sensitivity of the heritage setting, I require the following alternative process to be hestablished:*

*1. A Design Review Panel must be established to review the project throughout its design and construction to ensure design excellence is achieved. Review and endorsement of design documents must take place as follows:*

- *Prior to lodging the development application.*
- *Prior to Construction certification application.*
- *At any other time nominated by the DRP.*

An Urban Design Review Panel was convened 28 January 2016 and its conclusions are as follows:

- *Consistent with the UDRP advice of 27 March 2015 the proposal now presented continues to demonstrate development from sound building design principles. A clarity of responsive contextual built form relationships was provided through the computer generated 3D perspective 'fly through'.*
- *It is noted that in terms of overall design there are no fundamental changes to the original scheme presented. In this regard particular areas of merit include the separation response to the heritage buildings next door, accentuation of access off John Cram Place and the entry and walkway from High Street.*
- *Particular emphasis will need to be given to how the landscaping can improve the heritage stables, shared pedestrian and vehicles zone, and provide a softer frontage to the residential component.*
- *Good commercial/retail connectivity into High Street is provided to encourage activity.*
- *No problem is raised with the rear building (south elevation) which may present an ADG non-compliance/variation in terms of separation for redevelopment to the south given privacy issues can be dealt with through façade design. Green space at ground level encouraged to hide car park.*
- *The changes made to the depth of balconies is fair.*
- *Configuration of building forms respond exceedingly well, spaces at ground and street level are exciting.*
- *Checkerboard coloured end wall appropriate.*
- *General facades, boxed elements on street elevation, need to be detailed in materials/finishes schedule in accordance with Schedule A of the Regulations and SEPP 65.*
- *Details of street façade boxed elements to High Street, and also shade structures required.*
- *More details of southern elevation also required.*

- *Retention of existing feature tree (Jacaranda) important within Heritage space.*
- *Commercial lobby, café tenancy as part of is supported.*

The assessment process to date clearly establishes that the departures from both the LEP and DCP are justified and have survived the scrutiny of two Urban Design Review Panels and the Government Architect.

### **3.0 OUTCOMES FROM THE PRE-LODGEMENT PROCESS**

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Council's response to the Pre-Lodgement Meeting has been included at Appendix III) however the individual issues identified are responded to, as follows:

#### **3.1 Planning**

The Urban Design Review process and the response of the Government Architect have addressed the first four "dot" points of the response to the Pre-Lodgement Meeting.

The fifth "dot" point relates to the assessment of Heritage Impact likely to be created by the proposed development.

A Statement of Heritage Impact has been prepared and appears at Appendix V). The Statement arrives at the following conclusions after raising questions about heritage impact.

*The Proposed Development is at variance to the currently established height controls outlined in Penrith LEP 2010 for the precinct. However the site and context afford some flexibility due to its location at the notional entrance to the Penrith CBD, and also the immediate needs of the heritage items affected, as well as the immediate Lawson Street and High Street context.*

*The planning controls are based on a consistent continuous solid street frontage created by the historical context further to the west of Cram Place, that if applied in this location may impact more on the item than a nuanced and well set back development.*

*A well designed and iconic development in this area, which provides for a significant heritage precinct around the Heritage items will meet the objectives of the revitalisation of the Penrith City centre envisaged in the Penrith City Centre Vision.*

*The proposed development to seven storeys has the potential to visually dominate the views and heritage items.*

*Key views that may be impacted will be the three dimensional view of the Catholic Church & Spire and the key frontage view of Cram Place to Lawson Street.*

*The impact on the views has been mitigated by the following measures:*

- *Provision of a landscape/semi open single level linking space to the west of the former CBC bank building to recreate a sense of symmetry around the Lawson Street view.*

- *Provision of a break in the buildings between the 344 High Street frontage and the buildings to the rear to retain the laneway views and prominence of the church spire.*

*In addition to the above provisions the protect/restoration or replacement of the existing tree within the rear yard of the former CBC bank should be included in this project in accordance with arborist advice regarding the tree.*

The sixth "dot" point relates to the 20m minimum frontage requirement and the site's inability to satisfy that requirement. The existing lot facing High Street has a frontage of 18.296m. It is incapable of having land added to it to satisfy the 20m, minimum requirement.

The seventh "dot" point relates to the identification of waste facilities. Reference to the plans at Appendix I) will reveal the identification of those facilities.

### **3.2 Consultation**

Completed

### **3.3 Subdivision**

Noted

### **3.4 Sec 94 Contributions**

Noted

### **3.5 Engineering Requirements**

#### **3.5.1 General**

Noted

#### **3.5.2 Stormwater**

Both a Stormwater Concept Plan and A Stormwater Management Report have been prepared and appear at Appendix VI).

The report concludes that that proposed drainage and pollution removal system will operate to collect stormwater generated in the proposed development, which will be treated to the required WSUD requirements and discharge it safely away from the development area to the street drainage system.

### **3.6 Traffic**

A Traffic Report prepared by Varga Traffic Planning Pty Ltd has been prepared and appears at Appendix VII).

The Report proposes that a combination of RMS/DCP requirements establishes a need for 41 spaces while 55 will be provided.

The Report goes on to recommend:

Note it would be preferable to get as close to Council's DCP requirements as possible. I would therefore recommend

providing 39 residential (i.e. 1 space each), 1 carwash and 1 courier bay (ideally 3.0m wide each), 8 visitors and 6 commercial, totalling 55 spaces.

### **3.7 Shadow Diagrams and Building Materials**

A SEPP 65 Report has been prepared by the Architect and appears as Appendix VIII). This Report should be read in conjunction with the plans at Appendix I).

### **3.8 Landscape Design**

A Landscape Plan has been prepared by Melissa Wilson Landscape Architects and appears at Appendix IX). A key element to the plan is the landscape treatment of the courtyard and Stables area.

### **3.9 Waste Management**

A Waste Management Report has been prepared by Integrated Design Group and addresses all issues related to the management of waste from construction.

The document appears at Appendix X).

### **Earthworks**

A geotech report has been prepared for the site and appears at Appendix XI). The report, which is a desktop assessment concludes as follows:

*..... It is our assessment that the subsurface profile across the proposed development site is likely to comprise a sequence of fill and residual soil underlain by shale bedrock. The depth to bedrock is likely to vary from about 5.0m to 6.0m from existing ground surface and the depth to groundwater level across the site is likely to be in excess of 4.0m from existing ground surface.*

### **Building Requirements**

Building Code of Australia (BCA). A Report has been prepared by Blackett Maguire & Goldsmith (Appendix XII) and concludes as follows:

*This report contains an assessment of the referenced architectural documentation for the proposed mixed use commercial, retail and residential development of 344 High Street, Penrith against the Deemed-to-Satisfy Provisions of the BCA 2015. Arising from the review, it is considered that the proposed development can readily achieve compliance with the relevant provisions of the BCA with any further design changes being of a nature that will not result in the need to modify the development consent.*

### **Accessibility**

An Accessibility Report has been prepared by funktion – disability consultants. Its conclusion is as follows: (refer Appendix XIII)).

*We have evaluated the DA design documentation for the proposed new building at 344 High Street Penrith for compliance with the access and mobility requirements of the BCA 2015 and the Disability (Access to Premises – Buildings) Standards (2010). The designs have been assessed to ensure the inclusion of safe, equitable and dignified access for people with disabilities to meet the intent of the DDA.*

*Having reviewed the listed drawings, it is our opinion that this stage of the design, the access provisions for people with physical and sensory disabilities complies with the performance requirements of BCA (2015) sections D3, E3.6 and F2.4; AS1428.1, AS1428.2, AS1428.4.1, AS2890.6, AS4299, AS1735.12, SEPP 65 Livable Housing Guidelines Silver Level and the Penrith Council DCP. With the inclusion of the recommendations in this report, the development has the potential to continue to meet these requirements in ongoing design.*

*In our opinion the proposed design, in conjunction with inclusion of the recommendations, has the potential to meet the objectives of the Disability Discrimination Act through its intention to provide non-discriminatory access and the equitable and dignified use of all appropriate areas of this residential development.*

### **BCA Section J and BASIX Certificate**

A Thermal Comfort and BASIX Assessment Report has been prepared and appears at Appendix XIV).

## 4.0 SECTION 79C CONSIDERATIONS

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### 4.1 The Provisions Of Any Environmental Planning Instrument

#### 4.1.1 State Environmental Planning Policy No65 – Design Quality Of Residential Flat Developments

Pursuant to the requirements of SEPP 65 – Design Quality of Residential Flat Developments, Part 4 – Development Applications, Integrated Design Group advises as follows:

- a) The design has been directed by Andrew Elia Of Integrated Design Group who is registered in accordance with the Architects Act 1929, registration number 7928.
- b) The design quality principles set out in Part 2 of SEPP 65 are achieved for the residential flat development.

The SEPP 65 Report appears s Appendix VIII). The report concludes as follows:

*The proposed development is designed to incorporate universal standards.*

*The majority of units achieve the objectives of the Liveable Housing requirements at the silver level, and many at the gold level.*

*8 out of 39 (20%) achieve all of the Liveable Housing Guidelines Silver Level universal Design features. This includes 4 adaptable units, unit 2.08, 3.07, 4.07, 5.07 and a further 4 units 6.06, 3.06, 4.06, 5.06.*

*Many of the apartments also incorporate a flexible apartment design, in the form of dual key, to allow buildings to accommodate a diverse range of lifestyle needs such as different*

*household structures, live/work housing arrangements and further change in use.*

#### **4.1.2 Regional Environmental Plan No 11 Hawkesbury – Nepean River**

The site of the proposed development falls within the area covered by the abovementioned planning instrument. The instrument is designed to provide for planning based measures, which ameliorate impacts on the river system.

It is considered that the proposed stormwater management plan will ensure that the development will not have any impact on the river system.

#### **4.1.3 Penrith Local Environmental Plan No 10**

The subject land is governed by the provisions of LEP 2010. The relevant aims of that plan are:

- a) To provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- b) To promote development that is consistent with the Council's vision for Penrith, namely, one of sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- c) To accommodate and support Penrith's future population growth by providing a diversity of housing types, in area well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- d) To foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,*

- f) To protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- h) To ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

The proposed development represents the most significant attempt to deliver a clever, contemporary and functional use of a large site in the core of the CBD.

The proposed mixed development respond strongly to both the existing and intended urban context and contribute to the overall perception of a vibrant, lively and safe streetscape. Attention to form, massing and façade detail, ensures that the buildings are a positive statement adjacent to the heritage items, whilst maintaining the desired street wall along High Street, and increased pedestrian activation in the precinct.

The mix of apartments ensures that a diversity of dwelling type is available to encourage occupation by a wide cross section of the community, and with its proximity to public transport and being in the heart of Penrith City, the units are well positioned, offering a range of lifestyle options.

A thorough design process has been undertaken in the development of this building to ensure a high quality product is provided.

The proposal clearly satisfies the aims of the Instrument. The subject land is zoned B4 Mixed Use in LEP 2010. The aims of that zone is as follows:

- To provide a mixture of compatible land uses.*
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

- *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
- *To create opportunities to improve public amenity.*
- *To provide a wide range of retail, business, office, residential, community and other suitable land uses.*

For the reasons outlined above, it is considered that the proposed development clearly satisfies the aims of the zone.

The proposed development is required to satisfy the provisions of Part 8 - Local Provisions – Penrith City Centre.

#### Clause 8.2 Sun Access

29 of the 39 apartments receive minimum 2 hours direct sunlight on the 22 June between 9am and 3pm when assessing the building form.

The development will comply with the required 70% solar access, achieving 74.3%.

Reference to the Shadow Diagram contained in the plans at Appendix I) will also confirm that Clause 8.2 is satisfied by the proposal.

#### Clause 8.3 Minimum Frontage

The subject lot is 18.263m wide and there is no option to increase the allotment to 20m.

#### Clause 8.4 Design Excellence

It is considered that the provisions of Clause 8.4 have been satisfied by the Urban Design Review Panel (twice) and the Government Architect's response.

#### Clause 8.5 Building Separation

A 0m setback is applied on the west side boundary of the Building A and to the west and east side boundary of Building B. This allows for the adjacent buildings to also build to the boundary, creating a street wall desired by the DCP.

The separation on the eastern side allows for the reduction impact on John Cram Place. It is considered that the intent of the Instrument has been satisfied.

#### **4.1.4 The Provisions Of Any Draft Planning Instrument**

There are no draft planning instruments with respect to the site.

#### **4.1.5 The Provisions Of Any Development Control Plan**

The site is governed by the provisions of DCP 2010 and its aims are:

- a) Contribute to the growth and character of Penrith
- b) Deliver a balanced social, economic and environmental outcome; and
- c) Protect and enhance the public domain

The general objectives of this Section are:

- a) To facilitate the revitalisation of Penrith City Centre by promoting redevelopment and urban sustainability,
- b) To promote high quality urban design and environmental sustainability in the planning, development and management of the City Centre,
- c) To provide for mixed use, commercial and residential development within the Town Centre which provides high levels of amenity for occupants,
- d) To provide high levels of accessibility within the City Centre, connecting significant activity nodes, public open space and surrounding residential areas,
- e) To encourage development within Penrith City Centre that gives primacy to the public domain and creates as attractive and vibrant centre,
- f) To encourage integration of the residential and non-residential land uses and improved access to transport facilities,
- g) To achieve as attractive and sustainable Penrith City Centre, and

- h) To ensure that development in the Penrith City Centre is consistent with the desired future character of each precinct as described in the following section.

The proposed development satisfies all of the aims and objectives of the DCP for all of the reasons outlined elsewhere in the Statement.

The key areas of the DCP are as follows:

#### Floor Space Ratio.

The proposal has an overall FSR of 3:1, however the High Street frontage has a FSR of 2:1.

The overall FSR exceeds the allowable FSR although the 3:1 FSR is both consistent with adjoining properties but has been agreed to by the Urban Design Review Panel.

Side boundary setbacks have been addressed elsewhere in the Statement. The rear setback of 6m in the proposal exceeds the DCP provision of 2 -3m. The UDRP's second review of the application appears as Appendix XV).

While it is not a planning instrument, Penrith New West has four key objectives:

#### A Green City

The proposed development will result in innovative buildings, roof top gardens, renewable energy initiatives and good shade and landscaping.

#### Pedestrian and Cycle Friendly Streets

The proposed development will have pedestrian friendly zones, bike facilities, reduction in the number of cars in the CBD, and will support improved public transport.

#### Twenty- Four Hour City

The development will contribute to the vibrant and lively 24/7 CBD. There will be passive surveillance provisions and it will support laneway culture.

### More Density and Diversity

The development will result in more compact and smart mixed uses, provide cafes/restaurant/bars and will boost business opportunities.

## **5.0 THE LIKELY IMPACTS OF THE DEVELOPMENT**

### **5.1 Natural Environment**

As stated elsewhere, appropriate environmental controls will be put in place to minimize any impacts on the natural environment. An Acoustic Report has been prepared and concludes as follows:

An acoustic assessment of the proposed development has been Carried out in accordance with the requirements of Penrith City Council DCP.

*An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the EPA NGLG. The limits are presented in Table 4.*

*Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.1 and Section 3.2 based on the impact of road noise along High Street.*

*Providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the Penrith City Council DCP, SEPP Clause 102, BCA Part F5 and relevant Australian standards.*

The Report appears at Appendix XVI).

## **5.2 Built Environment**

The comments of the Urban Design Review Panel appropriately identify that impacts on the built environment will be positive.

## **5.3 Social Environment**

For the reasons outlined elsewhere in this Statement it is considered that the social impacts will be positive.

The life of the CBD will be greatly enhanced by the development of a "laneway" culture, and clever and flexible residential development which will have the capacity and potential to, for example add to the activities of the adjoining church.

## **5.4 Economic Environment**

The impact on the economic environment is difficult to quantify other than to say that any impact can only be positive given that the initial investment will be in the order of \$13.0m. The ongoing contribution to the economy of the CBD will be positive and will contribute to the generation of other layers of economic activity.

## **6.0 THE PUBLIC INTEREST**

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The public interest is best satisfied when the benefits of development such as that proposed, far outweigh any costs to the community.

Such is the case in this instance.

I commend the proposal to Council.

JS MULLANE

DIRECTOR

MULLANE PLANNING CONSULTANTS PTY LTD