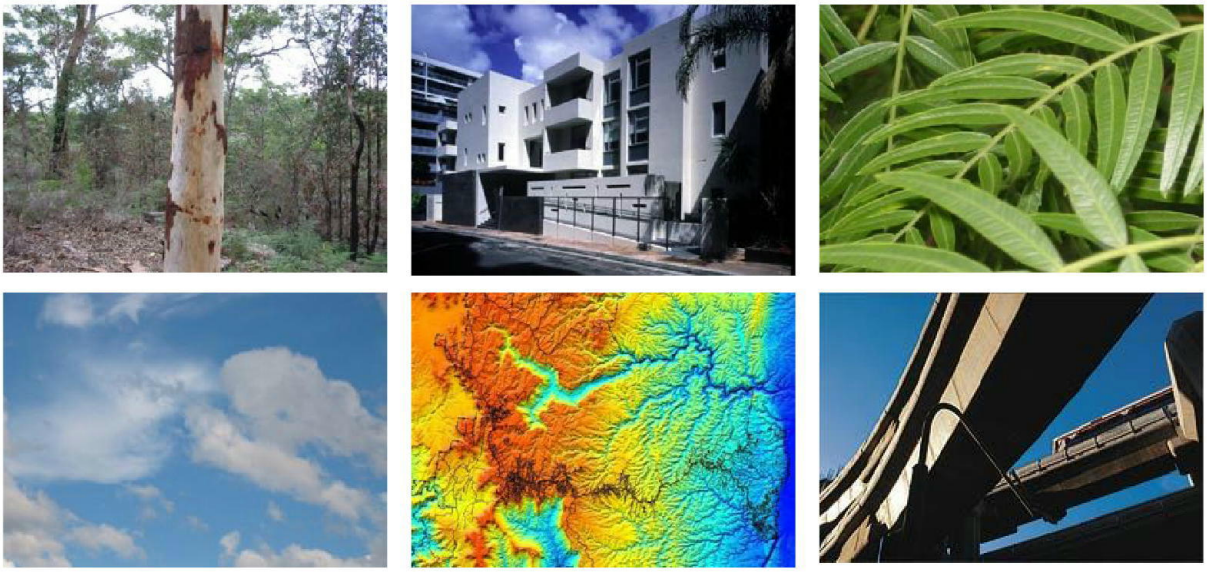

cityscapeplanning+projects

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED APARTMENTS

16-24 HOPE ST, PENRITH

AUGUST 2018

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TABLE OF CONTENTS

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. Detailed plans and a completed DA form have been provided separately.

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 Penrith LEP 2010 and its 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.

2.0 THE SUBJECT SITE

The subject site is a large rectangular shaped parcel located on the southern side of Hope St, approximately 110m west of its intersection with Parker St.

It is known as 16-24 Hope St but is comprised of five (5) lots with the following real property description:

Lots: 29-33 **DP:** 31239

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**

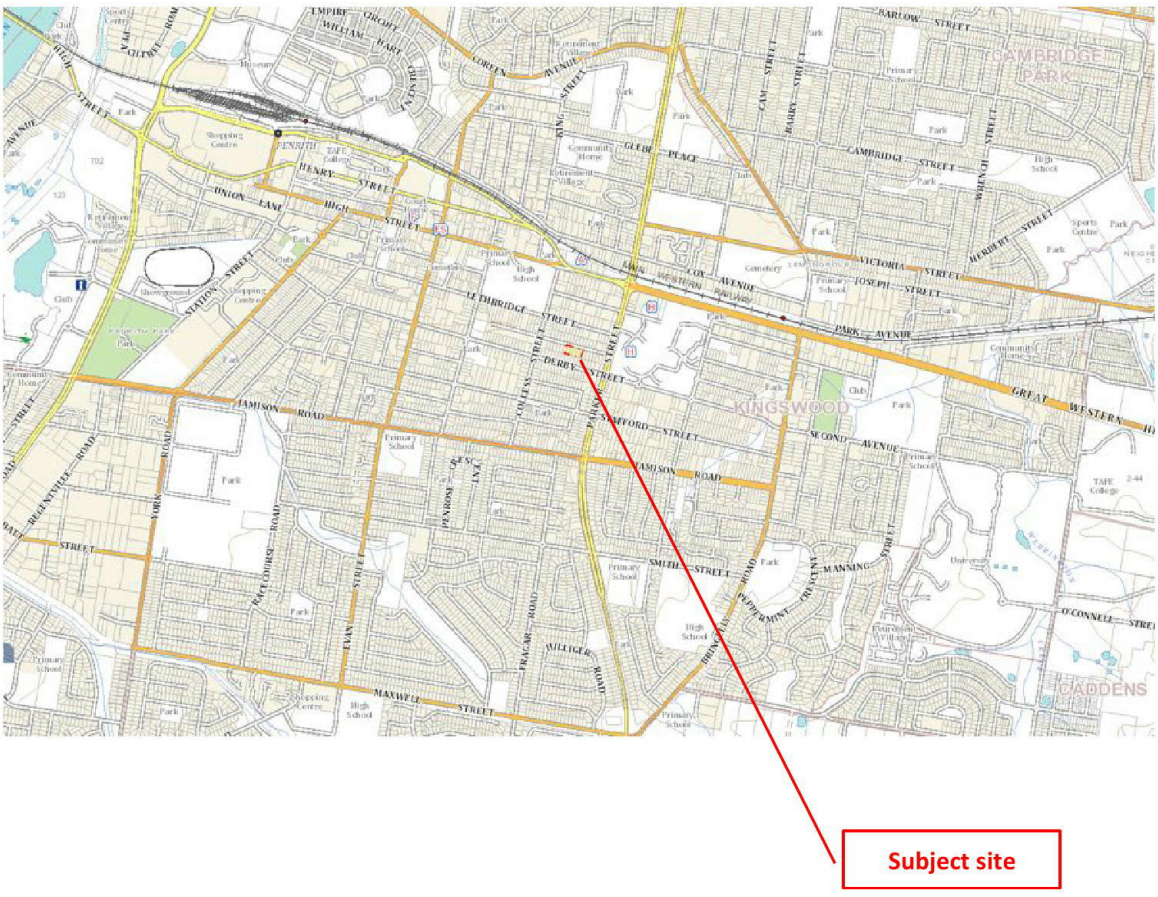


FIGURE 2: **SITE CADASTRAL BOUNDARIES**

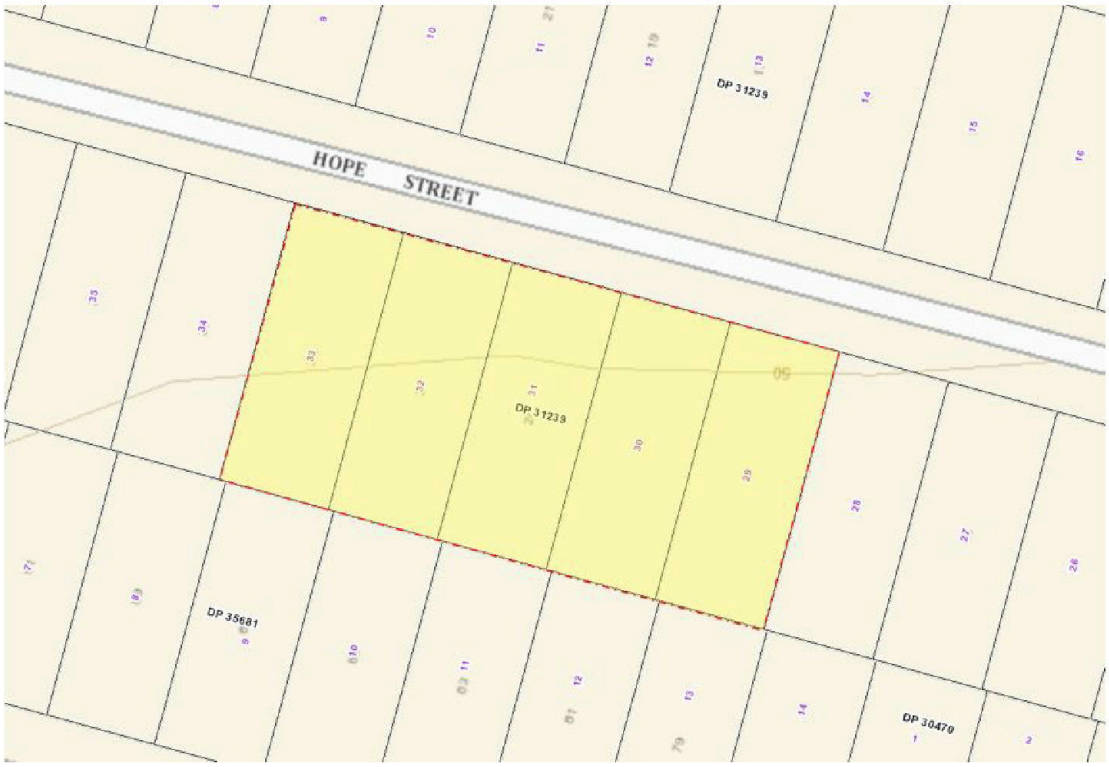


FIGURE 3: **AERIAL PHOTO OF SITE**

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 3182m^2. It has a frontage of approx. 80m to hope St and depth of approx. 40m along its eastern and western boundaries.

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 still accommodate several, mature, albeit non-indigenous trees.

It also a down slope of approximately 2m from the rear to the street and a cross-fall of approximate 1.3m from the east to west. Contours and spot levels are plans are shown on the accompanying plans.

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 does proximity to Penrith High School and Nepean Hospital.

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. An immediate context plan is provided at Figure 4 and demonstrates the emergence of new apartment development in the vicinity of the site.

3.4 EXISTING DEVELOPMENT

The site currently accommodates five (5) two small single storey cottages. Images of those buildings are provided at Figure 5.

3.5 TRANSPORT AND CONNECTIVITY

The site enjoys good access to the metropolitan rail network being located approximately 1km and 1.4km from both Kingswood and Penrith Rail Stations respectively.

The sites location with good proximity to Derby 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 broad frontage to Hope St ensure ample opportunity to provide safe and convenient vehicle access to the site itself.

FIGURE 4: **PRECINCT CONTEXT PLAN**

FIGURE 5: **EXISTING DWELLINGS ON SITE** (No.16-24)

4.0 DEVELOPMENT PROPOSAL

The development seeks council consent to the demolition of all existing structures on the site and construction of two separate six-storey buildings that provide a total of 76 apartments, with the following split of bedroom size types:

- 1 Bedroom – 1 (1.3%)
- 2 Bedroom – 71 (93.4%)
- 3 Bedroom – 4 (5.2%)

The development provides a series of communal open spaces, together with integrated landscaping, waste management and stormwater plans.

All vehicle access is provided via a separate ingress and egress off Hope St and car parking for 98 vehicles is provided in two basement levels that span both the building footprints.

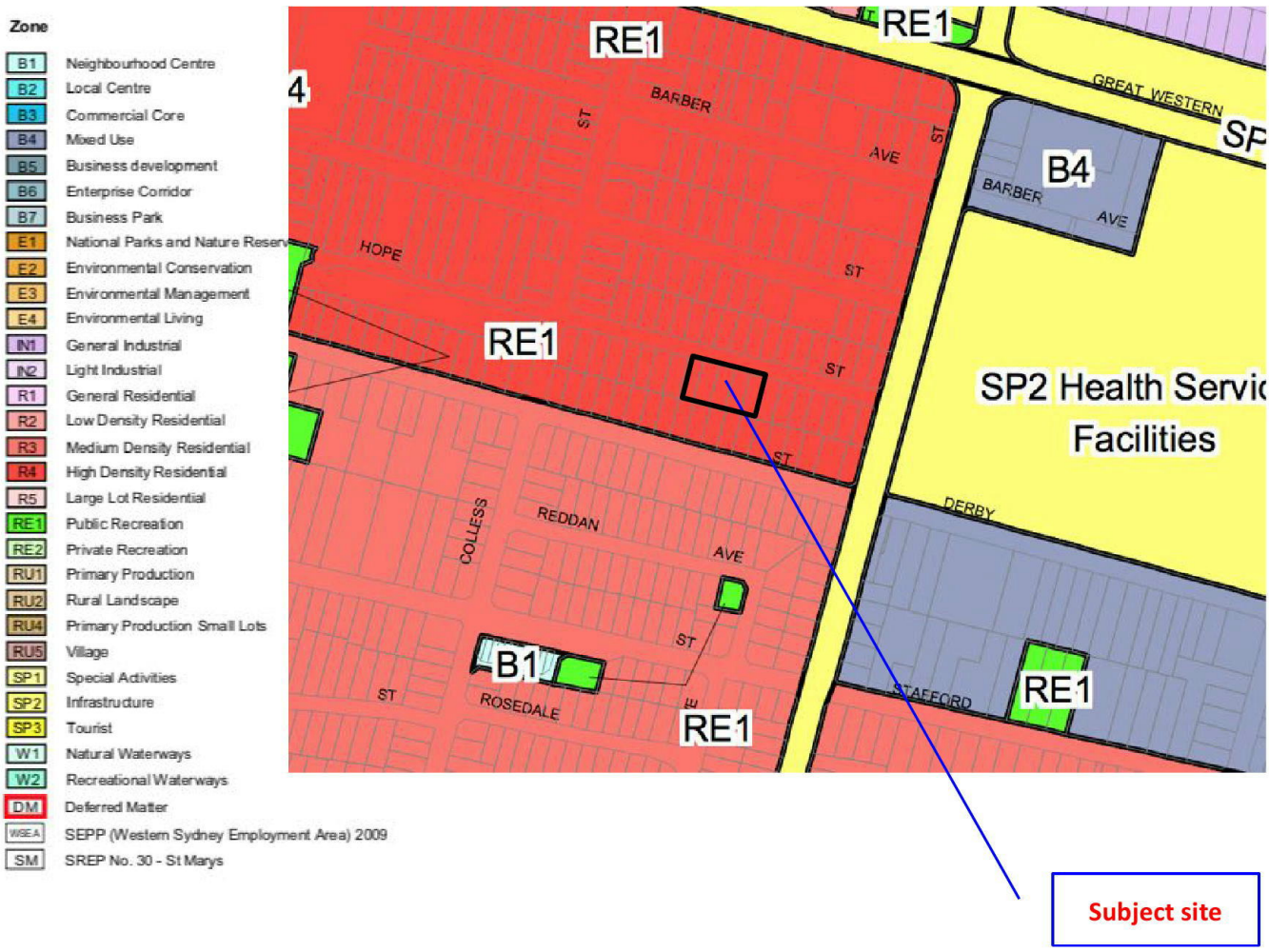
5.0 STATUTORY SITUATION

The site is zoned **R4 High Density Residential** pursuant to Penrith LEP 2010. An extract of the relevant zoning plan is provided at Figure 7.

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 below:

FIG 7: **EXTRACT OF 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.*

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 in the zone.

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:

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements

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.

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 the required water and energy reduction of 40% 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 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 common open spaces.

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

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.3 Height of buildings

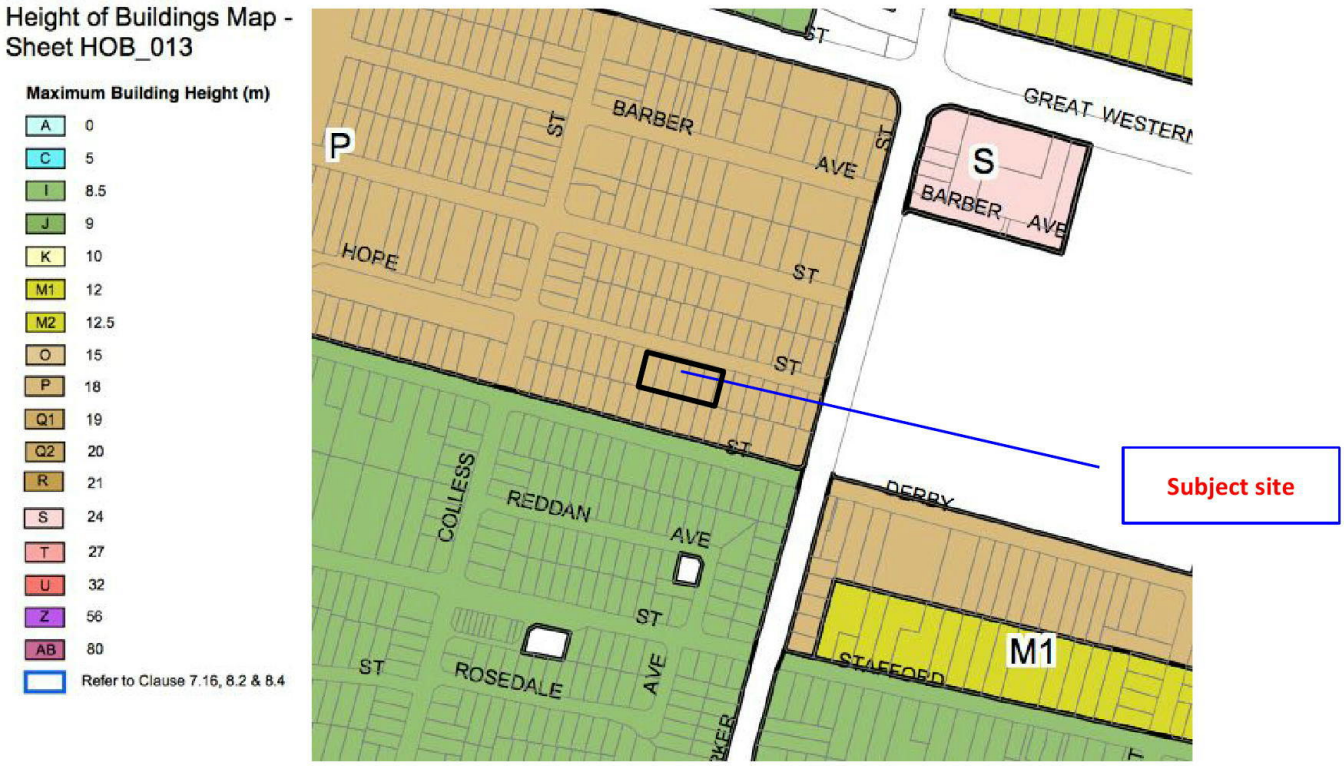
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

An extract of the LEP map is provided at Figure 8 and demonstrates that the LEP provides a maximum building height of 18m.

The development provides a maximum building height of 20.04m above existing ground level at its eastern extent 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 8: **EXTRACT OF BUILDING HEIGHT MAP**



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 FSR control for the subject site.

Nevertheless, the development provides a FSR of 2.26:1 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.

PART 5 MISCELLANEOUS PROVISIONS

5.6 Architectural roof features

(1) The objectives of this clause are as follows:
(a) to ensure that architectural roof features to which this clause applies are decorative elements only,
(b) to ensure that the majority of the roof features are contained within the prescribed building heights.
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

The development provides a skillion roof feature, which forms an integral and attractive element of the entire development proposal. This roof feature has been deliberately chosen to improve visual appearance of the development.

Similarly, it does not provide any floor space in that roof area and will not cause any significantly adverse overshadowing.

The detail of these roof features is represented in the image provided at Figure 9.

FIG 10: ARCHITECTURAL ROOF FEATURES

PART 6 URBAN RELEASE AREAS

Not relevant to the subject site or its development.

PART 7 ADDITIONAL LOCAL PROVISIONS

PROVISION	COMMENT
7.1Earthworks	Earthworks are required for the basement. The proposal will not have a detrimental effect on neighbouring property or the environment as this is appropriately setback and contained from the property boundaries. Appropriate measures will be put in place to avoid, minimise or mitigate any impacts that may arise during the construction phase.
7.2 Flood planning	The site is not affected by 1 in 100 year

	mainstream flooding or overland flooding.
7.4 Sustainable development	The proposal has given consideration to the sustainable development principles referred to in this clause. A BASIX Assessment Report and Water Sensitive Urban Design Strategy accompanies the application.
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 service sand 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 to 1, 2 & 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.

The quality of the proposed building design is demonstrated in the photomontage provided at Figure 9.

TABLE 1: KEY NUMERIC DESIGN CRITERIA COMPLIANCE

DESIGN CRITERIA	REQUIRED	PROVIDED
Communal Open Space	25%	The development provides 354.6m^2 or 11% of the site as communal open space at ground level. However, despite the non-compliance the development still provides two large and separate communal open spaces areas that provide differing functions and amenity for residents of the development. In the middle section of the site there is a 150m^2 space that provides expansive planting, seating area, quite zones and a large tree canopy to create a quite relaxation zone. The western section of the site provides a 210m^2 space that will be kept open grassed for more active recreation such as informal ball sports, running around or simply enjoying access to sunlight. This space will also provide seating areas for passive recreation. This western space will achieve well in excess of the 2 hours of solar access required by the ADG. In addition, the development also provides additional useable open space areas, which have not been included in the calculation, in the front section of the site

		as part of the building entry area and cesses to both built forms. Each of these spaces provide a minimum width of 5m and therefore well exceeds the ADG requirement. The total landscaped area is 1146m^2 which represents 36% of the site area. The ADG also recognises that dense urban environments, such as high density zones, may not be able to achieve the 25% requirement and suggest that the alternatives can be provided such as larger private open spaces. In this regard the development provides all apartments with appropriately sized and depth balconies and the ground floor and top floor apartments are also provided with large courtyard terraces and balconies respectively. Accordingly, for these reasons the development is considered to meet the relevant ADG objective of providing adequate areas of communal open space to enhance residential amenity and provide opportunities for landscaping.
Deep Soil Landscape	The site has an area of 1960.4m^2, therefore requires 137.2m^2 (7%) of deep soil area with a minimum dimension of 3m	The development provides 283.3m^2 (9%) of deep soil landscape area. This space is intentionally provided at the most critical locations on the site, being the front, central sections, corners and boundaries. The central sections in particular will provide highly visible landscaping at the building entry and for the enhanced amenity of residents through the middle apartments. The large western boundary deep soil area provides a minimum dimension of 6m.

Building Separation	**Buildings within the Site** **Up to 4 storeys**: • **12m** between habitable rooms/ balconies • **9m** between habitable and non-habitable rooms • **6m** between non-habitable rooms **5 to 8 storeys** • **18m** between habitable rooms/ balconies • **12m** between habitable and non-habitable rooms • **9m** between non-habitable rooms **Side and rear boundaries (50% of ADG requirement)** **Up to 4 storeys**: • **6m** between habitable rooms/ balconies • **4.5m** between habitable and non-	 • 6.0m • NA • 5.8m @ walkway between building and 5.1m and 5.3m at building recesses • 12m between buildings and 7.275m at building recesses • NA • 10.8m • 6.3m to east, 5.8m west and 6.0m to rear • NA

	habitable rooms • **3m** between non-habitable rooms **5 to 8 storeys** • **9m** between habitable rooms/ balconies • **6m** between habitable and non-habitable rooms • **4.5m** between non-habitable rooms	• NA • 9m to west, 9.3m to east, 5.8m west and 9.0m to rear • NA • NA To mitigate visual privacy concerns associated with the few non compliances to building separation, the development provides: ➢ No balconies are provided at any of side setbacks inclusive of the non-compliant setbacks associated with building separation for proposed buildings within the site. ➢ Sill heights of 1700mm at this location ➢ Each relevant bedroom located within the building recesses is provided with an angled metal blade that when placed in the correct position, completely eliminates any views to adjacent apartments ➢ Through the middle of the site the development provides angled louvres which both maximise light and eliminate a views in directions other than north. ➢ The landscaping strategy involves substantial plantings at this location, which provide further screening and visual privacy at this location
Solar access to	Minimum 70% of	A total of 54 (71%) apartments achieve the 2 hours or

living rooms and POS	apartments achieves 2 hour in mid winter Maximum of 15% of apartments receive no direct sunlight	more solar access requirement, which therefore achieves the relevant Design Criteria. Only 10 (13%) apartments will receive no direct sunlight between 9AM-3PM and therefore also achieves this requirement.
Natural ventilation	Minimum 60% of apartments No cross over apartments have a depth of greater than 18m	66 (87%) apartments will achieve the cross ventilation requirement through the predominant use of numerous corner apartments as part of the floor planning. No cross over apartments proposed.
Minimum apartment size: Studio 1 bedroom 2 bedroom 3 bedroom	 35m^2 50m^2 70m^2 90m^2	The development provides minimum apartment sizes as follows: NA Ground Level Unit 40: 51.9 m^2 Level 5 Unit 35: 79.3m^2 Level 5 Unit 75: 95.6 m^2 All minimum apartment sizes are achieved, with the remaining apartments exceeding the minimum size by 5-10m^2.

FIG 10: PHOTOMONTAGES

6.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

The Department of Planning & Environment have recently 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 know 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
A Site Analysis Plan accompanies the application.

The design methodology was discussed with 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 development proposes to remove several mature trees across the site, however none of these trees provide any significant ecological or landscape character value.

A Landscape Concept Plan 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

The site is not exposed to any flood hazard, or overland flow and is not located in proximity to any natural watercourse or riparian area.

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 plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development.

C7. CULTURE AND HERITAGE

The site is not a heritage item nor does it adjoin or be site in close proximity to any heritage item or conservation area.

C10. TRANSPORT ACCESS AND PARKING

The development site is located 1.29 km south west of Kingswood Train Station. The nearest bus stop to the development site is 235 metres away on Derby Street. This stop is serviced by bus route 774, 775 and 776 and another bus stop nearby is 244 metres away on Parker Street. This stop is serviced by bus route 789. These services provide access to suburbs including South Penrith, Luddenham, Kingswood, St Marys, Oxley Park, Mount Druitt, St Clair, and Erskine Park.

Overall, the site therefore has good access to public transport.

The proposed residential development will generate a moderate number of additional trips in the AM and PM peak hours. The nearby intersections overall

perform well with sufficient spare capacity to accommodate additional traffic.

A SIDRA traffic analysis accompanies the development application and demonstrate that the development will have only minor impact on the level of service and performance of those key road intersections.

The DCP identifies a parking demand of 100 parking spaces for the development proposal, which represents a shortfall of just 2 spaces. However, the following factors combine to ensure that the development still provides a suitable parking allocation:

- The proximity to Nepean Hospital is likely to lead to some tenants to not own a car and walk to and from the Hospital work place and use public transport and Uber etc for social trips.
- The proximity of public transport (Kingswood Train Station and bus services nearby) also encourages some tenants to rely on public transport rather than car ownership.
- The lengthy road frontage of the site ensures that two car spaces can be found on the on-street area of the property frontage without affecting the availability of nearby residents in retaining their frontage for on street parking.

Finally, a detailed analysis that accompanies the development proposal demonstrates that the car parking area and driveway ramps is generally compliant with Australian Standards and Council's DCP.

C12. NOISE AND VIBRATION

The development is not exposed to any significant noise sources such as major road or railways.

The development generally meets all setbacks between apartments that will ensure high levels of acoustic amenity are achieved for both on residents on site and in adjoining sites.

Similarly, all mechanical plant etc shall be located on the roof and provided in accordance with relevant acoustic standards to maintain a suitably amenity within the development.

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	80m	Complies
2.5.5 Landscaped Area in R4 zone	35%	36%	The development provides substantial landscaping across the site and actually exceeds the required landscaped area. The development also exceeds the SEPP 65 Deep Soil landscaping requirements.
2.5.6 Front and Rear Setbacks			
Rear setback		6m	6m
Front setback		5.5m	5.3m
Secondary setback		5.5m	Not applicable

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 no natural or ecological features of any significance.

Several mature, non-indigenous trees, will be removed as part of the development, however, the proposal will provide larger landscaped areas inclusive, generous areas of deep soil landscaping that provide good opportunity to provide large trees that will provide a better landscaped response than the existing site.

6.4.2 WATER MANAGEMENT

The development is 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.

Short term noise impacts will 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.

6.4.6 SUSTAINABILITY

Sustainability has been a fundamental objective of the entire design process and as such a raft of energy and water efficiency measures have been integrated into the development proposal.

The development will achieve all BASIX targets for the residential components.

This demonstrates 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 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 as well as approved development on both sides of the site.

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 built form is recessed at the upper level setback to minimise bulk and maintain building separation. However, the use of visually recessive materials and colours at level 4 also assists creating an appearance of a recessed built form at level 4.

The proposal is a suitable development option of the site, which is consistent with the desired future character of the precincts high density residential zoning. The quality of the design response is also considered to enhance the streetscape fronting Hope St.

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

The immediate locality comprises a mix of residential developments, including apartment buildings up to 5 storeys in height. Some of the adjoining properties along Hope St are yet to be developed to their full potential, however numerous adjoining 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.

Future streetscape images are provided at Figure 10 and demonstrate the development harmony with that streetscape.

6.5.2 BUILDING ENVELOPE

The built form itself provides site planning, massing and building modulation that responds to both the key naturel assets of the site and inclusive the sites broad northern aspect across the Hope St frontage.

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 (36%) 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, placement of habitable rooms and windows and private open space. The building separation is generally compliant with the ADG's but more so particularly with the side and rear boundaries where the potential for adverse impacts of are greatest.

The landscaping plan also seeks to maximise opportunities for large canopy trees in the front setback to screen the building and reduce the visual scale of the built envelope.

The landscaping plan and sue of large canopy trees will also return along the side and rear boundaries to further screen the development and enhance privacy and amenity of adjacent development.

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.

FIG 10: EXISTING AND PROPOSED STREETSCAPE VIEWS

The development proposal relates to the street by providing a direct pedestrian access to Hope St as well as large ground floor terraces that will activate that street edge.

Early discussions with Council officers as part of the urban design review panel expressed concern with the mirroring of the to towers with no variation in scale, length or materials on the North Elevation (Street). In response to this concern the modified proposal has introduced two large recesses in both buildings which serve to further break up the bulk and scale of the development and create the visual appearance of four (4) built forms when read from the Hope St streetscape.

This visual appearance of four buildings is reinforced by the use of varying façade elements across al four section 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 sites aspect provides a broad northern frontage to Hope St, which provides excellent opportunity to afford excellent solar access to the development. The development responds to this orientation by providing all units at this frontage with deep balconies and terraces as well as providing internal living areas locate directly adjacent to these private open space.

Over 70% of apartments will achieve the 2 hours or more solar access between 9AM-3PM in mid winter and only 10% of apartments will receive no direct sunlight.

Further, the western communal open spaces will also receive excellent solar access throughout the year therefore affording excellent amenity to residents of the site.

6.5.5 OVERSHADOWING

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

As shown on the shadow diagrams on June 21 the buildings will primarily cast shadows over the rear yard area of the adjacent dwellings to he rear which have a frontage to Derby St. Nevertheless, these dwellings will still receive solar access in their rear yards throughout the day particularly in morning and afternoon periods. The split of the development into two building also assists provides solar access slots through to the rear yards of those adjacent sites.

It is also important to note that the overshadowing as a result of the proposal predominantly relates to the compliant built form. As shown in the accompanying shadow diagrams, any overshadowing as a result of the height breach is negligible when compared to the shadows generated from the lower 5 levels of the proposed built forms. This is because the entire development across all levels achieves the rear setback requirements of the ADG's.

The shadow diagrams also demonstrate that development will not cause any adverse overshadowing impacts to existing or approved development located to the west or east of the site.

6.5.6 VEHICLE MOVEMENT AND ACCESS

The site proximity to major transport and land uses nodes will reduce the demand for private vehicle car trips with may residents likely to use public and active transport options for many of their journeys.

Nevertheless, the development will attract some additional traffic although modelling demonstrates that these additional volumes well not have an adverse impact upon the operation of the key intersections within the vicinity of the site.

All parking demands of the development can be expected to be met on site, in the two basement levels, and on the broad street frontage street frontage to Hope St.

All vehicle movements within the basements, driveways and ramps can achieve the relevant engineering standards.

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 seek to provide new diverse and affording housing opportunities by providing studio, 1, 2 and 3 bedroom units that are 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 public domain area.

The layout of the development also provides 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.

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.

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 provides for the swift removal of graffiti etc.

6.7.2 ACCESSIBILITY

Penrith Council requires the provision of 10% Adaptable units and therefore the development proposes 8 (10.5%) Adaptable units. A total of 8 Accessible parking spaces have been provided in the development.

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, 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 is not exposed to flood, 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 Nepean Hospital and the Penrith central business district.

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:

- Diverse housing
- Affordable housing
- Accessible housing
- Integration of land use and transport

The benefits provided by the proposed development outweigh any potential 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 and 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.